

**Melbourne Planning Scheme Amendment C426melb
South Yarra Heritage Review**

Panel Report

Planning and Environment Act 1987

15 January 2024

How will this Report be used?

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

The planning authority must consider this Report before deciding whether to adopt the Amendment.

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

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

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

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

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

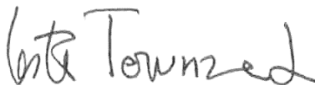
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Melbourne Planning Scheme Amendment C426melb

South Yarra Heritage Review

15 January 2024



Lester Townsend, Chair



Lisa Kendal, Member

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Glossary and abbreviations

Council	Melbourne City Council
<i>Heritage Review</i>	South Yarra Heritage Review, August 2022
Motstone	Owners Corporation for 'Motstone' the property at 172–182 Walsh Street, South Yarra
MSYRG	Melbourne South Yarra Residents Group
OYO	Own-Your-Own
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Melbourne Planning Scheme
PPN01	Planning Practice Note 1 (Applying the Heritage Overlay)
PPV	Planning Panels Victoria
Thematic Environmental History	South Yarra Heritage Review, August 2022, Volume 3 – Thematic Environmental History
VCAT	Victorian Civil and Administrative Tribunal
VHR Guidelines	The Victorian Heritage Register Criteria and Threshold Guidelines

Overview

Amendment summary

The Amendment	Melbourne Planning Scheme Amendment C426melb
Common name	South Yarra Heritage Review
Brief description	Amendment C426melb seeks to implement the recommendations of the South Yarra Heritage Review, August 2022 (Heritage Review)
Planning Authority	Melbourne City Council
Authorisation	On 22 February 2023 subject to conditions
Exhibition	15 March to 24 April 2023
Submissions	Number of Submissions: 45 (including four late submissions), mainly opposed See Appendix A

Panel process

The Panel	Lester Townsend (Chair) and Lisa Kendal
Supported by	Georgia Brodrick
Directions Hearing	Video conference, 2 October 2023
Panel Hearing	Planning Panels Victoria and online, 8–10, 14–16 November 2023
Site inspections	Unaccompanied, 1 November 2023
Parties to the Hearing	Parties to the Hearing are listed in Appendix B. Heritage evidence was called for Council from: <ul style="list-style-type: none"> - Mark Huntersmith of GML Heritage - Natica Schmeder of Landmark Heritage Pty Ltd Heritage evidence was called by landowners from: <ul style="list-style-type: none"> - Martin Turnor of Bryce Raworth Pty Ltd Heritage - Peter Lovell of Lovell Chen - David Helms of David Helms Heritage Planning
Citation	Melbourne PSA C426melb [2024] PPV
Date of this Report	15 January 2024

Executive summary

Melbourne Planning Scheme Amendment C426melb (the Amendment) seeks to implement the recommendations of the *South Yarra Heritage Review*, August 2022 (*Heritage Review*). South Yarra is currently covered by Heritage Overlay HO6 and a number of individual place listings.

The Amendment proposes to:

- Amend Clause 15.03–1L-02 (Heritage) to the Melbourne Planning Scheme (Planning Scheme) to add the *South Yarra Heritage Review* as a background policy document.
- Amend the Schedule to Clause 43.01 (Heritage Overlay) to include new places and precincts and delete a number of existing place listings.
- Incorporate:
 - Statements of Significance for the new listings in the Heritage Overlay and remove the redundant Statement of Significance for 285 Walsh Street, South Yarra
 - a revised Heritage Places Inventory March 2022 (showing it as Amended February 2023)
 - a revised Heritage Precincts Statements of Significance February 2020 (showing it as Amended February 2023).

In response to the submissions and material presented at the Hearing, Council proposed a number of post-exhibition changes to the Amendment.

Submissions raised:

- general issues that are relevant to more than one individual place or precinct
- property specific issues that related to the application of the Heritage Overlay or the grading of a building in a precinct.

General issues

Submissions raised three complex general issues:

- who should be able to appreciate a heritage place?
- what does it mean to be a significant building within a precinct?
- the importance of postwar residential development.

The Panel agrees with earlier panels that the heritage values of a place should be evident and able to be understood and appreciated, but notes that full appreciation of why a place is important may not always be evident in the fabric of the place (and will always require some knowledge or information). This shared knowledge and information allows places to be included in the Heritage Overlay on objective merit, and not simply subjective criteria such as popularity or taste.

In terms of the threshold for being categorised as significant in a precinct the Panel concludes a significant building in a precinct is a better than typical example of a building which demonstrates one or more heritage values significant to the precinct (the heritage place). There is no need for buildings identified as significant in a precinct to have an individual Statement of Significance.

The Panel was not helped by Council's submission that significant buildings would warrant application of the Heritage Overlay as an individual listing even if the precinct were peeled away. It invites an analysis of the significance of a building by reference to alternate reality, namely the precinct is not significant. The Panel has formed the view that a strict application of 'significant in

its own right’ as a precondition to being categorised as significant in a precinct is not particularly helpful and potentially undermines a proper understanding of the precinct.

If the threshold to being categorised as significant in a precinct were the same as an individually significant place, there is a risk this would set the bar too high. This is clear in the evidence given to the Panel which says the proposed significant buildings do not all compare well against buildings proposed as individually significant places. They do not need to.

The Amendment proposes to apply the Heritage Overlay to a number of postwar properties. This period was not covered by earlier heritage studies, but nothing definitive can be concluded from the fact that a previous heritage study did not identify a property as having heritage significance. As time moves on, one might expect that buildings that were relatively new at the time of the study but are now older might be considered for heritage listing and some might be found to be significant.

The Panel finds that postwar residential development is a period of importance to South Yarra, and development of flats is of importance to the history of South Yarra. Having said this the documentation could be improved:

- The Heritage Review should be updated to reflect current knowledge and understanding of postwar places, including insertion of the map of postwar blocks of flats provided to the Panel (see Figure 6).
- The description of ‘what is significant?’ in Area 5 in HO6 should include more information about the concentration of postwar flats.

Specific properties

The Panel broadly agrees with Council’s post-exhibition position on specific properties with two exceptions:

- 233–235 Domain Road, South Yarra (Elm Tree House) should be categorised as non-contributory
- 10–16 Mona Place, South Yarra should be categorised as contributory (as exhibited and not as Council proposed in its post-exhibition changes).

The Panel also makes some specific recommendations regarding the citations for other properties.

Other issues

The Panel notes that Council’s definitions in the Heritage Inventory and the Hercon Criterion D use the term ‘representative’ differently which may cause confusion. Any future review of Council’s heritage definitions should consider use of terms that are fit for purpose and consistent with contemporary heritage planning guidance.

It is important to distinguish between a heritage place (individually significant place or precinct) and the significant elements that make up that place. This distinction is not always made and buildings in a heritage precinct are often referred to as places, when it is the precinct as a whole that is the heritage place, and the buildings are elements in that place. Before adopting and approving the Amendment, documents should be reviewed to ensure correct reference is made to heritage places or elements of a place such as buildings.

Overall conclusion

For the reasons set out in this Report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework

- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Melbourne Planning Scheme Amendment C426melb be adopted as exhibited subject to the following:

- 1 Make the post-exhibition changes proposed by Council at the Hearing (see Documents 20 Addendum E and 51 Addendum A) unless otherwise recommended in this Report.**
- 2.1 In Heritage Overlay HO6 make the changes in the Statement of Significance as shown in the Panel preferred version in Appendix D which includes:**
 - under ‘What is significant?’ for Area 5:
 - *“mixed-era residential buildings, including flats built during the postwar era, demonstrating architectural styles such as Modernism”*
 - *“postwar development, mainly flats, is concentrated in the section between Walsh Street and Punt Road”*
 - clarify the use of the term ‘place’
 - include a reference to the maps
 - include a significant streetscape map and a reference to the map.
- 2.2 In Heritage Overlay HO6 amend the Statement of Significance map for the South Yarra Precinct to show:**
 - 233–235 Domain Road, South Yarra (Elm Tree House) as non-contributory
 - 10–16 Mona Place, South Yarra as contributory (as exhibited and not as Council proposed in its post-exhibition changes)
- 3 In Heritage Overlay HO1419 make the changes in the Statement of Significance as shown in the Panel preferred version in Appendix E which includes:**
 - clarify the use of the term ‘place’
 - include a reference to the maps
 - include a significant streetscape map and a reference to the map.
- 4 In Heritage Overlay HO1407 amend the Statement of Significance, respect of the Former Wesleyan Church (431–439 Punt Road, South Yarra), to add a reference to 435 Punt Road under ‘What is significant?’ as follows:**
 - The former Wesleyan Church at 431–437 Punt Road (also known as 435 Punt Road), South Yarra, built in 1864 to a design by Crouch and Wilson, is significant.
- 5 Update the citations in accordance with the Panel recommendations, including:**
 - For 233–235 Domain Road, South Yarra (Elm Tree House).
 - For 10–16 Mona Place, South Yarra to:
 - correct the address for the two-storey 1915 house described in the citation (page 675 of the Heritage Review: Volume 4) from 10–16 Mona Place to 18 Mona Place, South Yarra
 - show the property at 18 Mona Place as built between 1901–1918 (Figure 54 of the citation) rather than between 1918–1945 (Figure 55 of the citation)

- -include a brief description of the property at 10–16 Mona Place, in particular the two stages of development.
- For 105–107 Park Street, South Yarra (Kilmeny) to expand on the description of the building in Table 13.
- For 31–37 Millswyn Street, South Yarra as suggested by Mr Huntersmith, but retain the reference to émigré architect.
- For 166W Toorak Road West, South Yarra (St Ives) as proposed by Council and correct errors identified in the expert witness statement of Ms Schmeder (Document 13).

1 Introduction

1.1 The Amendment

Melbourne Planning Scheme Amendment C426melb (the Amendment) seeks to implement the recommendations of the *South Yarra Heritage Review*, August 2022 (*Heritage Review*). South Yarra is currently covered by Heritage Overlay HO6 and a number of individual place listings.

The City of Melbourne (Council) described the *Heritage Review* in a Council report as:

the most thorough and comprehensive review of heritage in South Yarra in the municipality of Melbourne since 1985. The independent review was undertaken by GML Heritage Consultants and was largely focused on previously under-protected interwar and postwar places. The [Heritage] Review included in-depth research into the history of the buildings, streets and parks of South Yarra.

The *Heritage Review* process ran from 2020 until 2022 and included the assessment of over 800 properties.

Amendment C425melb applied the Heritage Overlay on an interim basis to 340 individual properties while permanent controls are to be progressed through the Amendment.

The Amendment proposes the following changes to the Schedule to the Heritage Overlay:

- extend the existing Heritage Overlay HO6 to include 34 existing individual listings and revise its Statement of Significance
- change the heritage category for 351 places (a heritage category identifies whether a property is 'non-contributory', 'contributory' or 'significant' to a precinct)
- apply the Heritage Overlay to 16 new individual places
- apply two new Heritage Precincts and Statements of Significance (Yarra Boathouses Precinct and Pasley Street and Park Place Precinct)
- apply the Heritage Overlay to one new serial listing and Statement of Significance (St Martins Youth Arts Centre Complex).

The Amendment proposes to:

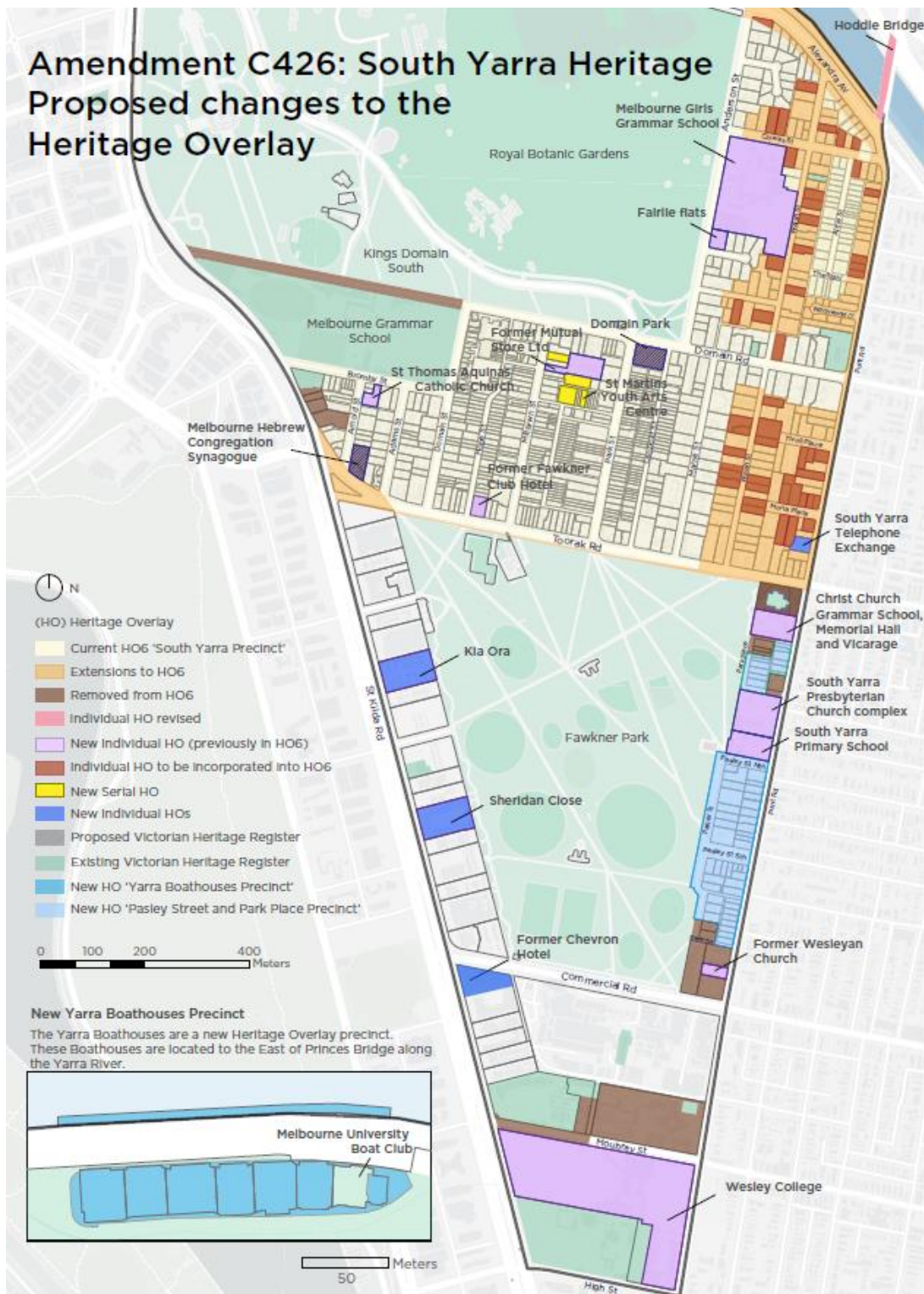
- Amend Clause 15.03–1L-02 (Heritage) to the Melbourne Planning Scheme (Planning Scheme) to add the *South Yarra Heritage Review* as a policy document.
- Incorporate:
 - Statements of Significance for the new listings in the Heritage Overlay and remove the redundant Statement of Significance for 285 Walsh Street, South Yarra
 - a revised Heritage Places Inventory March 2022 (showing it as Amended February 2023)
 - a revised Heritage Precincts Statements of Significance February 2020 (showing it as Amended February 2023)

Figure 1 shows:

- the geographic area of South Yarra to which the Amendment applies
- the existing HO6
- the changes proposed by the Amendment.

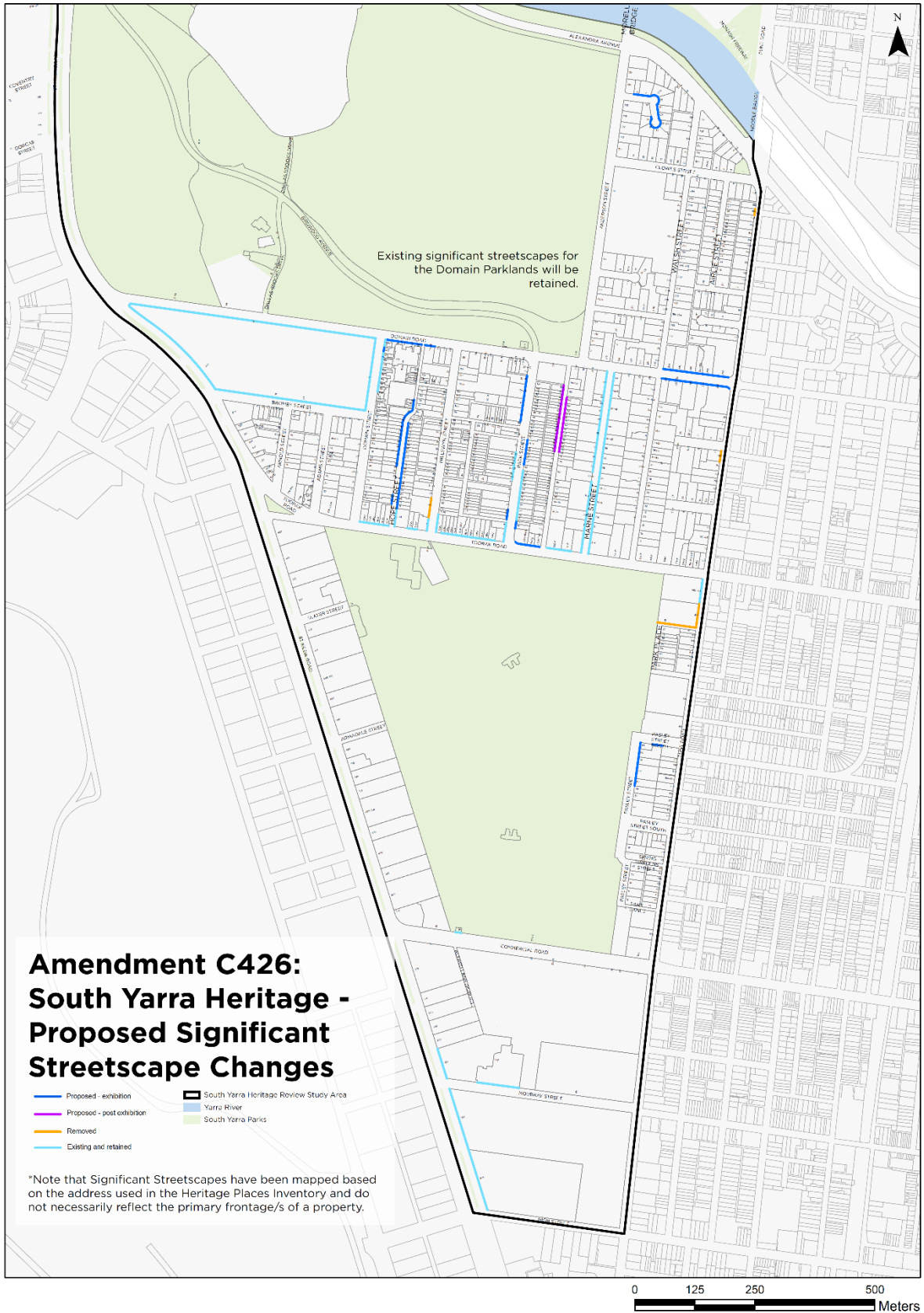
Figure 2 shows the proposed significant streetscapes for HO6.

Figure 1 The Heritage Review area and proposed changes to the Heritage Overlay



Source: Council Part A Figure 2

Figure 2 Proposed significant streetscape changes



Source: Council's submission, Document 9(6)

1.2 Authorisation and conditions

On 22 February 2023, a delegate of the Minister for Planning granted authorisation subject to the following conditions:

Unless otherwise agreed in writing with Department of Transport and Planning officers:

- (a) Prior to exhibition, the Council must obtain consent from the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation to include information about Aboriginal cultural heritage in the *South Yarra Heritage Review* August 2022
- (b) Prior to exhibition the Council must revise the Amendment documentation (including the maps) to ensure that the documentation is consistent (for example the maps reflect the proposed changes to the ordinance)
- (c) Prior to exhibition the Council must revise the Explanatory Report to address the comments made in the Explanatory Report – Department of Transport and Planning comments version provided to the Council on 22 February 2023.

On 23 May 2023, Council received consent from the Wurundjeri Woi wurrung Cultural Heritage Aboriginal Corporation to advance the *Heritage Review* through the Amendment.

Council submitted (Part A:64) that officers responded to the remaining conditions of authorisation by:

- clarifying there were no mapping issues, but issues with the Explanatory Report which were subsequently corrected
- reviewing and providing a final version of the Explanatory Report sent to the Department of Transport and Planning on 8 March 2023.

1.3 Submissions and proposed changes

Exhibition of the Amendment attracted 41 submissions.

Council submitted (Part A:70) that all 41 submissions were considered by Council officers and all submissions seeking changes to the Amendment were considered by GML Heritage¹ who carried out the *Heritage Review*. GML Heritage recommended a number of changes including to:

- re-categorise 10–16 Mona Place from contributory to non-contributory in HO6
- reinstate 39 and 41 Millswyn Street as non-contributory
- reinstate 15–17 Pasley Street as non-contributory
- re-categorise 248–250 Domain Road from contributory to significant
- re-categorise 72–76 Domain Street from contributory to significant
- re-categorise 113 and 115 Millswyn Street from contributory to significant
- re-categorise 23 and 25 The Righi from contributory to significant
- designate numbers 80–110 Leopold Street (14 properties) and 81–129 Leopold Street (21 properties) as a significant streetscape.

Four late submissions were received:

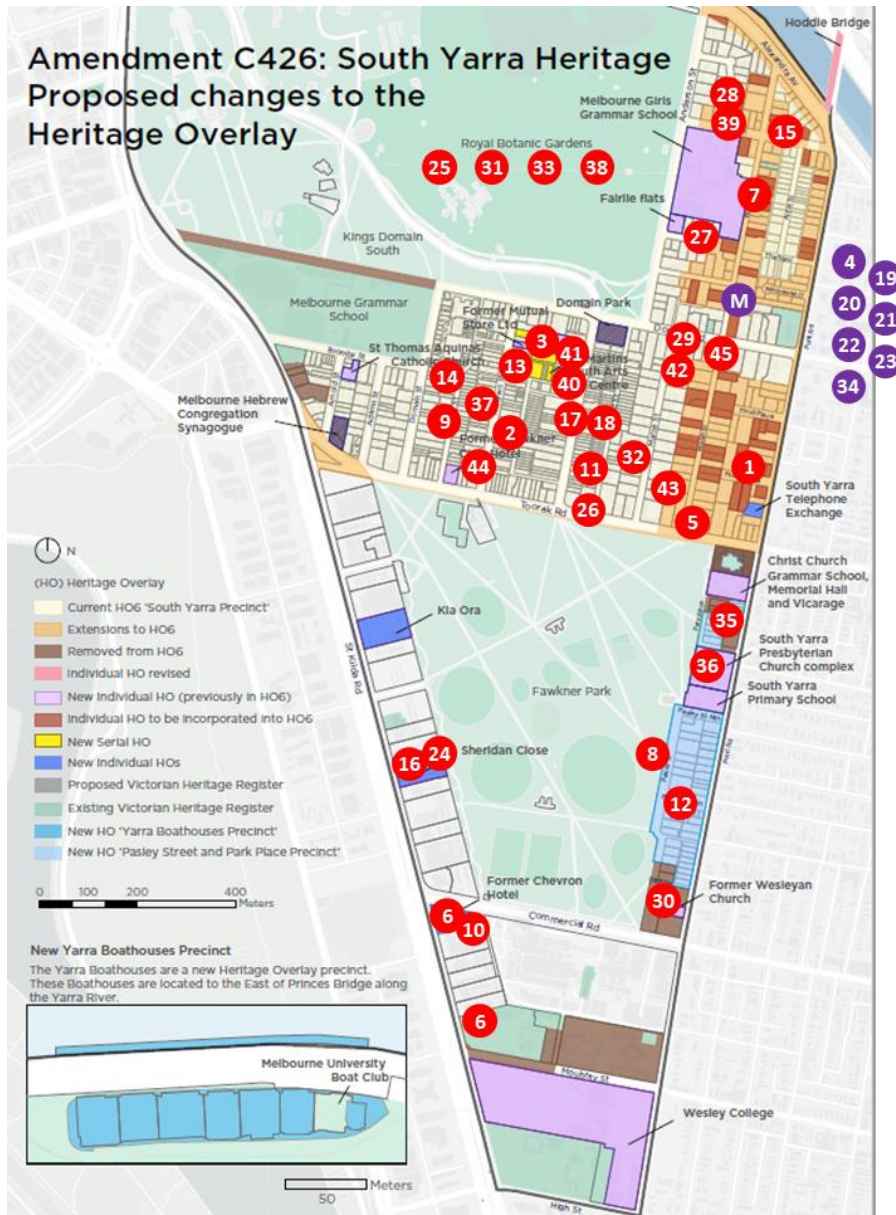
- submission 42 relating to 55 and 57–59 Marne Street, South Yarra
- submission 43 relating to 6 and 8–10 Marne Street, South Yarra
- submission 44 relating to 31–37 Millswyn Street, South Yarra
- submission 45 relating to 233–235 Domain Road, South Yarra.

¹ Mr Huntersmith from GML Heritage was called to give evidence for Council at the Hearing.

A combined total of 45 submissions received in relation to the Amendment were referred to the Panel for consideration.

On 18 October 2023, Council received a request to withdraw submission 11 regarding 27–31 Leopold Street, South Yarra. Figure 3 shows submission locations: submissions 31, 33 and 38 were general submissions. Submission 25 referred to a number of locations.

Figure 3 Submission locations



Source: prepared by the Panel from maps supplied by Council

1.4 Post-exhibition proposed changes

Table 1 shows Council's final position in response to submissions, colour coding changes by Council:

- in **red** where a change of category is proposed
- in **blue** where changes to a citation or Statement of Significance is proposed.

Table 1 Summary Council's post-exhibition position

Sub	Property	Post C258 / C396	Exhibited C426	Council final position
1	10–16 Mona Place	HO427: Contributory	HO6: Contributory	HO6: Non-contributory
2, 9, 37	39 and 41 Millswyn Street	HO6: Ungraded	HO6: Contributory	HO6: Non-contributory
3	24–32 St Martins Lane	HO6: Ungraded	HO1417: Significant (serial listing)	HO1417: Significant (serial listing)
	40–46 St Martins Lane			
	20–36 St Martins Place			
	120–122 Millswyn Street (St Martins Youth Arts Centre complex)	HO6: Contributory		
4, 19, 20, 21, 22, 23, 34	172–182 Walsh Street (Motstone)	Outside HO	HO6: Significant	HO6: Significant
5	166W Toorak Road (St Ives)	Outside HO	HO6: Contributory	HO6: Contributory
6, 10	519–539 St Kilda Road (former Chevron Hotel)	Outside HO	HO1414: Individually significant	HO1414: Individually significant
	555–563 St Kilda Road (Royal Vic Institute for the Blind)	Outside HO	HO492 Individually significant	HO492 Individually significant
7	272–274 Walsh Street	Outside HO	HO6: Contributory	HO6: Contributory
8.1	543 Punt Road	HO6: Contributory	HO1419: Contributory	HO1419: Contributory
8.2	52 and 56 Pasley Street	HO6: Ungraded	HO1419: Non-contributory	HO1419: Non-contributory
12	15–17 Pasley Street	HO6: Ungraded	HO1419: Contributory	HO1419: Non-contributory
13	92–96 Millswyn Street	HO6: Ungraded	HO6: Contributory	HO6: Contributory
14	79 Hope Street	HO6: Contributory	HO6: Contributory Significant streetscape	HO6: Contributory Significant streetscape
15	8–22 Clowes Street	HO834: Individually significant	HO6: Significant	HO6: Significant
16, 24	485–489 St Kilda Road (Sheridan Close)	Outside HO	HO1413: Individually significant	HO1413: Individually significant
17, 18	64 Park Street (Cromdale)	HO6: Ungraded	HO6: Contributory Significant streetscape	HO6: Contributory Significant streetscape
25.1	248–250 Domain Road	HO6: Ungraded	HO6: Contributory Significant streetscape	HO6: Significant Significant streetscape
25.2	78–80 and 82–84 Millswyn Street			HO6: Include the archway in Statement of Significance
25.3	72–76 Domain	HO6: Contributory	HO6: Contributory	HO6: Significant

Sub	Property	Post C258 / C396	Exhibited C426	Council final position
25.4	113 and 115 Millswyn Street	HO6: Contributory	HO6: Contributory	HO6: Significant
25.5	23 and 25 The Righi	HO6: Contributory	HO6: Contributory	HO6: Significant
25.6	322 Walsh Street	HO6: Contributory	HO6: Contributory	HO6: Non-contributory (has been demolished)
25, 26	80–110 and 81–129 Leopold Street (35 properties)	Streetscape category of '—'	Streetscape category of '—'	HO6: Significant streetscape
27	20–22 Fairlie Court	HO6: Contributory	HO6: Significant	HO6: Significant
28	23–25 St Leonards Court (St Leonards)	HO6: Contributory	HO6: Significant Significant streetscape	HO6: Significant Significant streetscape
29	221–223 Domain Road	HO6: Contributory	HO6: Significant	HO6: Significant
30	431–439 Punt Road (former Wesleyan Church)	HO6: Significant	HO1415: Individually significant	HO1415: Individually significant
32	11–21 Marne Street (Castle Towers)	HO6: Significant Significant streetscape	HO6: Significant Significant streetscape	HO6: Significant Significant streetscape
35	641–645 Punt Road (Astor)	HO6: Ungraded	HO1419: Significant	HO1419: Contributory
36	603–627 Punt Road (Presbyterian Church complex)	HO6: Significant	HO1409: Individually significant	HO1409: Individually significant
39	72 Clowes Street	HO410: Individually significant	HO6: Significant	HO6: Significant
40	93–103 Park Street (St Arnaud)	HO6: Contributory	HO6: Significant	HO6: Significant
41	105–107 Park Street (Kilmeny)	HO6: Ungraded	HO6: Significant	HO6: Significant
42	55 Marne Street	HO6: Ungraded Significant streetscape	HO6: Contributory Significant Streetscape	HO6: Contributory Significant Streetscape
	57–59 Marne Street	HO6: Contributory Significant Streetscape	HO6: Contributory Significant streetscape	HO6: Contributory Significant streetscape
43	6 Marne Street	HO6: Contributory Significant streetscape	HO6: Significant Significant streetscape	HO6: Significant Significant streetscape
	8–10 Marne Street	HO6: Ungraded Significant streetscape	HO6: Contributory Significant streetscape	HO6: Contributory Significant streetscape
44	31–37 Millswyn Street	HO6: Ungraded	HO6: Significant	HO6: Significant
45	233–235 Domain Road (Elm Tree House)	HO6: Contributory	HO6: Significant	HO6: Contributory, no significant streetscape

SOURCE: Complied by the Panel from documents presented by Council

Informal notice

Council advised (Part A:71) that on 20 July 2023, owners and occupiers of the properties proposed post-exhibition to be re-categorised from contributory to significant (248–250 Domain Road, 72–76 Domain Street, 113 and 115 Millswyn Street and 23 and 25 The Righi), and proposed to have a significant streetscape category applied (35 properties in Leopold Street), were informally notified of this proposed change to the Amendment and provided an additional opportunity to make a submission.

No submissions were received in response to the informal notification, and the Panel provides no further discussion on these properties. The Panel has not considered Council's proposed post-exhibition changes to properties where further submissions have not been received in respect of the informal notice. They are treated in this Report as if no submission were made to the exhibited Amendment.

Changes to citations in the *Heritage Review*

A number of submissions proposed changes to correct errors or details in the *Heritage Review*, including the citations. The Panel has not directly addressed these proposed changes unless discussed in the property specific chapters below. One submission requested changes to the description of the Melbourne Observatory and 11–21 Marne Street (Castle Towers) in the *Heritage Review*. The Panel accepts Council's submission that it intends to make these changes.

Submissions not directly addressed

Three submissions did not request specific changes, or provided no reasons for the changes sought:

- 272–274 Walsh Street
- 72 Clowes Street
- 79 Hope Street.

These are not addressed in this Report.

The issues raised in relation to St Martins are addressed in Chapter 3.7.

Victorian Heritage Register

The process of nomination of places to the Victorian Heritage Register is separate to the Amendment and is not addressed in this Report although raised in a submission.

1.5 The Panel's approach and key recommendations

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

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

Based on the reasons set out in this Report, the Panel recommends that Melbourne Planning Scheme Amendment C426melb be adopted as exhibited subject to the following:

- **Make the post-exhibition changes proposed by Council at the Hearing (see Documents 20 Addendum E and 51 Addendum A) unless otherwise recommended in this Report.**
- **In Heritage Overlay HO6 make the changes in the Statement of Significance as shown in the Panel preferred version in Appendix D.**
- **In Heritage Overlay HO1419 make the changes in the Statement of Significance as shown in the Panel preferred version in Appendix E.**
- **Update the Heritage Places Inventory in line with the Panel recommendations.**

This Report deals with the issues under the following headings:

- Background
- General issues
- South Yarra Precinct (HO6)
- Pasley Street and Park Place Precinct (HO1419)
- Individual heritage places
- The drafting of the Statements of Significance.

2 Background

2.1 Planning context

There is clear strategic justification for the protection of heritage in Melbourne, notably:

- section 4(1)(d) of the Planning and Environment Act 1987 (PE Act)
- the Municipal Planning Strategy at Clause 02.03–4
- Planning Policy Framework at Clauses 15.01–5S (Neighbourhood character), 15.03–1S (Heritage conservation).

The issue is not whether the protection of heritage is appropriate, but rather whether the places identified for protection have been appropriately identified.

The Heritage Overlay is the specific control in the Victoria Planning Provisions for the protection of heritage.

Planning Practice Note 1 (Applying the Heritage Overlay)

Planning Practice Note 1 (PPN01) provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

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

PPN01 states that places of local significance are important to a particular community or locality. It specifies that documentation for each heritage place needs to include a Statement of Significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place.

Table 2 Hercon criteria for assessing the value of a heritage place

CRITERION A Historical significance	Importance to the course, or pattern, of Victoria’s cultural history.
CRITERION B Rarity	Possession of uncommon, rare or endangered aspects of Victoria’s cultural history.
CRITERION C Research potential	Potential to yield information that will contribute to an understanding of Victoria’s cultural history.
CRITERION D Representativeness	Importance in demonstrating the principal characteristics of a class of cultural places and objects.
CRITERION E Aesthetic significance	Importance in exhibiting particular aesthetic characteristics.
CRITERION F Technical significance	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
CRITERION G Social significance	Strong or special association with a particular present day community or cultural group for social, cultural or spiritual reasons.
CRITERION H Associative significance	Special association with the life or works of a person, or group of persons, of importance in Victoria’s history.

2.2 Studies, strategies and amendments

(i) South Yarra Conservation Study, Meredith Gould, 1985 (South Yarra Study)

The South Yarra Study was commissioned in 1984 in the context of new planning powers given to councils in 1983 to protect and enhance areas and buildings of heritage significance.²

The South Yarra Study comprises the original South Yarra Conservation Study Report 1979, and explanatory and update notes, and (among other material) a Schedule of Building Gradings and Streetscape Levels.

The explanatory notes refer to other documents forming part of the South Yarra Study separately available from Council's offices:

- Building Identification Forms – complete set of folders containing assessed buildings in the Study Area.
- A and B Grade Building Citations – published in a second volume to the South Yarra Study.

(ii) City of Melbourne Planning Scheme Heritage Review 2000

The aim of this project was to justify continued heritage protection, if appropriate, for D graded buildings outside Heritage Overlay precincts, and all E and F graded buildings. The geographical scope of this project was limited to areas within the City of Melbourne outside the Capital City Zone. A citation was prepared for some buildings.

The re-assessment of these buildings was a requirement of the sunset clause attached to the approved new format City of Melbourne Planning Scheme (1999) by the Minister for Planning.

Amendment C19 implemented the recommendations of the City of Melbourne Planning Scheme Heritage Review 2000 by:

- amending the Heritage Overlay to implement the recommendations of the review and to correct inconsistencies and mistakes identified
- amending the Local Planning Policy at Clause 22.0 (Heritage Places Outside the Capital City Zone) by including recognition of historic, social and cultural significance in the content of the policy setting out a revised grading system for heritage places
- incorporating the *City of Melbourne Heritage Places Inventory 2000*. The inventory lists the gradings of buildings and streetscapes outside the Capital City Zone.

Amendment C19 was approved in two parts. Amendment C19Pt2 was gazetted on 4 July 2002 and, among other things, re-incorporated the *Heritage Places Inventory June 2002*. The inventory has since been further amended. The version exhibited with the Amendment was amended in February 2023).

(iii) Heritage Strategy 2013

In 2013, Council released its Heritage Strategy, setting out a plan for the following 15 years to further protect heritage in the municipality. The Heritage Strategy articulates Council's role in understanding the value of heritage, identifying places to be conserved and sustaining heritage

² South Yarra Study, 1.1.

through protection.³ The Heritage Strategy references Council's Thematic History – A History of the City of Melbourne's Urban Environment 2012 and summarises its 15 themes.⁴ Two of the four strands of the Heritage Strategy involve 'Knowing the City's heritage' and 'Protecting the City's heritage'.

Under the 'Knowing the City's heritage' strand, the Heritage Strategy identifies as an action to *"investigate, identify, assess and document gaps in the record of places of cultural heritage significance"*.

Under the 'Protecting the City's heritage' strand, the Heritage Strategy includes the following:⁵

Goal

To protect and value all heritage places and put in place policies to support decision making around heritage conservation.

...

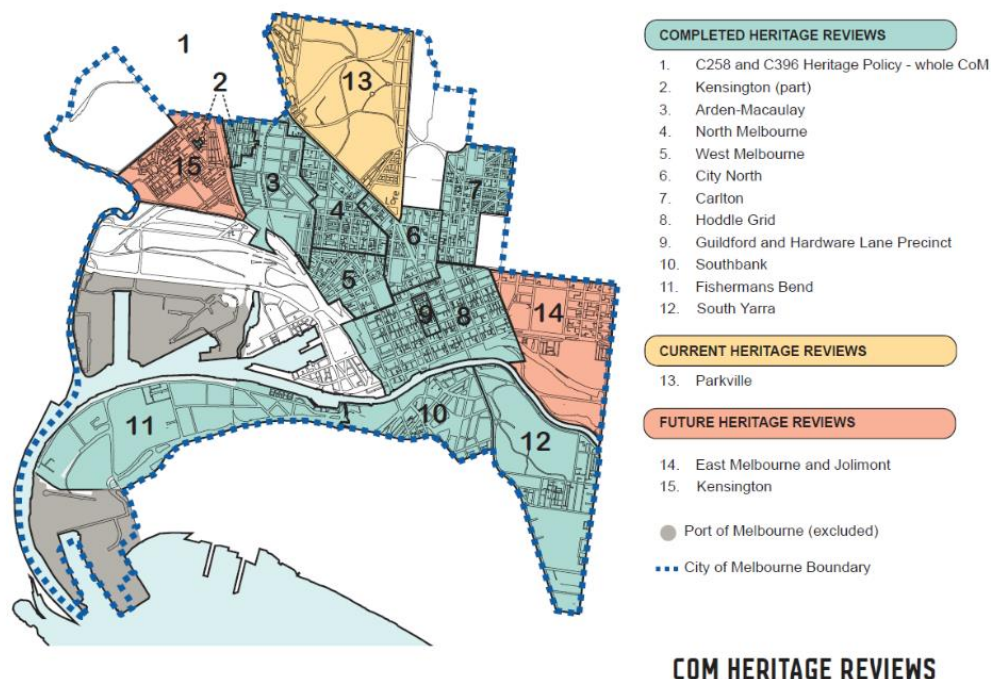
Actions

A2.2 Progressively undertake a review of heritage in the high growth and urban renewal areas and in the mixed use areas of the city.

A2.3 Review the heritage controls in the residential zones of the city, targeting resolution of gaps and inconsistencies in the existing controls.

Figure 4 shows where heritage reviews have been previously undertaken and areas in which recent and upcoming heritage reviews are progressing.

Figure 4 Status of planned heritage reviews since 2012



Source: Council Part A submission, page 5

³ Heritage Strategy, page 6.

⁴ Heritage Strategy, pages 12–13.

⁵ Heritage Strategy, page 18.

(iv) Policies review and heritage gradings conversion**Amendment C258 – Heritage Policies Review**

Amendment C258, gazetted on 10 July 2020, among other things, converted the previous A–D letter grading system to a significant–contributory–non-contributory category system and revised the previous heritage policies in Clauses 22.04 and 22.05. Amendment C258 converted the gradings of approximately 7,000 heritage buildings.

Council explained the process of transitioning places from the previous letter grading to the current categories of significant, contributory and non-contributory, individually listed properties were directly converted to significant in the precinct, along with A and B graded properties. It said, *“this conversion to the significant designation occurred irrespective of whether a place was in a precinct Heritage Overlay or not”*.

As a result of commitments made by Council to the Amendment C258 Panel to address methodological issues with some places, there were approximately 400 buildings which were excluded from Amendment C258. In approving Amendment C258, the Minister advised Council to request authorisation to prepare a further amendment to finalise the conversion process.

Amendment C396 – Heritage Grading Conversion Project – Stage 2

Amendment C396 was gazetted on 7 July 2022 and finalised the conversion of the outstanding places from Amendment C258 that required further review or were incorrectly converted. It included a number of properties in this Amendment, two of which are subject to submissions:

- 431–439 Punt Road, South Yarra (former Wesleyan Church)
- 322 Walsh Street, South Yarra.

(v) Amendments implementing heritage reviews

A number of earlier heritage reviews have already been implemented through:

- Kensington, Amendment C215 approved 29 July 2015
- City North, Amendment C198 approved 15 October 2015 with corrections in:
 - Amendment C269 approved 14 January 2016, and
 - Amendment C291 approved 30 June 2016
- Arden Macaulay, Amendment C207 approved 14 July 2016
- West Melbourne, Amendment C258melb approved 13 November 2020
- Southbank, Amendment C305melb approved 4 August 2021
- Fishermans Bend, Amendment C394melb approved 3 May 2023
- Hoddle Grid, Amendment C387melb approved 8 June 2023
- North Melbourne, Amendment C403melb adopted 9 October 2023
- Carlton, Amendment C405melb approval under consideration.

(vi) South Yarra Heritage Review, August 2022

The *Heritage Review* is the first comprehensive review of the heritage places of South Yarra since 1985 Conservation Study. It was prepared by GML Heritage.

Its executive summary explains the key objectives are to:⁶

⁶ Heritage Review, p.iii

Undertake a comprehensive review of heritage places and precincts in the Review area, including Aboriginal and shared values.

Prepare a *Thematic Environmental History* that explains how the Review area has developed and how the historical themes of the area have shaped the development of buildings, structures, gardens and open space.

Work with the City of Melbourne to engage with Traditional Custodian organisations, local history groups, and others, as required, to discover and document the diverse history of the Review area, and understand particular associations with places in the [Heritage] Review area. Incorporate this information into individual citations and Statements of Significance as appropriate.

Create a comprehensive set of citations and spatial data that will inform future Planning Scheme Amendments and strategic work undertaken by the City of Melbourne.

The *Heritage Review* excludes places which are already included in the Victorian Heritage Register under the Heritage Act 2017.

The findings of the *Heritage Review* are presented in four volumes as follows:

- Volume 1 – Methodology Report
- Volume 2 – Aboriginal Cultural Values Assessment
- Volume 3 – Thematic Environmental History (*Thematic Environmental History*)
- Volume 4 – Citations.

In summary, the methodology comprised:

- Desktop review of previous heritage studies, thematic/typological studies and other key strategic documents to identify places and precincts of potential significance.
- Fieldwork and inspection for each site.
- Research using primary and secondary sources.
- Consultation with traditional custodians.
- Participation in community engagement with the local residents' group and with the wider community through the City of Melbourne's 'Participate Melbourne' website and online/in-person information session.
- Preparation of a *Thematic Environmental History* that examines the history and development of the *Heritage Review* area, including its Aboriginal and non-Aboriginal history.
- Documentation of the significance of key places, buildings, trees, objects, precincts and landscapes and recommendations of how significant places should be protected.

Properties considered for assessment as an individual heritage place had to meet one or more of the following criteria:⁷

- The place was unlikely to be covered by a precinct
- The identified significance of the place could not be adequately addressed through the Statement of Significance of a precinct (for example, due to a unique typology or development pattern).

The *Thematic Environmental History* prepared to support the *Heritage Review* addresses South Yarra within Council's jurisdiction. Incorporating both Aboriginal and non-Aboriginal histories, the *Thematic Environmental History* traces the social, cultural, and physical development of the *Heritage Review* area. The history considers the development of the area from the pre-settlement

⁷ Heritage Review. p. 12.

period to the early twenty-first century. New information uncovered during research, and through consultation with traditional custodians and local community members, assisted with the identification of new places and precincts of potential significance.⁸

Volume 4 of the *Heritage Review* comprises the citations which contain heritage assessments and recommendations for individually significant places and precincts.

2.3 Heritage in the Melbourne Planning Scheme

(i) Municipal Planning Strategy

The Amendment is consistent with the strategic directions of the Planning Scheme. In describing the municipality's heritage profile, Clause 02.03–4 of the Strategic Directions states:

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

Clause 02.03–4 (Built Environment and Heritage) acknowledges the importance of heritage and includes comprehensive strategies for the protection and enhancement of heritage in Melbourne, as follows:

Melbourne's character is defined by its distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne's attraction and the conservation of identified heritage places from the impact of development is crucial.

In managing the built environment, Clause 02.03–4 requires Council to:

Protect and enhance the City's distinctive physical character and heritage, maintain the importance of:

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

In protecting heritage values, Clause 02.03–4 requires Council to:

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

(ii) Planning Policy Framework

Council submitted that the Amendment is also consistent with the Planning Policy Framework including Clause 15 (Built Environment and Heritage) which provides that:

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

⁸ Heritage Review, p. 10.

Clause 15.03–1S (Heritage conservation) seeks:

To ensure the conservation of places of heritage significance.

Relevant strategies include:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the Planning Scheme.
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- Support adaptive reuse of heritage buildings where their use has become redundant.
- Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

In terms of policy application, Clause 15.03–1L-02 (Heritage) states:

This policy applies to places within a Heritage Overlay and for properties categorised 'significant', 'contributory' or 'non-contributory' in an incorporated document to this scheme. Definitions are located in the *Heritage Places Inventory March 2022* incorporated into this Scheme. This policy should be applied in conjunction with Statements of Significance as incorporated into this scheme.

In policy related to 'Planning for Places', Clause 11.03–6L-14 (St Kilda Road and South Yarra) contains the following relevant policies to:

- Ensure development in South Yarra:
 - Maintains the low-scale nature of heritage streetscapes and buildings.
 - Complements the architecture and character of the residential areas.
- Ensure development in St Kilda Road respects its landscaped boulevard character which includes generous landscaped front setbacks, the appearance of "*buildings in grounds*" and established street trees.
- Ensure development along St Kilda Road maintains views to the Arts Centre Spire and Shrine of Remembrance.
- Encourage high rise residential and office developments along St Kilda Road.
- Ensure development, including infill redevelopment and extensions are designed to maintain and complement the architecture, scale and character of the residential areas in South Yarra.
- Limit development height around the Royal Botanic Gardens.
- Ensure development around Fawkner Park protects the visual amenity of the park and avoids overshadowing.

(iii) **Clause 43.01 (Heritage Overlay)**

The purposes of the Heritage Overlay are:

- To implement the Municipal Planning Strategy and Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.

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

Clause 43.01–2 sets out the requirements where a heritage place is included in the Victorian Heritage Register stating this is subject to the requirements of the *Heritage Act 2017*.

Clause 43.01–5 (Statements of significance) notes the schedule to the Heritage Overlay must specify a Statement of Significance for each heritage place included in the schedule after the commencement of Amendment VC148.

Clause 43.01–8 sets out the decision guidelines relevant to a responsible authority's consideration of an application, including any applicable Statement of Significance.

(iv) Incorporated documents

The Statements of Significance are proposed as incorporated documents consistent with PPN01. Citations for significant properties in heritage precincts are presented in the *Heritage Review* which is proposed as a background document.

The *Heritage Places Inventory March 2022*, which is also incorporated, defines:

- Significant heritage place
- Contributory heritage place
- Non-contributory place
- Significant streetscape.⁹

⁹ These definitions are set out in Chapter 3.3.

3 General issues

This chapter deals with issues that are relevant to more than one individual place or precinct. Where a submission raised only general issues, it is not referred to in subsequent chapters.

3.1 The relevance of previous heritage studies and new information

(i) The issues

The issues are the implications of:

- a place not having been identified in previous studies
- further information being uncovered about a place.

(ii) Background

As detailed in Chapter 2.2, the last comprehensive heritage review of the South Yarra area was undertaken in 1985.

(iii) Evidence and submissions

Several submitters sought to rely on the fact that a building was not identified as meeting the threshold for local significance in a previous heritage study to indicate that the building does not reach the threshold for local significance.

One submitter sought to rely on the fact their expert had identified additional information in relation to a building, implying the *Heritage Review*, was insufficiently comprehensive.

Mr Lovell (who gave evidence for a property owner, but who has previously advised Council on other heritage matters) when taken to a previous Panel report agreed that the discovery of further information is common through a heritage amendment processes and does not undermine the adequacy of the original research which underpins the finding of significance.

Council submitted (part C) that:

33. Simply because one expert – tasked with reviewing one building, as opposed to all places considered by the *Heritage Review* – has identified additional materials or information does not demonstrate the *Heritage Review* was not sufficiently comprehensive. Council's submissions in this regard are supported by the findings of the Amendment C405 panel for Carlton and Mr Lovell's evidence in response to questions asked in cross examination.

Council was critical of Mr Turnor's evidence (for a property owner) that a particular property was non-contributory partly because he failed to disclose his office had previously considered the building contributory, but the evidence said it was non-contributory.

(iv) Discussion

Given the elapse of time, it is both timely and entirely appropriate that the study area be the subject of comprehensive heritage review. The fact that a building was not identified in a previous heritage study does automatically imply that the current study is defective and the previous study definitive. Depending on the quality of the study the reverse could just as well be true.

In areas where not all buildings were identified as having heritage significance in a previous study, there is always the possibility that a more contemporary study will identify some of the later constructed buildings as having heritage significance, or reappraise some of the earlier buildings on the basis of new information. As time moves on, one might expect that buildings that were relatively new at the time of the study but are now older might be considered for heritage listing and some might be found to be significant.

The Victorian Heritage Register Criteria and Threshold Guidelines (VHR Guidelines) state:

as a general principle, a generation (approximately 25–30 years) should pass after the creation of a place or object before ...[it] is considered for heritage listing at any level.

The passing of time allows the enduring cultural heritage values of a place or object to be more rigorously and objectively assessed.

A heritage study needs to provide sufficient justification for the application of the Heritage Overlay to properties. It does not have to uncover all the relevant material in relation to a property. The fact that further research (by way of a peer review, or from experts called to a Panel) identifies additional information does not demonstrate that the *Heritage Review* was not sufficiently comprehensive but may result in rethinking the application of the Heritage Overlay to a particular property.

The Panel accepts that submissions might result in abandonment of a whole amendment or part of it, but this requires further information identifying a fundamental flaw in the heritage study, not simply new information for a specific property.

The Panel accepts that views on heritage change as more information comes to light. This also applies to the initial assessment a heritage firm may make before it secures a brief to do more research. Mr Turnor should have declared his firm's earlier assessment, but no particular weight can be given to that earlier assessment.

(v) Conclusion

The Panel concludes:

- Nothing definitive can be concluded from the fact that a previous heritage study did not identify a property as having heritage significance.
- It is to be expected that more information will come to light as a property is examined in more detail, and while this has relevance for categorising that property it does not necessarily imply any deficiencies in the original study.

3.2 Who should be able to appreciate a heritage place?

(i) The issue

The issue is whether the viewer needs to be informed to appreciate the heritage significance of a place.

(ii) Background

The matter of who should be able to understand and appreciate heritage was addressed by the Hoddle Grid Heritage Review Panel:

Care also needs to be taken when determining how well a criterion is demonstrated and observable and understood and who it is understood by. During the Hearing a range of 'observer' tests were applied for both Criterion A and D – the 'person on the Clapham

Omnibus', 'the well-educated', 'the curious' or the 'well informed observer' and other permutations. It is the Panel's view that buildings in the main should be able to be readily read and appreciated, although why they are important will not always be evident and sometimes require access to documentation particularly for Criterion G and H.

There seems little point in including places in the Heritage Overlay if the wider community is not able to appreciate them or convey important and tangible information of our history for current and future generations and it becomes an exercise for heritage purists. A level of balance is required so that the reasons for importance are not overly obscure or places merely ordinary. Ultimately the determination of significance lies with experienced or qualified practitioners bringing to bare appropriate tools and professional opinion and objectivity. Even then experts will have different opinions. A level of expertise is important to apply ensure a 'level playing field or benchmark'. This ensures that important places are included on merit and not because they are popular landmark buildings (although this may be a factor in its significance) or clearly understood to be of an era or theme and avoids the application of subjectivity and taste.¹⁰

(iii) Evidence and submissions

Council submitted that a number of questions were posed of its witnesses:

to the effect that there is little point in including places within the Heritage Overlay if the significance of the place cannot be properly understood by an observer in the street. Or in other words, heritage significance should not only be appreciable by those who possess heritage or architectural expertise.

Council submitted the following principles emerge:

- (a) Buildings should be readily read and appreciated, though why they are important may not always be evident in the built fabric.
- (b) Reasons for importance should not be overly obscure, or places merely ordinary.
- (c) Places should be included in the Heritage Overlay on merit, and not because they are popular, to avoid the application of subjectivity and taste.

Council submitted it was the exception, rather than the rule, for the fabric of the place to be able to comprehensively convey historic significance. Rather it is likely to be evidence in the physical fabric and/or documentary or oral evidence.

Further:

while heritage fabric should be appreciable, it cannot be the case that the bar is set so high that any member of the public must be capable of understanding the significance of a place on built fabric alone before it is capable of meeting the threshold of local significance. Most places on the heritage overlay would fail to meet such a test.

Council took the Panel to examples of places recently included within the Heritage Overlay that rely upon the documentary record to convey the history of a place include:

- **57–67 Little Collins Street, Melbourne:** Which was the site of the Mayser or 'atomic clock' that supplied accurate timekeeping to all master clocks in Australia. No internal controls are applicable, nor is any heritage fabric appreciable from the street related to this historic use.
- **53–57 Lonsdale Street, Melbourne:** The buildings were identified as demonstrating the flourishing Italian café society that developed in the first decades of the twentieth-century prior to Italian migrants establishing restaurants and pizza cafes in the inner city area in the 1950s and 1960s and the influence of Italian culture upon Australian culinary

¹⁰ Melbourne C387melb (PSA) [2021] PPV 89 (10 November 2021), page 54.

traditions that has an enduring presence and value in Melbourne today. No internal controls are applicable, and no heritage fabric remains that would communicate this significance.

Mr Lovell in response to questions of the Panel stated that the appreciation of heritage requires the viewer to be informed, and that even in relation to aesthetic significance most members of the public do not have sufficient architectural knowledge to understand places absent of secondary resources.

(iv) Discussion

All heritage places require the observer to bring some knowledge to fully appreciate the heritage significance of a place. Heritage significance is by definition a relationship with past events, and those events are not directly observable. What we have is fabric connected to those past events.¹¹

The Victorian Heritage Register Criteria and Threshold Guidelines, says:

Evidence of cultural heritage significance

Places and objects do not speak for themselves. In some cases, evidence of the reason(s) for the significance of a place or object will be visible in its physical form. In other cases, the reasons for significance may not be obvious in the fabric of the place ... but can be found in other forms of evidence (including information derived from historical and/or documentary and/or oral sources). For all places, significance will be attached to a geographically defined area. ...

The need for other forms of evidence is especially pertinent for Criterion H that relates to association with a person or event, but it also the case for Criterion E, Aesthetics. Aesthetic significance is more than just subjective reactions to the design. At first blush it might seem that an 'educated' observer could determine significant from insignificant buildings based on aesthetics, but without some background in the aesthetic debates of the time this could never move beyond a merely subjective response. It is the importance of an aesthetic approach in the context of the cultural milieu of the time that is relevant from a heritage point of view.

Having said this, the place does need to tell a story to those who know how to 'read' it. The Panel agrees with the Hoddle Grid Heritage Review panel that, in the main, places should be able to be readily read and appreciated, although why they are important will not always be evident and sometimes require access to documentation. If the significance of a place is not somehow embodied or evident in the fabric of a place (noting that this fabric may evolve) it is difficult to see the logic of why the fabric ought be preserved, but there may be cases where this makes sense.

In the context of the issues raised in the amendment before the Hoddle Grid Heritage Review Panel, this Panel cautions against a superficial interpretation of its statement:

There seems little point in including places in the Heritage Overlay if the wider community is not able to appreciate them or convey important and tangible information of our history for current and future generations and it becomes an exercise for heritage purists.

The Panel rejects a simplistic interpretation of this to mean that only easily understood buildings (for example churches or town halls) can be given heritage significance, and indeed the Hoddle Grid Heritage Review Panel cautions against this interpretation, saying the appropriate approach is that places:

¹¹ In the case of a heritage garden, a structure that needs replacement of its elements such as a wooden shrine, or a place of social significance that fabric may be associated with use, may not be static and may constantly change.

are included on merit and not because they are popular landmark buildings (although this may be a factor in its significance).

The Hoddle Grid Heritage Review Panel also cautioned against the mere:

- application of subjectivity and taste.¹²

Ultimately the determination of significance lies with experienced or qualified practitioners bringing to bear appropriate objectivity – that is judging significance by articulated criteria and not personal preference. Experts can have different opinions, but these differences arise from the professional judgements needed to form a view (noting that time and resources are always limited) not because the views are subjective. In the cases that the views are subjective they ought to be given little weight.

(v) Conclusion

The Panel concludes:

- The heritage values of a place should be evident and able to be understood and appreciated.
- Full appreciation of why a place is important may not always be evident in the fabric of the place (and will always require some knowledge or information).
- Places should be included in the Heritage Overlay on objective merit, and not subjective criteria such as popularity or taste.

3.3 What does it mean to be a significant building within a precinct?

(i) The issue

The issue is whether to categorise a property in a precinct as ‘significant’ it must meet the same threshold as an individually significant place.

(ii) Background

PPN01 differentiates between State and local significance and says:

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

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.

PPN01 requires a heritage place be important to at least one of the Hercon criteria but provides limited further guidance to establish the threshold for local significance, other than by reference to comparative analysis.

There are different types of heritage places, including:

- individual buildings that are important to a locality
- a locality that is important to the broader city or region
- serial listed buildings.

Typical of current practice, the term ‘significant’ is used in reference to a place, but also in reference to some buildings¹³ within a precinct where the precinct is the place.

¹² Melbourne C387melb Panel report, page 54.

The example Statement of Significance in PPN01 shows a listing of contributory buildings in a precinct (to distinguish them from non-contributory buildings). All contributory buildings contribute to the significance of a precinct, but not all will be categorised as significant. PPN01 provides no guidance on distinguishing a 'significant' building from a contributory building in a precinct, noting that in the example Statement of Significance contributory buildings are listed under the heading 'What is significant?' The example also proposes the inclusion of a table settings out heritage gradings. PPN01 makes it clear that:

The thresholds to be applied in the assessment of significance will be State significance and Local significance. Local significance includes those places that are important to a particular community or locality. Letter gradings, for example A, B, C, should not be used.

The Heritage Places Inventory includes the following definitions for significant and contributory heritage places:

Significant heritage place: A significant heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A significant heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a significant heritage place can make an important contribution to the precinct.

Contributory heritage place: A contributory heritage place is important for its contribution to a heritage precinct. It is of historic, aesthetic, scientific, social or spiritual significance to the heritage precinct. A contributory heritage place may be valued by the community; a representative example of a place type, period or style; and/or combines with other visually or stylistically related places to demonstrate the historic development of a heritage precinct. Contributory places are typically externally intact, but may have visible changes which do not detract from the contribution to the heritage precinct.

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

Significant streetscape: 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.

(iii) Evidence and submissions

Several submitters raised issues relating to the threshold for categorising a building as significant in a precinct, or applying a significant streetscape designation.

Council submitted:

whether a significant place is located within or outside a precinct the same threshold must be met, such that, if the precinct were to fall away – the significant place that was previously located within a precinct would then be suitable for an individual Heritage Overlay.

Council submitted that in identifying the significance of a property, the definitions in its Heritage Places Inventory were relevant but not determinative. It said it is appropriate to consider whether a property includes the characteristics or qualities in the definition. However:

these characteristics and qualities are not necessary preconditions to the identification of a significant place, such that the determination of significance becomes a tick-the-box exercise against the characteristics or qualities listed in the definition. For instance, a place does not need to demonstrate that it is highly valued by the community to be classified significant.

If a place does not neatly fit within the characteristics or qualities of the definition, this does not mean that the place is not significant; the critical consideration remains whether the place is of individual importance to the requisite threshold to be identified as significant.

¹³ For simplicity the Panel will use 'building' as a catchall for any element that can be categorised as significant in a precinct.

At the planning permit stage, the definitions may have a role to play in informing the application of policy in relation to a number of relevant qualities or characteristics of significant places that are then relevantly detailed in the citation and Statement of Significance for a place. The definitions also assist users of the scheme to understand why a category has been applied to a given place and how that category influences the application of policy.

Council cautioned against using terms outside of planning policy, PPN01 or the VHR Guidelines when considering if a building meets the threshold of significance. It said use of such qualifiers such as ‘exceptional’, ‘unusual’ or ‘award winning’ risks setting the threshold for significance too high. Council submitted:

care should be taken when seeking to tease out what it means to be important at a local level to avoid adoption of qualifiers or alternate terminology which inappropriately elevates the threshold of local heritage significance.

Council clarified:

- PPN01 does not form part of the Planning Scheme however is an accepted and commonly used guide. Further:
while it is clear PPN01 is seeking **important** examples to warrant inclusion in the Heritage Overlay, it does not set a threshold of ‘early’ or ‘fine’ or identify that places be ‘the best’, or indeed ‘better than most’.
- The VHR Guidelines, while useful for use of common terms and for understanding the criteria, are not intended to guide thresholding for local significance and deliberately set a high level to be suitable for assessing State significance.

Mr Helms, giving evidence on behalf of a landholder submitter, was of the view a significant place *“is (at least) of local significance to the City of Melbourne”*.

Mr Turnor said:

By definition, a significant place is individually important at a state or local level *in its own right*.¹⁴

Mr Huntersmith said a significant heritage place is generally required to satisfy one of the recognised heritage criteria and the City of Melbourne’s definition of significant.

He explained the application of building categories of significant, contributory or non-contributory in the *Heritage Review* was informed by the definitions and comparative analysis. A significant streetscape was identified with regard to the definition of significant streetscapes in the Heritage Places Inventory.

In relation to specific property assessments, in some instances Mr Huntersmith referred to properties that were *“better than most”* in considering whether they should be categorised as significant in the precinct.¹⁵

Ms Schmeder explained that in considering whether a proposed heritage category was appropriate for a property she had referred to the heritage definitions in the Heritage Places Inventory and, in addition, applied the definition of threshold for a place of local significance from PPN01; that it includes places important to particular community or locality.

With the PPN01 definition in mind she limited her comparative analysis to the most part to places in South Yarra, in particular the part in the City of Melbourne.

¹⁴ Document 18, paragraph 43

¹⁵ For example, Mr Huntersmith’s Expert Witness Statement, paragraph 173 (Document 12)

Council said it had received advice from the Department of Transport and Planning (Document 51b) that if a place in a precinct has different heritage values, it ought to be in a separate individual Heritage Overlay. A review of whether properties directly converted to significant in the precinct are actually individually significant has not been undertaken, and there will be instances where significant places in precincts have heritage values that differ from the precinct's values.

(iv) Discussion

It was said in the Hearing that whether a building was identified as a significant building in a precinct was based on the building being important in its own right.

The Panel has turned its mind to whether this is a correct application of heritage planning guidance, by considering:

- what does it mean for a building to be contributory to a precinct?
- what distinguishes a significant building from a contributory building in a precinct?
- does a building need to be important in its own right to be significant in a precinct?

These merits issues are complicated by the advice on how the Heritage Overlay is to be applied. PPN01 makes it clear:

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

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

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

What does it mean to be a contributory building in a precinct?

PPN01 provides an example Statement of Significance for a precinct which includes contributory buildings under 'What is significant?'. These are considered to be *"features or elements that are significant about the place"*.¹⁶

All precincts will have contributory buildings (or other physical fabric); without contributory buildings there would be no heritage precinct. It is well established that not all buildings in a precinct will contribute to the significance of a precinct but can still be included in the precinct.¹⁷ Hence the need to identify what is contributory. This is a sensible approach because:

- Precincts, neighbourhoods or districts are a 'place' in themselves and so can embody heritage without every building in that place having to embody those heritage values, in the same way that a heritage building may have later additions that do not contribute to, or undermine, the heritage values of the building as a whole.
- Development of non-contributory buildings has the potential to erode (or further erode) the heritage values of a precinct and ought be controlled. Applying the Heritage Overlay is the most efficient way to do this.

Council's Heritage Places Inventory appropriately captures this by saying a contributory building:

¹⁶ PPN01, page 2

¹⁷ PPN01, advises that it is appropriate to include non-contributory properties within heritage precincts, particularly when they sit within and not at the edges of a precinct.

- *is important for its contribution to a heritage precinct*
- *is “typically externally intact, but may have visible changes which do not detract from the contribution to the heritage precinct”.*

What makes a building significant to the heritage values of a precinct?

Of those buildings that contribute to the significance of a precinct some are identified as significant and some as contributory. A key question for the Panel is the threshold by which this distinction is made.

Council and experts considered for a building to be significant in a precinct it must satisfy PPN01 and variously:

- satisfy Council’s definition of significant
- be ‘better than most’ places with the same heritage values
- be ‘better than typical’ places with the same heritage values.

The *Heritage Review* Volume 1: Methodology Report explained its methodology for determining what is significant to a property, or area:

- in order to apply a threshold, a comparative analysis was undertaken to substantiate the significance and relative levels of integrity and intactness of each place and precinct
- building categories for places within the proposed precinct Heritage Overlay coverages were also reviewed and adjusted as necessary based on a comparative exercise
- a ‘precinct category schedule’ is included in each precinct citation and assigns individual categories (significant, contributory or non-contributory) and significant streetscapes informed by the definitions in the Planning Scheme.¹⁸

Comparative analysis, as explained in the *Heritage Review* informed the separate questions:

- Is this place (precinct) significant?
- What is significant about this place (buildings or other elements)?

Consistent with Council’s heritage definitions, the Panel understands a significant building in a precinct can make an important contribution to the precinct or be a ‘better than typical’ building of its type. This is not a numbers game and the building does not need to be ‘better than most’.

Does better than typical mean significant in its own right?

The concern for the Panel is whether being ‘better than typical’ rises to the level of being important in its own right to the extent that it would meet the threshold for individual listing if the precinct was not identified as significant.

The Panel was not helped by Council’s submission that significant buildings would warrant an individual listing in the Heritage Overlay even if the precinct were peeled away. It invites an analysis of the significance of a building by reference to an alternate reality, namely the precinct is not significant.

Table 3 presents the Panel’s understanding of a strict application of the ‘significant in its own right’ approach as a precondition to being listed as significant in the precinct.

¹⁸ Initially in Clause 22.05 but since Amendment VC148 sits in the incorporated Heritage Places Inventory.

Table 3 Strict application of ‘significant in its own right’ as precondition to precinct gradings

		Does the building contribute to the importance of the precinct?	
		Yes	No
Is the building important to the locality in its own right?	No	‘Contributory’	‘Non-contributory’ or exclude from precinct
	Yes	‘Significant’ [†]	Separate overlay [*]

[†] On the same criteria as the precinct

^{*} Different to the criteria for the precinct

Implications of this approach are:

- Significant buildings will contribute to the importance of the precinct.
- Individually significant buildings in precincts will not have their own Statement of Significance because they are covered by the precinct Statement of Significance.
- Where a building has heritage significance, but does not contribute to a precinct or has additional heritage values to the precinct, it would have its own heritage listing and separate Statement of Significance.

This approach implies that in terms of the significance of a precinct a building is only ever contributory or non-contributory – to be identified as significant there must be some other heritage values aside from the values of the precinct that gives a building a significant categorisation. It is an approach that reduces a significant categorisation in a precinct to a scheme drafting issue.

If the test is ‘significant in its own right’ there can be no presumption that the comparative analysis to establish this has to be confined to the precinct, because the individual significance may be in relation to a wider (or narrower) locality than the precinct.

Reflecting on these issues the Panel has formed the view that a strict application of ‘significant in its own right’ as a precondition to being categorised as significant in a precinct is not particularly helpful and potentially undermines a proper understanding of the precinct.

An analogy might help explain the Panel’s thinking. Consider trying to identify the most significant football teams of the interwar era. Various claims could be made, but once the significant teams were established one might expect to be asked who were the most significant players on those team. Being one of the best players on one of the best teams is not the same as being one of the best players overall. Some champion players never play on a good team, and being the best in a good team might not mean being one of the all-time best players.

If the threshold to being categorised as significant in a precinct were the same as an individually significant place, there is a risk this would set the bar too high. This is clear in the evidence given to the Panel which says the proposed significant buildings do not all compare well against buildings proposed as individually significant places. They do not need to.

That is not to say a significant building in a precinct cannot meet the threshold for local significance in its own right, but that this is not a precondition to being a significant element in the precinct. If being significant in a precinct makes a building significant in its own right, this can be a consequence of its role in the precinct and not independent of it.

A significant building is a highlight which exhibits the heritage values of the precinct, but without the precinct to provide context may not have the same heritage value. This is particularly relevant for a precinct identified for historic significance (Criterion A) as the buildings or properties make an important contribution to the story of the place.

(v) Conclusions

The Panel concludes:

- A building can be categorised as significant in a precinct on the basis of its contribution to the precinct.
- A significant building in a precinct is a better than typical example of a building which demonstrates one or more heritage values significant to the precinct (the heritage place)
- A significant building in a heritage precinct:
 - may, but does not need to be, an individually significant in its own right as a precondition to being identified as significant.
 - does not need to meet the threshold of local significance in accordance with PPN01
 - is not required to be assessed or documented with the detail expected of an individually significant place (for example, a separate Statement of Significance, an issue discussed further in Chapter 3.4).

3.4 Multiple Statements of Significance

(i) The issue

The issue is whether a property can be subject to two Statements of Significance.

(ii) Evidence and submissions

Mr Helms, giving evidence on behalf of the owners of 221–223 Domain Road, said to adequately support a proposed change in heritage category of the subject site from contributory to significant a property should have either:

- an individual Statement of Significance for the place
- a specific mention within a Statement of Significance under ‘Why is it significant?’.

At the Hearing on 15 November 2023, the Panel requested the submitter to provide an example of a site which is affected by both a precinct and individual Statement of Significance. The submitter advised:

the Port Phillip Heritage Review, ... is an incorporated document under the Port Phillip Planning Scheme, and ... includes a Statement of Significance for Heritage Overlay – (HO1). HO1 is a precinct wide Heritage Overlay broken down into four sub-areas (not dissimilar from the proposed Statement of Significance for HO6 which has several sub-areas).

In addition, ... the individual Statement of Significance for 324 Esplanade East, Port Melbourne, ... is also an incorporated document under the Port Phillip Planning Scheme. This site is located within HO1 however, under its individual Statement of Significance is graded ‘significant’. The individual Statement of Significance provides details as to what, how and why this particular site is of significance.

Council in closing took the Panel to advice from the Department of Transport and Planning that acknowledges that for historic reasons within central Melbourne a ‘two layer’ approach is used for the Heritage Overlay, but that outside the central city a single layer approach should apply.

(iii) Discussion

Figure 5 shows the two layer approach in the central city and a number of the individual properties have a site specific Statement of Significance as well as the precinct Statement of Significance. This is clearly a past policy decision to apply the Heritage Overlay in this way in the central city. The Department does not support this approach outside of the central city.

Figure 5 Multiple statements of significance apply in central Melbourne



The Panel has reviewed the Port Phillip example of two Statements of Significance being applied to the one property. It is not immediately clear that this was a deliberate policy decision. The Statements of Significance for the precinct are in the incorporated Heritage Strategy and not labelled as Statements of Significance in the list of incorporated documents.

The Panel finds the approach in the Port Phillip Planning Scheme confusing and it is difficult to determine what applies where.

In any case the current Heritage Overlay schedule in the Planning Scheme identifies two Statements of Significance in the HO6 entry:

- Heritage Precincts Statements of Significance February 2020 (Amended April 2022)
- 285 Walsh Street, South Yarra Statement of Significance, March 2022

The Amendment proposes to remove the 285 Walsh Street, South Yarra Statement of Significance from the list of incorporated documents. The Panel notes that a Statement of Significance is incorporated for the Clovelly Flats at 310–316 Walsh Street, South Yarra (HO454) and while the Amendment proposes to delete HO454 it does not propose to delete the Statement of Significance from the list of incorporated documents, but this is probably an oversight.

It is clear that it is technically possible to incorporate two Statements of Significance for the one place, but it is not clear that this is necessary, supported by the Department of Transport and Planning or common practice.

Ultimately every heritage place should have an incorporated Statement of Significance referenced in the schedule to the Heritage Overlay, and where the place is a precinct the statement should identify, under the heading ‘What is significant?’ those buildings or properties that contribute to that significance of the precinct and may choose to divide these into ‘significant’ and ‘contributory’ categories. Presenting further information about buildings within a precinct by way of citations is a perfectly adequate way of making information available.

(iv) Conclusions

The Panel concludes:

- While it is possible to find some examples of properties with two Statements of Significance in planning schemes the Panel understands that this is no longer a supported or preferred practice.
- There is no need for buildings identified as significant in a precinct to have an individual Statement of Significance.

3.5 Intactness and integrity

(i) The issue

The issue is whether properties identified as warranting inclusion within the Heritage Overlay are of sufficient intactness and integrity.

(ii) Background

Intactness and integrity, are defined in the VHR Guidelines:

Intactness: refers to the degree to which a place or object retains its significant fabric. ...

Integrity: refers to the degree to which the heritage values of the place or object are still evident and can be understood and appreciated (for example, the degree to which the original design or use of a place or object can still be discerned). If considerable change to a place or object has occurred (through encroaching development, changes to the fabric, physical deterioration of the fabric etc) the significant values may not be readily identifiable and the place or object may have low-level integrity.

Neither intactness nor integrity should be confused with the condition of a building, which refers to its state of repair rather than whether it is altered or legible. A place may be highly intact but the fabric may be in a very fragile condition.

(iii) Submissions

While of varying degrees of intactness, Council submitted:

all places identified as warranting inclusion within the Heritage Overlay are of sufficient integrity such that identified heritage values are capable of being properly understood and appreciated by remaining heritage fabric. In many cases, including Motstone, Sheridan Close, 31–[37] Millswyn Street, Kilmeny and St Arnaud, the places are highly intact. The postwar extensions to Elm Tree House are also highly intact.

(iv) Discussion

The Panel considers that intactness is fundamental to the assessment of whether a property meets the threshold for significance, and whether a building is significant to the values of a precinct.

The process for determining whether something is intact or not intact, or applying qualifiers as to the degree of intactness, is not an exact one. Intactness impacts the way in which a particular place might be read and understood.

The Panel agrees with the Hoddle Grid Heritage Review Panel that the key questions are:

- is there still sufficient fabric in place to assist our understanding and appreciation of the particular place including its original use, era and design?
- do the extant changes and alterations impact on our understanding and appreciation of the particular place?

- are we still able to appreciate its significance and why it is significant?¹⁹

In some instances, building changes and alterations are ephemeral, such as painting, addition of signs and other simple additions and may be reversible. Such changes have minimal impact on a building's integrity. However, changes that obliterate building elements that are important to the buildings original design or enable it to be read as representing a particular period, style or theme can significantly diminish integrity.

(v) Conclusion

The Panel concludes that all places identified as warranting inclusion within the Heritage Overlay are of sufficient integrity such that identified heritage values are capable of being properly understood and appreciated, except where specifically noted by the Panel.

3.6 Postwar residential development

(i) The issues

The issues are:

- whether postwar residential development, and specifically flats, is a period of importance to South Yarra
- whether the approach to comparative analysis for postwar places was appropriate
- if postwar buildings are important to South Yarra, whether the fabric as well as form is important.

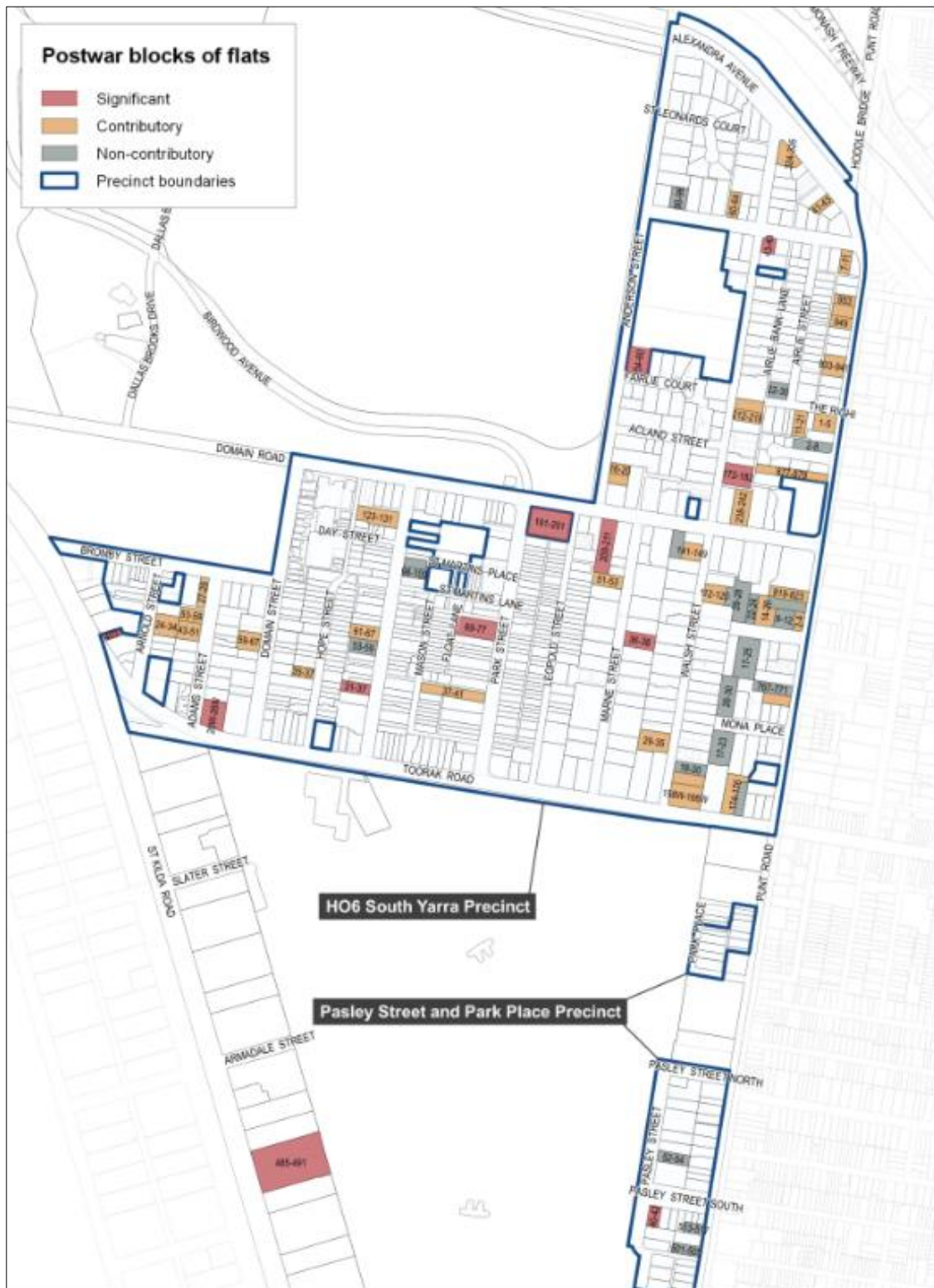
(ii) Background

Figure 6 shows the location of postwar flats. Key submissions were from the:

- Owners Corporation for 'Motstone' the property at 172–182 Walsh Street, South Yarra (Motstone)
- owner of 31–37 Millswyn Street.

¹⁹ Melbourne C387melb (PSA) [2021] PPV 89 (10 November 2021), pages 38–39

Figure 6 Postwar flats



Source: Council Part B submission, Addendum B

(iii) Evidence and submissions**Postwar flats in the *Thematic Environmental History***

Several submitters considered the theme of postwar flats was not adequately demonstrated or documented in the *Heritage Review*.

Motstone submitted that the case for significance of postwar development in South Yarra, in particular postwar flats, had not been made. It observed there is little content in the material supporting the Amendment, stating:

- the *Thematic Environmental History* has only two pages on postwar development, including imagery, and no explicit discussion of flats or suggestion that postwar flats play “any new or different role in the development of South Yarra than in the interwar period”
- in contrast there is expansive content relating to prewar and interwar flats
- by comparison the postwar thematic history prepared for the Hoddle Grid Heritage Review has expansive postwar content.

Motstone said:

There is nothing in the document that explains how the development of postwar flats materially differed from the development of prewar flats or how its reflected broader societal trend through the lens of South Yarra. In this regard, it is consistent with the approach taken in the 2012 Melbourne *Thematic Environmental History* which refers without differentiation to the development of six pack flats ‘in South Yarra, East Melbourne, North Melbourne and Carlton’.

Ms Schmeder gave evidence that the lack of reference to postwar heritage should be given little weight and reflected that the *Thematic Environmental History* was prepared before the fieldwork. Motstone submitted the proper course would have been to update the *Thematic Environmental History* in light of fieldwork.

Motstone said:

- the HO6 citation contained little justification for the treatment of postwar development as significant, and this was contrasted with the level of detail in citations for the postwar flats Domain Park (HO1404), Fairlie Flats (HO1402) and Sheridan Close (HO1413) which are proposed as individually significant places
- there were arguably two or three key points of difference between prewar and postwar flats that are not demonstrated in documentation. Specifically for postwar flats:
 - self-ownership predominated rather than private rental
 - high rise development, or in the case of Sheridan Close denser development, marketed as apartments provided a different way to deliver greater density on the edge of the central city.

Motstone said “it may be – with further work such as specific postwar study – the significance of the postwar period could be established, but the material is not yet there”.

The owner of 31–37 Millswyn Street said it largely adopted the submissions made by Motstone as they relate to assessment of postwar development and suitability of the comparative analysis.

The owner of 31–37 Millswyn Street submitted:

- there is inadequate justification that postwar flats made an important contribution to the South Yarra Precinct

- the comparators used by Mr Huntersmith and Ms Schmeder outside of South Yarra, specifically in the Cities of Port Phillip and Glen Eira, have significantly greater and more specific reference to postwar flats
- in contrast to Mr Turnor, neither Mr Huntersmith or Ms Schmeder compared properties with those in North Melbourne (HO3), and Council appeared to suggest North Melbourne is not a relevant comparator as there is less reference to the postwar period in HO3 than in HO6
- avoiding comparators from other places in the City of Melbourne tends to skew the analysis.

Mr Turnor gave evidence for Motstone and the owner of 31–37 Millswyn Street, stating a key issue was whether postwar flats contribute to the significance of HO6. He said if postwar buildings were considered meaningful to the history of South Yarra the existing Statement of Significance and 2012 Thematic History would have described their worth in detail. Instead, the existing Statement of Significance makes only a fleeting reference to buildings constructed in the postwar period, and only one reference to postwar flats.

Mr Turnor said while the proposed Statement of Significance refers to post-1945 buildings it does not make a strong case for their significance and how they contribute to the precinct. Further, the *Thematic Environmental History* does not demonstrate the significance of postwar flats to the development of the area, and specifically mentions the new development was seen as a risk to the character of the area.

While Mr Turnor accepted flat development is a major theme in the development of South Yarra, he said this was best demonstrated in the interwar flats many of which were architect-designed and high quality.

Mr Turnor referred to the recent North Melbourne Heritage Review noting that with the exception of Hotham Gardens – Stage 1 it “*did not identify postwar flats in the North and West Melbourne Precinct (HO3) as being of significance*”. Further:

North Melbourne was not immune from the pattern of redevelopment that saw older housing stock replaced by ‘six pack’ flats – it is not an historical event unique to South Yarra.

On the basis that postwar flats were not identified as being of significance in a very recent heritage review of a predominately residential heritage precinct in the very same municipality, a much stronger case would need to be made to explain why postwar flats are of significant value in the particular context of South Yarra.

Mr Turnor disagreed that postwar buildings sat comfortably side by side with earlier development, as stated in the Statement of Significance, instead he considered the postwar development was intrusive to the valued heritage character of the area.

In giving evidence in relation to Kilmeny, Mr Lovell said the original South Yarra Heritage Study placed greater emphasis on earlier development phases and less on interwar and postwar, and it is appropriate there has been emphasis on these in the *Heritage Review*.

Mr Huntersmith referred to the importance of postwar heritage to South Yarra in response to specific submissions, stating:

HO6 is historically significant for its demonstration of a predominantly residential development pattern that spans from the 1840s through to the postwar period. From the interwar period, HO6 became a focus for flat development where low-rise blocks of flats

became a lucrative form of investment in the aftermath of the stock market crash of 1929 and subsequent Depression. The popularity of flat development continued into the postwar period.²⁰

...

It is agreed that most of places from the interwar period onwards were largely omitted from the existing heritage controls. This was due to the lack of a comprehensive heritage review of South Yarra since the first study in 1985. An understanding of heritage evolves over time, and later layers of development, from interwar to late twentieth-century buildings, are now gaining heritage recognition. Recent planning panels have supported inclusion of places from later periods (including C387melb).²¹

Ms Schmeder said the existing HO6 Statement of Significance, adopted as part of Amendment C258melb, recognises the postwar era as a part of the precinct's valued period of development however this was not reflected in the categorisation of postwar buildings in HO6. This is evidenced by the Domain Park flats that were not graded (equivalent to non-contributory) which are recommended for individual listing as part of this Amendment and nominated for the Victorian Heritage Register in the *Heritage Review*. She said:

Nearly all, if not all, of the other postwar flats were also ungraded.

...

This explains why such a large number of places within HO6 are proposed to change from ungraded/non-contributory to contributory or significant.

She noted the existing HO6 Statement of Significance refers to "*distinguished*" examples of interwar and later flats which infers only individually significant places should be recognised. She said:

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 (for example, 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.

Ms Schmeder explained the importance of postwar architecture had increasingly been recognised since 2000, with a number of heritage studies considering this period and identifying places of significance. She said:

while postwar 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 postwar heritage or including it in broader gap studies.

Ms Schmeder said the Hoddle Grid Heritage Review was the largest heritage review with a focus on postwar places carried out so far for the City of Melbourne. She referred to the relevant panel report and noted:

- there is a greater level of contemporary understanding of the importance of the postwar era to Melbourne's historical development
- 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

²⁰ Mr Huntersmith Expert Witness Statement, paragraph 319

²¹ Mr Huntersmith Expert Witness Statement, paragraph 510

- experts agreed that the postwar period, broadly between 1945 and 1975, was appropriate to review.

During cross examination, Mr Lovell was asked his views on consideration of postwar heritage. He said the 1985 Conservation Study underrepresented interwar and postwar development and it was appropriate to update it with this content.

Council submitted the theme of postwar flat development and its importance to South Yarra had been adequately demonstrated and documented in the *Heritage Review*, including the *Thematic Environmental History*, citations and Statement of Significance. It referred to the Explanatory Report which said:

The Amendment is required to update heritage building categories within South Yarra, including recognising the contribution of interwar and postwar buildings to its heritage significance.

Council submitted it ought to be uncontroversial that appreciation of heritages changes over time and heritage reviews completed in the 1980s and 1990s, including the 1985 Conservation Study, were too early to appropriately and effectively assess the significance of postwar places. It said:

Given the timing of the last heritage study, it is unsurprising that postwar development is not protected within the Heritage Overlay, and that interwar development is underrepresented. With regard to postwar heritage, the last heritage study was undertaken only 10 years after the identified conclusion of the postwar period, falling well short of the 25–30 year time period principle identified in the VHR Guidelines.

It said the *Thematic Environmental History*:

- introduces the context for the importance of postwar development, with reference to “the architect-designed flats and avant-garde homes of the postwar period”
- discusses postwar residential development, with illustrations including Domain Flats
- explains the historical context of the rise of self-ownership in the postwar period.

Council submitted that ideally the *Thematic Environmental History* would be updated to include the findings of field work, and any perceived deficiency is a function of how the work was undertaken. This however does not undermine the adequacy and reliability of the information collected so far. It noted during the Hearing that PPN01 does not make reference to a *Thematic Environmental History*, and while this is a policy document which informs the process it is not prescriptive. Council suggested the significance of postwar development was adequately demonstrated when the documentation was considered in its totality.

Council said the citation documents the “period from 1945 consisting primarily of blocks of walk up residential flats”. Further the existing and proposed Statements of Significance include numerous references to development in the postwar period, including in the proposed Statement of Significance which states in ‘why is it significant?’ for Criterion E (Council emphasis):

The precinct contains a large number of blocks of residential flats from the interwar and **postwar periods**. While those from the interwar period tend to be large luxury flats, **the later postwar flats reflect the changing urban landscape seen in much of inner city Melbourne**. Through its high concentration of refined architect-designed building stock the precinct demonstrates the influence of the many middle and upper-middle class arbiters of taste who chose to live in the area. The postwar buildings themselves sit comfortably side by side with earlier development due to their scale, form and materiality.

Comparative analysis

Council submitted over 60 postwar examples of flats were identified in the study area, and a selective approach was adopted to identify buildings which are of significance. Council provided a

map of postwar flats showing their assessed significance (see Figure 6), noting this “*confirms the discerning and judicious approach to postwar places which has been employed in the Amendment*”.

Motstone questioned the comparative analysis raising concerns the approach taken was “*unintentionally biased in favour of recognition*”. It submitted:

- Comparisons with unlisted buildings run the risk of ‘bootstrapping’ buildings into relevance. If a building is not actually listed, the fact that a similar building is being considered for listing does not tell you whether the subject building is significant. This is so even if the significance of the comparator buildings is not being challenged by an objector.
- ...
- The comparisons with the Hoddle Grid are of little assistance. The influence of Modernism on the Hoddle Grid and the form and nature of Modernist buildings in the Hoddle Grid are very substantially different from Motstone. This includes in particular the use of true curtain walls in the CBD.
- Comparison with a single set of flats in St Kilda is of limited utility and has the potential to become a self-fulfilling prophecy for the reasons given.

Ms Schmeder explained the comparative analysis was not as straight forward for postwar places as for other eras where the buildings had been assessed and assigned a category in the Heritage Overlay. To assist with establishing a threshold for local significance she explained it is appropriate to consider other similar places in the study area to understand the general building stock, what is typical and what is above typical. Ms Schmeder said it was appropriate for the comparative analysis undertaken as part of the *Heritage Review* to assess postwar buildings against previously ungraded buildings and to consider places outside the precinct. She said this was consistent with the approach supported by other recent planning panels including Melbourne C387melb and Stonnington C320ston.

Further, Ms Schmeder said in the absence of a municipal-wide postwar heritage study it is appropriate to compare a building with others in the City of Melbourne or outside, if no close comparators within the City of Melbourne were found. She suggested the City of Port Phillip as a similar inner suburb that may be useful when seeking suitable outside comparators, “*as it underwent extensive flats development in the interwar and postwar periods, similar to South Yarra*”. Looking at examples outside the locality can also be important to understand the work of a particular designer.

Ms Schmeder explained she had viewed all of the postwar flats in the *Heritage Review* 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 postwar flats. The most basic examples and those visibly altered (for example, facade brickwork covered in render) were categorised as non-contributory.

Also, she said:

Postwar 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. (Para 110)

Regarding the comparative analysis, Council submitted “*in circumstances where there is not an established body of listed buildings within the relevant class against which to undertake a comparative analysis*” it is mistaken to say that referring to unlisted buildings is inappropriate. In this matter, postwar buildings have not previously been the subject of review and accordingly are currently not well represented in the Heritage Overlay. With regard to the findings of the panel for

Amendment C387, it said PPN01 is not prescriptive with regard to comparative analysis and it agreed with Ms Schmeder:

the comparative analysis documented within the *Heritage Review* is at least as good, if not more thorough than any other recent heritage review, is consistent with best practice and is more than adequate to demonstrate which places are significant or contributory.

It would be absurd if the consequence of the absence of relevant protected comparators meant that no place in a similar class could ever be included in the Heritage Overlay because none had yet been included.

Form over fabric

There was a debate over whether the conservation of fabric, as opposed to the form, is as important for postwar buildings as it is for buildings of other eras.

During cross examination, Mr Lovell said that while he previously considered the fabric of Modernist buildings less significant, his current view is that with time the future fabric of Modernist buildings would become more significant.

Motstone submitted that the primacy of form over fabric of Modernist development should be recognised, preferably in the Statement of Significance or at least in policy. It said this would improve the prospects of getting a planning permit for sustainability works even if the Heritage Overlay is applied.

Council submitted, in light of the evidence of Mr Lovell:

Council is extremely reluctant to accept a blanket position that fabric is of no heritage value in Modernist buildings and should be treated as automatically replaceable without impact.

(iv) Discussion

In the context of its discussion about the relevance of previous heritage studies (see Chapter 3.1) the Panel agrees with Council that it is unsurprising that previous studies did not address postwar heritage.

The key issue is whether postwar residential development, and specifically flats, contributes to the significance of the South Yarra Precinct (HO6).

Firstly, development of flats and apartments is a clear theme relevant to the history of residential development of South Yarra, and this is well documented in the *Heritage Review* including the *Thematic Environmental History*.

Secondly, the theme of postwar residential development, while not expansive, is clear in the Amendment documentation. For example, in the *Heritage Review*:

- Volume 1 - Methodology Report states the preliminary assessment considered places from the nineteenth-century to the postwar period, and the study “*considered places that reflected the prolonged influence of the postwar Modernist style more broadly*”
- the *Thematic Environmental History* notes that South Yarra was a highly favoured location for early settlers, and that its (Panel emphasis):
location and emerging ‘exclusive’ character gave it a particular quality that did not follow the typical pattern of development of suburban Melbourne. The area became associated with ‘wealth and privilege’ and high society (Goad 1999: 268), and this has strongly shaped the physical development of the suburb both overtly and in more subtle ways. This is evident not only in the physical fabric that survives today but also in the layers of residential development. **This includes... the architect-designed flats and avant-garde homes of the postwar period.**

- the *Thematic Environmental History* includes a theme ‘Shaping a residential area’, a subtheme ‘Postwar residential development’ which identifies flats and apartments as place types relevant to this subtheme.

The HO6 Statement of Significance makes several references to postwar residential flats, including:

- under ‘what is significant?’:
 - postwar flats in Areas 1 and 3
 - the typical external form of post-1945 buildings (with varying heights)
 - a residential development pattern from the 1840s through to the postwar period
- under ‘why is it significant?’
 - South Yarra Precinct is significant for its demonstration of residential development from the 1840s to the postwar period (Criterion A)
 - The popularity of flats continued into the postwar period... Area 1 is predominantly characterised by interwar and postwar flats (Criterion A)
 - The precinct contains a large number of flats from the interwar and postwar periods, the “*later postwar flats reflect the changing urban landscape seen in much of inner city Melbourne*” and the postwar flats sit comfortably beside “*earlier development due to the scale, form and materiality*”.

Overall, the Panel is satisfied postwar development, including flats, is important to South Yarra.

The Panel accepts one purpose of the *Heritage Review* was to consider and assess postwar development including residential flats. There is extensive material regarding postwar places in various parts of the Amendment documentation, submissions and evidence provided to the Panel, including the map of postwar blocks of flats assessed as part of the review (see Figure 6).

As suggested by Council, when considered in its totality the documentation is comprehensive. Currently however the documentation is disjointed and has not been consolidated to update the *Thematic Environmental History* or citation following detailed assessment of places and buildings including fieldwork. To ensure the *Heritage Review* reflects current knowledge and understanding of South Yarra this work should be done prior to adoption of the Amendment.

The Panel agrees with Council that what is of historical significance to South Yarra must be assessed in the context of what is important to the history and settlement of South Yarra, not another local area such as North Melbourne.

The Panel accepts Ms Schmeder’s evidence that Area 5 in HO6 has a significant concentration of postwar development, mainly flats, and this should be recognised in the citation and Statement of Significance.

Regarding the comparative analysis for postwar places and buildings, the approach taken is appropriate and adequate, subject to discussion of specific properties in other chapters of this Report. The Panel is satisfied this is effectively the ‘first cut’ of analysis across the precinct, as it is first time postwar buildings have been recognised as significant to the precinct. On this basis, the comparative analysis has by necessity considered other postwar buildings across the local area that had not previously been assessed for heritage significance. It has also appropriately compared buildings or places from other relevant areas with a comparable development history.

In this context:

- postwar development was not the focus of previous heritage studies

- until recently few places across the City of Melbourne were assessed with regard to postwar heritage
- a future targeted postwar study is likely to refine the understanding of the significance of postwar development to the precinct.

As understanding of history evolves so too does understanding and appreciation of form, fabric and character. In this context, the Panel does not accept submissions that form over fabric of Modernist architecture should be identified as not significant in policy or the Statement of Significance. It is likely, as suggested by Mr Lovell, the fabric of Modernist buildings will be considered more significant in the future.

The Panel has considered development opportunity including sustainability modifications in Chapter 3.7 below.

(v) Conclusions and recommendation

The Panel concludes:

- Postwar residential development is a period of importance to South Yarra, and development of flats is of importance to the history of South Yarra.
- The *Heritage Review* should be updated to reflect current knowledge and understanding of postwar places, including insertion of the map of postwar blocks of flats provided to the Panel (see Figure 6).
- The description of ‘what is significant?’ in Area 5 should include more information about the concentration of postwar flats.
- The fabric as well as form of postwar buildings may be significant, and this should be assessed on a case-by-case basis.

The Panel preferred version of the HO6 Statement of Significance in Appendix D includes:

- **under ‘What is significant?’ for Area 5:**
“postwar development, mainly flats, is concentrated in the section between Walsh Street and Punt Road”.

3.7 Development opportunity and financial impacts

(i) The issue

The issue is whether development opportunity, building alterations and maintenance are relevant when assessing the heritage significance of an individual place or a precinct.

(ii) Evidence and submissions

A number of submissions were concerned that application of the Heritage Overlay would undermine redevelopment potential of their land.

Other submitters were concerned about the impact of heritage controls on achieving sustainable development outcomes. Council explained it is current planning for the next Heritage Strategy which it expects will have a focus on the interface between heritage protection and sustainability *“given the strength of Council’s commitments to both strategic priorities”*.

One submitter was concerned about the ability to adapt their building for disability access.

In particular, 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.

(iii) Discussion

The Panel agrees with previous panels that its task is to assess whether the places nominated for a Heritage Overlay have demonstrated they meet one or more of the criteria for local significance. It is not to make a judgement about whether or not the existing buildings value outweighs potential future redevelopment of a site.

As concluded by many previous panels, it is at the planning permit application stage that detailed consideration will be given to whether to allow part or full demolition of a building, the extent and design of new development and the overall net community benefit of any proposed changes to the site. This will be guided by the planning policy context for the site including heritage and other policies in the Planning Scheme, the zoning of the land, other applicable overlays and planning controls, and site features.

The Panel notes that economic impacts may be considered during the amendment stage if they translate into broader social or economic effects to the community, but this is different than individual financial impacts to a particular landowner or occupier. While application of the Heritage Overlay on a particular property may reduce the potential yield for future redevelopment or limit the ability to provide for a certain development outcome, there was no evidence that the Amendment would result in unacceptable economic impacts to the community.

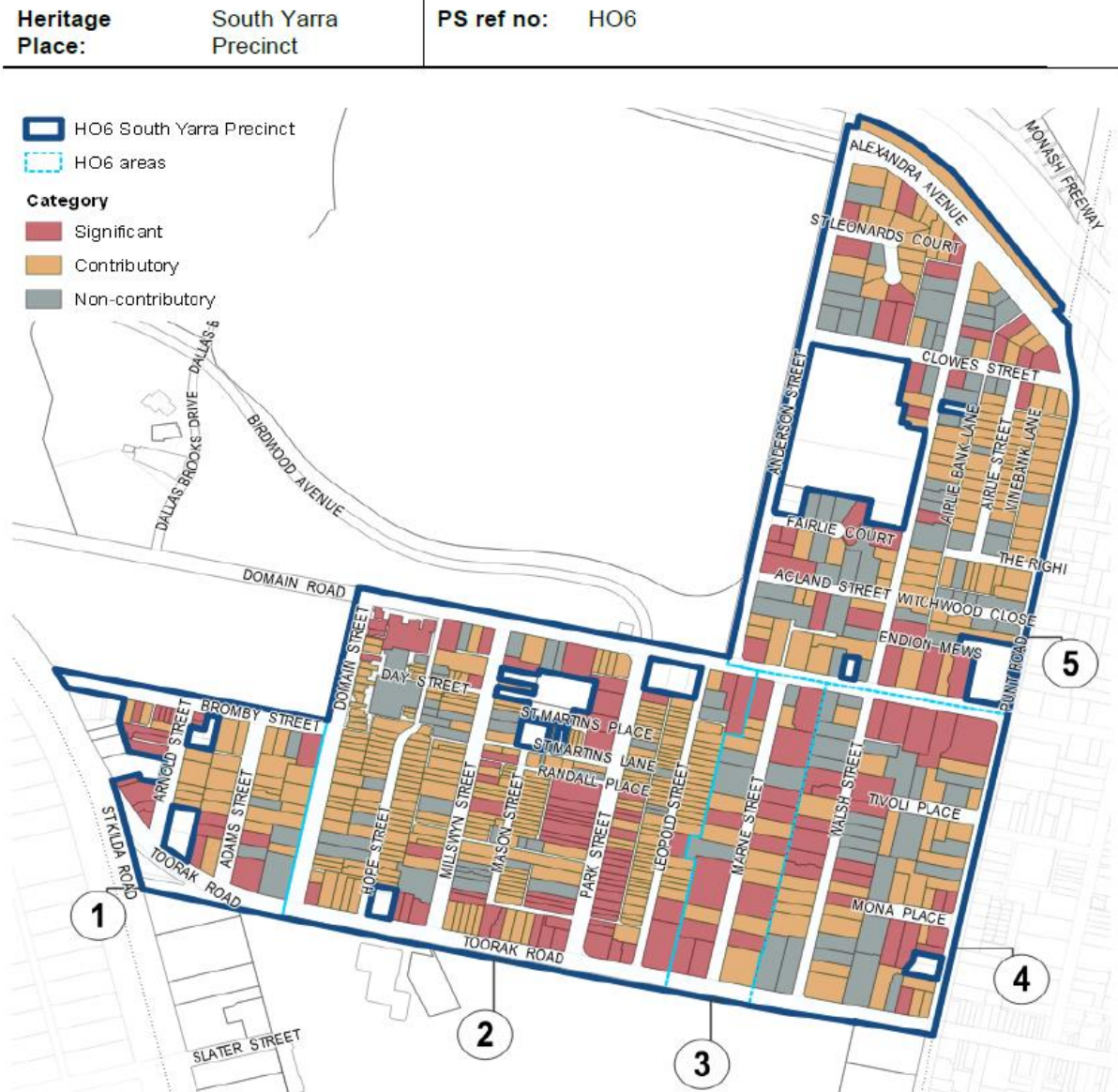
The Panel expects that a permit to adapt a building for disability access would generally be supported.

(iv) Conclusion

The Panel concludes that development opportunity and individual financial impacts are not relevant when assessing the heritage significance of an individual place or a precinct.

4 South Yarra Precinct (HO6)

Exhibited Statement of Significance



What is significant?

The South Yarra Precinct, South Yarra, incorporating an area in the Parish of Melbourne South developed from the 1840s, is significant.

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

- Area 1, including
 - early pattern of subdivision of the land comprising 14 allotments (Crown Sections 3 and 4), fronting Adams Street, Arnold Street and Bromby Street, sold in 1864
 - early pattern of subdivision of the land comprising seven allotments (Crown Section 5), bounded by Bromby Street, St Kilda Road and Arnold Street, sold in 1865.
 - mixed-era residential buildings, predominantly interwar and postwar blocks of flats interspersed with

nineteenth-century building stock

- early twentieth-century commercial and industrial buildings in St Kilda Road and Arnold Steet, including those that reflect the emergence of motor-related businesses along the major thoroughfare on the St Kilda Road and a former private hospital
- Area 2, including
 - early pattern of subdivision of the land comprising four 9 ½-acre allotments (Crown Allotments 15, 16, 17 and 18) sold in 1849. Residential subdivision by 1850 created wider principal streets (Millswyn Street and Park Street) with large villa blocks. Smaller blocks for workers' houses were created by mid-Victorian subdivisions in narrower street such as St Martins Lane, Little Park Street and Hope Street (including former Montpelier Place), and similar 1880s subdivisions of Mason Street and Leopold Street
 - mixed-era residential buildings including a high concentration of refined architect-designed buildings, particularly evident along Park Street, and represented in other streets such as Millswyn Street, Domain Road and Toorak Road
 - early suburban subdivisions and nineteenth-century building stock, especially with consistent pre-1901 streetscapes in Domain Street, Hope Street, Mason Street and Leopold Street
 - nineteenth and early twentieth-century commercial buildings in the intersection of Domain Road and Park Street, and along Millswyn Street
- Area 3, including
 - early pattern of subdivision of the land comprising a 9 ½-acre allotment (Crown Allotment 19) sold in 1849. Allotment 19 was the site of a mansion 'Maritimo' until the early twentieth-century. The Maritimo Estate was subdivided in 1912–16 into allotments fronting Domain Road and a new street named Marne Street
 - a high concentration of refined architect-designed blocks of flats representing the popularity of flat development that continued into the postwar period
 - high quality interwar building stock, representative of almost every interwar architectural style (including Arts and Crafts, Georgian Revival, Old English, Moderne, Mediterranean and Spanish Mission) and the work of some of Melbourne's most prominent architects practising in the period
- Area 4, including
 - early pattern of subdivision of the land comprising two 9 ½-acre allotments (Crown Allotments 20 and 21), sold in 1849. Formed in the 1850s, spacious villa allotments fronting Walsh Street, Mona Place and Tivoli Place were among the earliest residential subdivisions in South Yarra
 - mixed-era residential buildings representing the phase of active flat development following demolition and subdivision of nineteenth-century estates
 - 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
- Area 5, including
 - early pattern of subdivision of the land comprising three 10-acre allotments (Crown Allotments 8, 9 and 10), and a smaller allotment (Crown Allotment 5), sold in 1845–46. These allotments were developed with a number of houses in the 1840s and 1850s. Further residential subdivisions occurred from the 1880s, creating allotments fronting Walsh Street, Domain Road and Clowes Street, and newly formed streets of Airlie Street and The Righi
 - early pattern of subdivision comprising reclaimed land (part of a former lagoon) on Crown Allotment Y, bounded by Clowes Street, Punt Road and Alexandra Avenue, subdivided in 1910–13
 - mixed-era residential building stock characterised by eclectic range of interwar styles and influences, including Arts and Crafts, Georgian Revival, Old English, Moderne, Mediterranean and Spanish Mission

- a cluster of intact 1920s–30s Georgian Revival style buildings in St Leonards Court
- consistent pre-1901 streetscapes in Airlie Street
- a varying topography with land sloping down towards the river
- the low-scale external form of buildings developed pre-World War I (typically one to three storeys); featuring original hipped and gabled roof forms (sometimes with parapets); early chimneys; timber and masonry construction and finishes (some painted and rendered); the pattern and size of original fenestration; stylistic detailing; and early iron palisade fences on stone plinths or retaining walls
- the low-scale external form of buildings from 1918–45 (typically one to four storeys) featuring masonry construction and finishes (some painted and rendered), original hipped, gabled and flat roof forms (sometimes with parapets); intact early chimneys; the pattern and size of original fenestration; stylistic detailing; and early low masonry fences (some with integrated letter boxes and garden beds)
- the typical external form of post-1945 buildings (with varying heights); which have masonry and concrete construction and finishes; original hipped, gabled and flat roof forms (sometimes with parapets); early chimneys; the pattern and size of original fenestration; stylistic detailing; and early fences and landscaping (including masonry or stone fences, garden edging, garden beds or retaining walls)
- early subdivision patterns as evidenced in the hierarchy of principal and secondary streets and lanes (including the layout and width of streets), allotment sizes, and setbacks from property boundaries
- public space elements including:
 - the Golden Wych Elm (*Ulmus glabra* ‘Lutescens’) at 2 Clowes Street
 - street trees, especially mature London Plane trees (*Platanus x acerifolia*) planted along Arnold Street and Adams Street and in a verge along Bromby Street
 - a group of mature trees planted on the stretch of reserve along the Yarra River (opposite 1–45 Alexandra Avenue), including two Canary Island Date Palms (*Phoenix canariensis*), Washingtonia (*Washingtonia robusta*), Schinus Peppercorn Tree (*Schinus areira*) and Eucalyptus Bangalay (*Eucalyptus botryoides*)
 - two mature Moreton Bay Figs (*Ficus macrophylla*) at the triangular traffic island at the corner of Toorak Road and St Kilda Road
 - extant street lamp (55 Bromby Street) and street lamp bases outside 1–9 and 19 Park Street, at the corner Park Street and Mason Street, at the corner Toorak Road and Park Street, and outside 1 Walsh Street)
 - asphalted footpaths, bluestone kerbs and gutters, and the lanes with bluestone pitchers and central drains
- views into and out of the adjoining parks and gardens.

Early fences and landscaping contribute to the significance of the precinct.

More recent (post-1980s) alterations and additions to significant and contributory buildings are not significant.

How is it significant?

South Yarra Precinct, South Yarra, is of local historical and aesthetic significance to the City of Melbourne.

Why is it significant?

South Yarra Precinct is historically significant for its demonstration of a predominantly residential development pattern that spans from the 1840s through to the postwar period. The concentration of high quality building stock in the precinct demonstrates the significant influence of wealth and privilege in this part of Melbourne. This is reflected in the prestigious location and desirability of the area associated with its elevated position, proximity to the river and pleasant parkland setting. Area 2 retains most housing

stock from the Victorian period. Substantial terraces and detached villas developed by prominent property owners are interspersed with smaller working-class houses built for their servants and those who worked in trades. Several boarding houses, guesthouses and private hotels were established in Park Street. Occupying elevated land and in close proximity to the city centre, merchants, professionals and wealthy speculators were drawn to the area. Owing to the social cachet of the area, graziers established town houses here from the mid nineteenth-century or later retired to the area. Subsequent suburban subdivisions and nineteenth-century building stock are well represented across the South Yarra Precinct, especially with consistent Victorian streetscapes in Domain Street, Hope Street, Mason Street, Leopold Street (Area 2) and Airlie Street (Area 5). **(Criterion A)**

Throughout the twentieth-century, remaining vacant lots were taken up for further residential development. From the interwar period, South Yarra became a focus for flat development in Melbourne where low-rise blocks of flats became a lucrative form of investment in the aftermath of the stock market crash of 1929 and subsequent Depression. This is particularly evidenced by the interwar streetscapes in Marne Street (on the site of the Maritimo estate, in Area 3), developed over a short period 1928–40. The popularity of flat development continued into the postwar period. Area 3 is distinguished for its collection of a high number of architecturally designed, mostly interwar, luxury blocks of flats and houses. Fairlie Court and St Leonards Court (the former Fairlie and St Leonards estates, in Area 5) represent similar concentration of interwar development at smaller-scale. Area 1 is predominantly characterised by interwar and postwar flats interspersed with Victorian-era building stock. Area 4 also had a similar phase of active flat development following demolition and subdivision of Victorian-era properties such as Salisbury (42–66 Walsh Street), Riahnva (at the corner of Toorak Road and Punt Road) and Fairholm (55–77 Walsh Street). 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)**

The South Yarra Precinct is also significant for its retention of nineteenth and early twentieth-century commercial and industrial buildings in St Kilda Road (Area 1), Millswyn Street and the intersection of Domain Road and Park Street (Area 2). The latter was the location of one of the earliest commercial developments in the suburb, and was substantially renewed around the time of the electrification of tram lines in 1927. The emergence of automobile-related businesses in the 1910s and 1920s in St Kilda Road (Area 1) and St Martins Lane (Area 2) is evidence of relatively early car ownership in the area. **(Criterion A)**

The South Yarra Precinct is of aesthetic significance primarily as a prestigious residential area of mixed character that has developed and evolved from the 1840s through to the present day. This layering of development has resulted in the area having a rich combined architectural and streetscape character. This mixed character is unified by a general consistency in building quality, height, setback, form, and a pattern of fenestration and materiality that harmonises buildings of different historical eras and architectural styles within a cohesive urban setting. The precinct's character is enriched by its public realm elements, which include a mix of wide and finer grade streets that have mature and semi-mature deciduous and evergreen trees, bluestone kerbs and guttering, asphalt footpaths and a network of bluestone lanes (the latter are a particular feature of Areas 2 and 5). Throughout the precinct oblique views are possible due to the generous side setbacks of many buildings. This allows buildings to be viewed three-dimensionally, including roofscapes of hip and gable roof forms clad with slate or terracotta combined with chimneys and parapets. The aesthetic quality of the precinct is further enhanced by its proximity to parklands; it is bound by Fawkner Park to its south, and the Royal Botanic Gardens, and Yarra River to its north. **(Criterion E)**

Within the precinct there are streets that have a particularly high uniformity that demonstrate subsequent subdivision patterns. These include the intact Victorian streetscapes along Hope Street, Mason Street, Park Street and much of Leopold Street (Area 2) and Airlie Street (Area 5) which retain a large proportion of Italianate style houses. It includes interwar streetscapes of Marne Street (Area 3), St Leonards Court (Area 5) and (to a lesser degree) Fairlie Court (Area 5). These are characterised by an eclectic range of

interwar styles and influences, including Arts and Crafts, Georgian Revival, Old English, Moderne, Mediterranean and Spanish Mission. Of note is the large number of interwar Georgian Revival residences, particularly in St Leonards Court and Fairlie Court (Area 5). Area 2 retains a group of intact interwar shops at the corner of Domain Road and Park Street. Early commercial development can also be observed along Millswyn Street (although all buildings are now used for residential purposes). **(Criterion E)**

The precinct is distinguished by its high concentration of refined architect-designed buildings. This is particularly evident along Park Street, Domain Road and Toorak Road (Area 2) and Marne Street (Area 3) for Victorian and interwar architecture respectively, however such places are not confined to any one section of the precinct nor to any one development period. This, coupled with the general high quality of architectural design and materiality, provides an unusually rich aesthetic quality to the streetscapes across the entire area. **(Criterion E)**

The precinct contains a large number of blocks of residential flats from the interwar and postwar periods. While those from the interwar period tend to be large luxury flats, the later postwar flats reflect the changing urban landscape seen in much of inner city Melbourne. Through its high concentration of refined architect-designed building stock the precinct demonstrates the influence of the many middle and upper-middle class arbiters of taste who chose to live in the area. The postwar buildings themselves sit comfortably side by side with earlier development due to their scale, form and materiality. **(Criterion E)**

4.1 Pre-World War 1 properties

4.1.1 233–235 Domain Road, South Yarra (Elm Tree House)



Scheme	HO and grading
Post C258 / C396	HO6: Contributory
Exhibited C426	HO6: Significant significant streetscape
Council final position	HO6: Contributory
Change of category is proposed	no significant streetscape

(i) The issues

The issues are whether:

- the property at 233–235 Domain Road (Elm Tree House) has been appropriately categorised as significant in the South Yarra Precinct (HO6)
- the significant streetscape designation should be applied.

(ii) Evidence and submissions

The property was exhibited as significant on the basis it is one of the earliest buildings in South Yarra. Mr Huntersmith and Ms Schmeder agreed the contribution of the building, if any, was historic and not aesthetic.

The Consulate of the Republic of Italy (the Consulate) submitted the building had lost any historical significance and should be categorised as non-contributory. It relied on the evidence of Mr Turnor. It said Mr Turnor and Council's witnesses agreed the building is not significant. It said:

- the precise date of its construction is uncertain, and in its current form is not the oldest house in South Yarra

- the building has been substantially altered and does not present as 19th century fabric
- gabled roof forms are not unique to 19th century fabric
- the modifications result in a building reading like an interwar building which may lead to misunderstanding the history of the building and the wider precinct
- Mr Huntersmith's suggestion the 1960s extension was carried out under the guidance of a "*prominent postwar architect*" was evidence of the wealth and privilege of the precinct" should be rejected as the "*wealth and privilege*" is not demonstrated in the building, it does not bear the hallmarks of a Guildford Bell design and the extent of Bell's involvement is unclear.

Mr Turnor was of the view the *Heritage Review* lacked sufficient detail to justify changing the heritage category of the building, and recommended it be categorised as a non-contributory building. He said:

The subject building is not intact externally and has no notable features. It is an ad-hoc composite, which appears to retain some elements from double-storey Victorian building shown on the MMBW [Melbourne and Metropolitan Board of Works] plan (principally the gable roof form) but otherwise has been extensively altered. It now reads as a later interwar dwelling that has itself been subsumed within 1960s additions to the degree that its integrity is, as noted in Council's 1984 document, 'poor'. It is possible that the Amendment C426melb documentation was prepared without a detailed understanding of the extent of change to which the building has been subject.

Mr Huntersmith said the extent of alterations and additions were greater than originally thought and the:

Original fabric appears to include the main transverse gable roof form including its gable ends and projecting single-storey room with gable roof and prominent chimney facing Domain Road.

He said as one of the earliest surviving housing in South Yarra it should be preserved, however the property should be categorised as contributory.

Ms Schmeder recommended the building be retained as contributory, stating:

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.

Council submitted Elm Tree House should be categorised as contributory rather than significant and should not be located in a significant streetscape.

Council accepted a number of elements of Mr Turnor's evidence and identified what it said were several deficiencies including:

- a lack of assessment whether the property was contributory to the precinct
- his refusal to accept the building contributes to an understanding of South Yarra as a wealthy and privileged residential precinct from the 1840s to the postwar period.

Submissions and evidence referred to the previous owner of the property, the Brookes' family, and its role in Melbourne society.

(iii) Discussion

The Panel accepts the Elm Tree House is not a significant building in the precinct; the issue is whether it is contributory.

The heritage significance of HO6 does not include social or associative values, and while the association with the Brookes' family is part of the history of the building it is not directly relevant to whether the place should be categorised as contributory. Nor is the association with Guildford Bell the architect.

The building has been extensively modified and there are only remnants of the original building. The Statement of Significance refers to a number of early houses which reinforce traces of the early history of South Yarra. Elm Tree House retains a trace of an early house, is not intact, has low integrity and does not contribute to a cohesive story of the history of South Yarra. While parts of the original building are present, this is a small part of the building only. The citation says:

The building has been altered over time but the original form is still legible. 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.

Compared to a number of other buildings in the precinct (including contemporary extensions to heritage buildings) Elm House does not, in the mind of the Panel, contribute to an understanding of South Yarra as a wealthy and privileged residential precinct.

The Panel is not satisfied there is adequate evidence to justify categorisation of the building as contributory.

(iv) Conclusion and recommendations

The Panel concludes:

- The property at 233–235 Domain Road, South Yarra (Elm Tree House) should be categorised as non-contributory in the precinct.
- Council's proposal to remove the significant streetscape designation is appropriate.

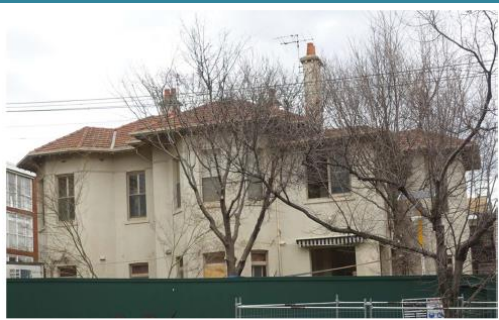
The Panel recommends:

- **In Heritage Overlay HO6 amend the Statement of Significance for the South Yarra Precinct to show the 233–235 Domain Road, South Yarra (Elm Tree House) as non-contributory.**

The Panel has recommended earlier that the Heritage Places Inventory be updated in line with the Panel recommendations, and this would include:

- **Remove the 233–235 Domain Road, South Yarra (Elm Tree House).**

4.1.2 221–223 Domain Road



Scheme	HO and grading
Post C258 / C396	HO6: Contributory
Exhibited C426	HO6: Significant
Council final position	HO6: Significant
Changes to a citation or Statement of Significance is proposed	

(i) The issue

The issue is whether the property at 221–223 Domain Road has been appropriately categorised as significant in the South Yarra Precinct (HO6).

(ii) Evidence and submissions

The property owner objected to re-categorisation of the property from contributory to significant on the basis it did not appropriately balance other planning objectives and there had been no changes to understanding of the place to warrant this change. The submitter said the site is not visible from Domain Road due to the original high solid front fence, and with consideration of development potential the existing planning policy would appropriately manage future works while ensuring important heritage characteristics are maintained.

Mr Helms gave evidence for the landowner stating the *Heritage Review* does not include an assessment of significance that supports the change in category to significant. He said the heritage assessment for the property was not adequate or comprehensive, with inspection only from the public realm and no comparative analysis. Further the references to the property in the *Heritage Review* were limited, not supported by evidence and one was inaccurate, namely the house has been rendered and does not have high integrity.

Mr Helms said the HO6 Statement of Significance has limited relevance to the property as it focuses on interwar architecture, stating:

While the house on the subject site does show the influence of the Arts & Crafts style, it was built in 1908 and is firmly within the Federation/Edwardian period.

Mr Huntersmith said the house remains largely intact and legible to its original form, including early Arts and Craft design features and:

Although constructed in the Federation period, 221–223 Domain Road reflects some of the key preoccupations of the Arts and Crafts movement which did not gain popularity until after World War I. This is evident in the house's picturesque massing and the introduction of a broad hipped roof with wide eaves and exposed rafter ends.

Although the original face brick walls of the house were rendered sometime prior to 1935, the house remains largely intact and legible to its original form. Importantly, it retains its distinguishing design features as an early Arts and Crafts residence designed by the prominent architectural practice Klingender and Alsop.

Mr Huntersmith said:

- the building category was informed by the definitions in the Heritage Places Inventory and considered a comparative analysis of the study area

- regarding the current permitted alterations and additions these will have limited impact on the significance of the place
- noting the building is not fully concealed from the public domain, limited visibility does not typically prevent application of the Heritage Overlay.

Mr Huntersmith recommended additional information based on historical research which identified architect RB (Robert Bell) Hamilton supervised minor alterations in 1935 be added to the citation.

Ms Schmeder was satisfied the historical significance of the property was appropriately assessed through the *Heritage Review* and categorised as significant. She reviewed historic documents and plans, confirmed the architect of the 1935 alterations was RB Hamilton and said:

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

...

As interwar flats conversion is recognised as a historically important theme to the HO6 precinct, this conversion does not detract from its heritage value.

In summary she considered the house has good intactness to its interwar appearance (and probably to its original 1908 appearance as viewed from Domain Road). She also said the house had historic significance because of the link to the Payne family “*who first owned and then subdivided the land that became Marne Street*”.

Ms Schmeder said:

- the issue of visibility was not integral to its heritage value, noting the two-storey house was clearly visible above the fence (seasonally blocked by trees) and the front fence was clearly not original
- while the rear wing will be replaced with the current permitted works, the three elevations of the front wing will remain intact.

Council relied on the evidence of Mr Huntersmith and Mr Schmeder and submitted the property is properly categorised as significant in the precinct.

Council submitted Mr Helm’s evidence should not be accepted as he did not give appropriate weight to the *Heritage Review* and HO6 Statement of Significance and did not properly reflect the requirements of PPN01. It said:

While Mr Helms is critical of the assessment undertaken by Mr Huntersmith and Ms Schmeder, he himself did not undertake any assessment of the place pursuant to the definitions in the inventory, PPN01 or a comparative analysis.

His evidence was contradictory to the Heritage Impact Assessment completed for the approved works to the place in concluding they would lower the assessed significance of the place.

Council agreed with Mr Huntersmith the citation should be updated in light of the additional heritage research regarding architect RB Hamilton’s contribution to the house.

The Panel was told that the house has historic association with the Payne family and gives important tangible evidence to the family’s life in the area.

(iii) Discussion

The *Thematic Environmental History* explains Federation and Arts and Crafts were fashionable architectural styles of the Edwardian period.

The property is in Area 3 of the South Yarra Precinct. The citation for HO6 says:

- the principal period of development for Area 3 was between 1912 and 1940
- the Area comprises primarily two and three-storey architect-designed houses and luxury flats from the interwar period
- the house is noted as a significant pre-World War 1 house designed by architects Klingender and Alsop
- the house was constructed for Emily Payne, daughter of land speculator and financier Thomas Budds Payne, before subdivision of the Maritmo Estate.

The heritage significance of HO6 does not include social or associative values, and while the association with the Payne family is an interesting part of its history, it is not determinative in whether the place should be categorised as significant or contributory.

The HO6 Statement of Significance states:

- under 'what is significant?'
 - high quality interwar building stock, representative of almost every interwar architectural style (including Arts and Crafts, Georgian Revival, Old English, Moderne, Mediterranean and Spanish Mission) and the work of some of Melbourne's most prominent architects practising in the period.
- under 'Why is it significant?':
 - the precinct is historically significant for its demonstration of residential development from 1840s to the postwar period, and is characterised for its array of mixed-era development
 - high quality building stock demonstrates wealth and privilege in this part of Melbourne, and the precinct is distinguished for its high concentration of refined architect-designed buildings
 - from the interwar period South Yarra became a focus for development of flats
 - Area 3 is distinguished for a high number of architecturally designed, mostly interwar, luxury blocks of flats and houses.

The property at 221–223 Domain Road, South Yarra was built in the Edwardian period (1908) and converted from a house to flats in the interwar period (1935). This history is evident in the building with its Arts and Crafts and interwar design characteristics. The rendered brick done during the interwar period work does not detract from legibility of the building. The house has good intactness and integrity and represents a building better than typical example of a building that demonstrates the combined eras in which it was built and modified.

Visibility of the house from the public realm is not a consideration in assessing its historic values.

It is appropriate to refine the citation with consideration of the findings of heritage research for the property, specifically reference to RB Hamilton.

The Panel notes that Mr Huntersmith and Ms Schmeder were both satisfied the approved works would not detract from the heritage values of the house.

(iv) Conclusions

The Panel concludes:

- The property at 221–223 Domain Road, South Yarra is appropriately categorised as significant in the South Yarra Precinct (HO6).
- Council's proposal to update the citation is appropriate.

4.1.3 93–103 Park Street, South Yarra (St Arnaud)



Scheme	HO and grading
Post C258 / C396	HO6: Contributory
Exhibited C426	HO6: Significant
Council final position	HO6: Significant
No change from exhibition	

(i) The issue

The issue is whether the properties at 93–103 Park Street are appropriately categorised as significant in the South Yarra Precinct (HO6).

(ii) Evidence and submissions

The Panel was told:

- St Arnaud at 93–99 Park Street was built as a purpose-built guesthouse around 1913
- the residence next door at 101–103 Park Street was constructed around 1912 and converted to flats and subsumed into the guesthouse in 1920
- both buildings operated as guesthouses until 2016.

The rationale to categorise the buildings as significant was explained in the *Heritage Review* as being of high historical merit and high integrity, and the streetscape as part of a well preserved group from a similar period or style.

The owner said properties should be remain contributory in the precinct, because revising the category:

- was not supported by changes to the understanding of the property
- was at odds with the current planning approval and endorsed plans.

The owner relied on the evidence of Mr Lovell who said while high integrity had been explained:

In the absence of an explanation of high historic merit in the [*Heritage*] *Review*, my assessment is that neither of the two buildings which comprise this site can be distinguished above others in the precinct or subprecinct (Area 2) for reasons of high historic merit.

Regarding 101–103 Park Street, Mr Lovell said little is known about the original owners and their use of the place, and nothing is documented beyond that associated with residential development of the period. Further the significant Edwardian buildings are more substantial or associated with architects or owners of note.

Mr Lovell said the conversion of 101–103 Park Street to flats in 1920 involved internal changes only and it continues to present as a house. However:

The change of use ... did link the house to an identified development theme in the area, that of the construction of multi-unit residential accommodation in the form of guesthouses, rooming houses, flats and apartments.

Mr Lovell said while the historic theme is appropriate, categorising the properties as significant is not justified and the buildings are appropriately categorised as contributory. He said:

While the particular grouping of multi-unit accommodation buildings of the pre-1930 period is of interest in considering a pattern of development, it is not of note. The north end of Park

Street is not a location where there is any evidence of a planned intent for such development to occur and as such the building present as part of a coincidental grouping, much as occurs elsewhere in the area. 101–103 presents as an interesting house which was adapted for a new use but not a place which is individually important such that it can be described as of high historic merit.

Mr Lovell accepted the buildings present as relatively externally intact examples of prewar residential buildings, with the property at 101–103 Park Street a more modest house structure and St Arnaud presenting as an apartment/boarding house. He explained:

- the buildings contribute to the identified heritage values of the precinct, but not at an elevated level to be regarded as high integrity
- the buildings are of historical and architectural interest and contribute to understanding of the pattern of development, but they're not significant in their own right
- for a building to be of high historical merit such that it warranted recognition as a significant place it would need to have some distinguishing feature beyond being part of the group
- application of the significant streetscape is appropriate.

Mr Huntersmith recommended the properties be categorised significant in the precinct. He said HO6 Statement of Significance specifically notes Park Street boarding houses as being of historic significance (Criterion A), and retention of these guest houses was important evidence of the historical theme. He explained:

- St Arnaud has operated as a guesthouse for almost 100 years (1916 to approximately 2016)
- it was one of the only surviving examples of early guesthouses/boarding house buildings in South Yarra.

Mr Huntersmith said the property compared well with other guest houses in Park Street such as 55 Park Street and 65–67 Park Street which were categorised as significant. He said the building was significant with its long historical use, high level of intactness and integrity.

Ms Schmeder gave evidence both buildings are highly intact and accomplished examples of the Arts and Crafts style, warranting application of the significant category. She said St Arnaud:

is an imposing element within a streetscape containing many very important 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...

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.

She described the converted guesthouse as having a contextual relationship with St Arnaud, with many parallel features.

Ms Schmeder explained the changes that will result from the approved planning permit including partial demolition and development of luxury flats. She noted:

- many planning panels have confirmed it is appropriate to consider the heritage values of a place in its current form
- if the approved development proceeds, it will result in minimal change as viewed from the public domain and the building will retain enough fabric and form to warrant being categorised as significant.

Council relied on the evidence of its experts, noting:

- there is no debate about the intactness of the buildings
- to be significant in the precinct, it is not necessary for it to be significant to the entire municipality but to the particular community or locality
- the property has high historic merit in the context of the heritage values of the precinct
- it is one of the longest running boarding houses, operating for approximately 100 years, and one of only a few surviving examples of early guesthouses in South Yarra
- the theme of guesthouses is appropriately documented in the HO6 Statement of Significance and Amendment documentation.

Regarding Mr Lovell's evidence Council said:

- it incorrectly assessed the property against the historic theme of flat development rather than guesthouses
- the comparative analysis was not comprehensive or analogous to the comparative analysis of its experts
- comparison with a single property that is considered a 'better' example does not demonstrate whether it has reached the threshold of significant
- whether the use of 101–103 Park Street as a guesthouse is evident in the fabric is not relevant to assessing its historical significance
- his reply evidence shows:

that guesthouses were an important contributor to accommodation available for visitors to Melbourne, but were still only a fraction of overall housing stock in the municipality. St Arnaud was an early example of the building type and a purpose-built example of the building type, factors which distinguish it from other guesthouses of the period and contribute to St Arnaud's significance. Mr Lovell's data did not reveal anything about the surviving number of guesthouses, of which St Arnaud's is one. Nor did the data identify any that operated for 100 years, another factor relevant to St Arnaud's significance.

(iii) Discussion

The primary consideration for the Panel is whether the property has sufficient heritage significance to categorise it as significant in the precinct.

The *Thematic Environmental History* includes a chapter on 'guesthouses, holiday flats and residential hotels' which makes reference to Park Street as one of the streets containing most guesthouses. The citation explains the history of construction and use of the two properties as guesthouse until 1916, including that they were likely designed by architect JJ Meagher.

The HO6 Statement of Significance says:

- under 'What is significant?':
the low-scale external form of buildings developed pre-World War I (typically one to three storeys); featuring original hipped and gabled roof forms (sometimes with parapets); early chimneys; timber and masonry construction and finishes (some painted and rendered); the pattern and size of original fenestration; stylistic detailing; and early iron palisade fences on stone plinths or retaining walls
- under 'What is significant?' for Area 2:
mixed-era residential buildings including a high concentration of refined architect-designed buildings, particularly evident along Park Street...
- under 'Why is it significant?' for relating Criterion A:
Several boarding houses, guesthouses and private hotels were established in Park Street.

Experts agreed the buildings are highly intact externally and are legible as properties constructed in Edwardian Arts and Crafts style, retaining original materials, features and detailing. The citation

explains the properties are likely architect-designed. It is not relevant whether the designers are architects of note.

The properties are significant to the history of South Yarra for their long historic use as guesthouses, high intactness and integrity. The *Heritage Review* identifies guesthouses as significant to the history of South Yarra, and Park Street as one of the streets where most guesthouses were constructed. The buildings are one of the only surviving examples of early guesthouses in South Yarra. In assessing historic significance to the precinct:

- it is not relevant that little is known about the original owners or whether the owners were of note
- the buildings do not need to be individually significant in their own right (see Chapter 3.3)
- issues of development opportunity are not relevant (see Chapter 3.7).

(iv) Conclusion

The Panel concludes the properties at 93–103 Park Street, South Yarra are appropriately categorised as significant in the precinct.

4.1.4 39 and 41 Millswyn Street, South Yarra



Scheme	HO and grading
Post C258 / C396	HO6: Ungraded
Exhibited C426	HO6: Contributory
Council final position Change of category is proposed	HO6: Non-contributory

(i) The issue

The issue is whether the properties at 39 and 41 Millswyn Street are appropriately categorised as contributory in the South Yarra Precinct (HO6).

(ii) Evidence and submissions

The property owners objected to categorisation of the buildings as contributory on the basis the properties are highly modified, both divested of all 1920s Edwardian/Victoria attributes in 1960 and 1991 to incorporate mock Georgian facades. Further the front garden wall, fence and gate are all 1990s and have no heritage significance.

The owner of 39 Millswyn Street objected to categorisation of the building as contributory as the building was not designed by an architect, the facade was demolished and replaced in the 1960s, and the building was further modified in 1990 and 2010 in a 'mock Georgian' style.

The owner of 41 Millswyn Street submitted the proposal was not justified.

Mr Huntersmith said based on further research he agreed with submitters the building lacks integrity and should be categorised as non-contributory.

Ms Schmeder noted the build date was likely to be 1911 and said the properties were not contributory due to the extent of alterations. She said:

As the Georgianising of early buildings in the postwar period has not been recognised as an important theme in HO6 South Yarra Precinct, and it seems that the worst of the Neo-Georgian detail was added in the 1990s, I agree that this pair does not contribute to the significance of the precinct.

Council relied on the evidence of its experts that modifications to the building had resulting in loss of Victorian attribute and the ‘mock Georgian’ facade and other elements meant the buildings were non-contributory to the precinct.

(iii) Discussion

The properties at 39–41 Millswyn Street are highly modified and no longer legible as the original Edwardian buildings. This is evidenced in building plans and documentation and in the built form which reads as reproduction Georgian style.

(iv) Conclusion

The Panel concludes that Council’s post-exhibition proposal to categorise the properties at 39 and 41 Millswyn Street, South Yarra as non-contributory in the South Yarra Precinct (HO6) is appropriate.

4.1.5 Hope Street Significant Streetscape

(i) The issue

The issue is whether the proposed significant streetscape designation for Hope Street is appropriate.

(ii) Evidence and submissions

One submitter objected to the application of significant streetscape to Hope Street. Reasons were not provided.

Mr Huntersmith said Hope Street is notable for retention of its early streetscape and was appropriately categorised as a significant streetscape. It is an important collection of Victorian housing stock characterised by rows of attached and detached single story brick cottages as described in the HO6 citation Statement of Significance.

Ms Schmeder explained that the southern two-thirds of Hope Street is proposed to be a significant streetscape, in accordance with the Council definitions in the Heritage Places Inventory. This is not a collection of significant buildings, however the streetscape is:

well preserved in its overall integrity, which is almost solely Victorian worker’s cottages, plus a few Edwardian cottages. The section defined as a significant streetscape also has a high overall intactness, with a very high proportion of contributory places and few non-contributory properties (four on this part of Hope Street). All but one of the contributory places (No. 35–37) is Victorian or Edwardian.

...

The intactness and integrity of some of the individual cottages, however, especially at the north end, is only moderate, with enlargement of many windows. Throughout the streetscape nearly every (brick) house has been overpainted or over-rendered, and there are many high and solid front fences. That said, there is very little visual intrusion from large rear additions, preserving the consistent single-storey built form.

On this basis, I consider the significant streetscape designation reasonable for consistency of built form, though with only a moderate level of building intactness and design quality.

Council explained the role of a designated significant streetscape in the Planning Scheme, including how it applies in managing heritage places when they are viewed from the street. The policy applies equally to grand houses and more modest houses, such as those in Hope Street. Council supported the proposed significant streetscape for Hope Street as exhibited.

(iii) Discussion

While the houses along Hope Street are modest, overall:

- the street contains a high number of well preserved Victorian single-storey houses
- the streetscape has high integrity as a collection of Victorian cottages.

Some alterations have moderately impacted the intactness and integrity of individually contributory buildings, however additions are generally to the rear and not visible from the street and do not affect legibility of the heritage streetscape.

(iv) Conclusion

The Panel concludes the proposed significant streetscape designation for Hope Street, South Yarra is appropriate.

4.2 Interwar and wartime properties

4.2.1 64 Park Street, South Yarra (Cromdale)



Scheme	HO and grading
Post C258 / C396	HO6: Ungraded
Exhibited C426	HO6: Contributory Significant streetscape
Council final position	HO6: Contributory Significant streetscape
No change from exhibition	

(i) The issues

The issues are whether:

- the property at 64 Park Street, South Yarra (Cromdale) is appropriately categorised as contributory in the South Yarra Precinct (HO6)
- the significant streetscape designation should be applied along Park Street.

(ii) Evidence and submissions

Two submitters, who own units in the property, objected to categorisation of the property as contributory, and application of the significant streetscape designation to the entirety of Park Street. The submissions state they had received heritage advice, but no advice or further information was provided to the Panel.

Mr Huntersmith said Cromdale is appropriately categorised as contributory. It:

- was designed by architect HF Frew in 1933
- is an elevated two-storey interwar duplex
- it retains the characteristics of the interwar Old English Revival style with associated features and detailing (despite overpainting)

- the building has high intactness and integrity.

Further, Park Street is notable for its high quality building stock and high degree of significant and contributory buildings. The streetscape with its consistent built form, scale and quality satisfies the definition of a significant streetscape.

Ms Schmeder's evidence was that the South Yarra Precinct was significant for mixed-era residential development and styles, including interwar Old English, and the property was appropriately categorised as contributory. She said:

'Cromdale' is an unusual Old English style building, which features irregular clinker brickwork, a vergeless gable and half-timbering with brick nogging. It retains original timber windows to the left-hand side of the front facade. On the right-hand side it appears that originally open balconies have been enclosed with later steel-framed windows. In addition, the brickwork has been overpainted, but this could be reversed by a future owner if desired without damage to the bricks.

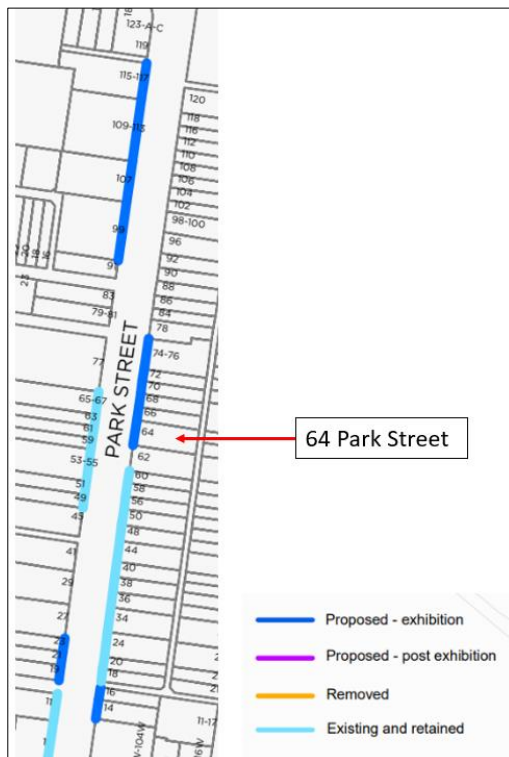
Ms Schmeder said the significant streetscape designation of Park Street was appropriate as it contains an extremely impressive collection of buildings from the Victoria and interwar eras and there are very few non-contributory buildings.

Council relied on the evidence of its experts, stating Cromdale:

- is appropriately categorised as contributory
- was architect-designed
- has refined detailing to the facade despite some changes including overpainting
- shows key characteristics of an interwar multi-unit dwelling.

Council provided a map showing where the significant streetscape designation was proposed to apply (see Figure 7). Council submitted:

Park Street should remain a significant streetscape as within HO6, Park Street is notable for its high quality building stock and high degree of significant and contributory buildings; the east side of the street comprises a consistent group of Victorian period buildings, with more mixed layer development represented on the west side; and the consistent built form and scale, and quality of the examples are important streetscape elements.

Figure 7 Proposed significant streetscape changes

Source: Excerpt of Document 9.6 with Panel notation

(iii) Discussion

Cromdale is located in Area 2 of HO6. The HO6 citation identifies Cromdale as an example of the interwar Old English Revival style, stating such properties include features such as:

asymmetrical massing, street facing gables, imitation half-timbering, tall chimneys, contrasting brick and rendered walls, clinker bricks, corbelled brickwork and leadlight glazing usually to the upper panes of double hung sash windows.

The HO6 Statement of Significance says:

- low-scale buildings from 1918–1945 featuring masonry construction, original roof forms, the pattern, size of original fenestration and stylistic detailing are significant
- *“mixed-era residential buildings including a high concentration of refined architect-designed buildings, particularly evident along Park Street...”* are significant in Area 2
- under ‘Why is it significant?’ for relating Criterion A:

South Yarra Precinct is historically significant for its demonstration of a predominantly residential development pattern that spans from the 1840s through to the postwar period.

...

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.

- under ‘Why is it significant?’ for relating Criterion E:

The South Yarra Precinct is of aesthetic significance primarily as a prestigious residential area of mixed character that has developed and evolved from the 1840s through to the present day.

...

The precinct is distinguished by its high concentration of refined architect-designed buildings. ... the general high quality of architectural design and materiality, provides an unusually rich aesthetic quality to the streetscapes across the entire area.

The Panel is satisfied the building is contributory to the precinct. Cromdale has a high degree of intactness and integrity as an interwar Old English style duplex with refined detailing. It demonstrates key characteristics of the interwar architecture, as described in the citation, Statement of Significance and evidence.

It is also appropriate to apply the significant streetscape designation along Park Street as exhibited.

As shown in Figure 7, significant streetscape currently applies to sections of Park Street. The Amendment proposes to extend its application to 64–76 Park Street and other sections to the south. Submissions and evidence relating to 93–103 and 105–107 Park Street did not object to application of the significant streetscape designation (see Chapters 4.1.3 and 4.2.2 of this Report). The two proposed smaller sections to the south apply to significant buildings. The property at 64 Park Street is part of collection of quality buildings categorised as contributory and significant to the precinct.

(iv) Conclusions

The Panel concludes:

- The property at 64 Park Street, South Yarra (Cromdale) is appropriately categorised as significant in the precinct.
- The proposed significant streetscape designation along Park Street is appropriate.

4.2.2 105–107 Park Street, South Yarra (Kilmeny)



Scheme	HO and grading
Post C258 / C396	HO6: Ungraded
Exhibited C426	HO6: Significant
Council final position	HO6: Significant
No change from exhibition	

(i) The issue

The issue is whether the property at 105–107 Park Street (Kilmeny) is appropriately categorised as significant in the South Yarra Precinct (HO6).

(ii) Evidence and submissions

The owner of Kilmeny object to the building being categorised as significant. It submitted:

- in its original submission submitted it should remain non-contributory
- in its revised Hearing submission (document 36) the property should be contributory, relying on the evidence of Mr Lovell
- the building is not of high integrity or high architectural merit to warrant being categorised as significant, and it is not individually significant with regard to Council's definitions.

The submitter said:

the building is of a design which sits solidly with the competent architecture of the period but not at a level that warrants elevation to a status of high architectural merit. Further, the building does not make an important contribution to the precinct as a consequence of its integrity or its architectural merit. Indeed, it is a building which evidences a phase and type of development found across the precinct, which contributes to an understanding a pattern of development. Having regard to Mr Lovell's evidence, it is submitted that an appropriate category would be contributory.

Mr Lovell (for the owner) gave evidence that Kilmeny:

- demonstrates the theme of multi-unit development in HO6
- is relatively intact and reflects the heritage values of the precinct as a whole
- is of architectural interest but does not stand out as a place of high architectural merit when compared with others
- contributes to a significant streetscape.

Mr Lovell did not agree with Ms Schmeder that the place is significant, and said that while it is visually interesting it did not excel. In response to Ms Schmeder's evidence he explained in his view the place was largely intact, but not highly intact due to the infill bay windows constructed as part of works approved in 1990, and the rear facade has a greater degree of alteration. He said:

37. When comparing the historic drawings with the contemporary aerial photograph at Figure 1 and current images, there is limited change to the front facade of the dwelling from its 1923 construction, save for the presentation of the ground floor windows (Figure 20 and Figure 21). There are also limited to changes to the external fabric of the rear of the building with the exception of the altered windows and door openings to flats 1, 2 and 4 (Figure 22 and Figure 23) and the addition of the external timber staircase and some alterations to the landings (date unknown) (Figure 23 and Figure 24).
38. To the rear of the subject site, an additional garage to the west of the 1923 garage is noted (date of construction unknown) (Figure 25) and together with the construction of the 1993 carport (Figure 26). Overall, the site is largely intact to its original presentation.

Mr Huntersmith said Kilmeny:

- should be categorised as significant as a building with high intactness and integrity
- is one of the earliest examples of blocks of flats in South Yarra, is distinguished from most other examples of 1920s flats and is better than typical
- the HO6 Statement of Significance says South Yarra became a focus for flat development from the interwar period, and the flats in Park Street are important evidence of this historic theme
- to understand South Yarra's history into the future the best-preserved examples of different building typologies should be preserved.

Ms Schmeder said Kilmeny:

- is significant for the precinct as an important block of interwar flats
- is a highly intact interwar apartment building with original elements and is significant for its design, substantial size and high level of external intactness
- compared well with other 1920s blocks of flats and was an important example in South Yarra
- while it is Arts and Crafts in style and its diamond-pane glazing is characteristic of the 1920s while the four front gables are more unusual and foreshadow the Old English mode of the 1930s.

Council agreed with its experts and submitted the place is properly identified as significant and said there is no real debate between experts about the intactness of the building.

Council said with regard to the comparative analysis Kilmeny *“is a better fit with buildings found to have met the significant threshold”*. It regarded Mr Lovell’s comparative analysis as limited and said his evidence is weighted towards aesthetic significance rather than historic. Specifically, it said Mr Lovell’s:

oral evidence that the place does not contain historic significance sufficient to be identified as significant rather than contributory can only be regarded with caution. Mr Lovell did not do any assessment or analysis to reach that conclusion.

Further Council said Mr Lovell’s qualifiers, such as whether a place ‘excelled’, ‘was extraordinary’ or ‘more interesting’ set the threshold for local significance too high.

(iii) Discussion

Experts agreed that Kilmeny reflected the historic values of the South Yarra Precinct, and it was appropriate for the property to be in a significant streetscape. The point of difference was whether the building should be categorised as contributory or significant.

The form and features of the building are well described in expert evidence. The Panel has reviewed the documentation and evidence, including comparative analysis, and considers the building compares well with other significant buildings in the precinct. It is a better than typical example of an interwar Arts and Crafts inspired 1920s apartment block that is highly intact and has high integrity.

The additions and alterations do not notably impact the form and features of the building, and in large part are reversible. The building facade has been altered with infill bay windows on the ground level, however these do not impact the readability of the heritage significance of the property.

The HO6 citation says:

On the western side of Park Street, a group of flats replaced the Victorian-era industrial premises next to the Mutual Store complex during the 1920s. Built to the north of the ‘St Arnaud’ guesthouse at 93–103 Park Street, these buildings form a cluster of pre–1930 blocks of flats, which is uncommon in HO6. These include:

- ‘Kilmeny’ at 105–107 Park Street, a three-storey block of flats influenced by Arts and Crafts style, built in 1923 (MBAI).

The description of the building in Table 13 of the citation (significant places with Arts and Crafts style influences in Area 2) is not very detailed. It would be useful to expand on this description with further information documented in the expert witness statements.

(iv) Conclusion and recommendation

The Panel concludes the property at 105–107 Park Street, South Yarra (Kilmeny) is appropriately categorised as significant in the South Yarra Precinct (HO6).

The Panel recommends:

- **Update the citation for 105–107 Park Street, South Yarra (Kilmeny) to expand on the description of the building in Table 13.**

4.2.3 92–96 Millswyn Street, South Yarra



Scheme	HO and grading
Post C258 / C396	HO6: Ungraded
Exhibited C426	HO6: Contributory
Council final position	HO6: Contributory
No change from exhibition	

(i) The issue

The issue is whether the property at 92–96 Millswyn Street is appropriately categorised as contributory in the South Yarra Precinct (HO6).

(ii) Evidence and submissions

A representative of the owner of the property objected to categorisation of the property as contributory, stating the submitter had received heritage advice. No advice or further information was provided to the Panel.

Mr Huntersmith said the contributory category was appropriate, stating the building:

- constructed in 1941, was designed by architect and builder Keith H Storey
- is highly intact to its original design with very few changes, and retains key characteristics that relate to its wartime build date
- is historically significant as part of the residential pattern of South Yarra, in particular flats
- contributes to the urban character of Area 2, as described in the citation.

Ms Schmeder considered the building appropriately categorised as contributory. She said the citation explains the building is a Moderne-influenced block of flats, as can be seen in the *“horizontal glazing bars to the windows and simple solid balcony balustrades. Octagonal windows to the stairwell show a Georgian influence”*. She noted the Statement of Significance identified as significant interwar flats and those built after this period. The documentation indicated it was designed and built by KW Storey (not an architect), and the building is a highly externally intact example of wartime flats.

Council relied on the evidence of its experts stating the categorisation was appropriate:

the building is highly intact to its original design by architect and builder Keith H Storey, with few changes obvious when viewed from the public realm. The original architectural plan evidences the building’s high level of integrity and intactness. Further, the place retains key characteristics that relate to interwar and wartime flats.

(iii) Discussion

The property at 92–96 Millswyn Street is located in Area 2 of HO6. As described by Ms Schmeder the HO6 citation describes the property as an example of a Moderne style block of flats.

Moderne architecture is described as:

Moderne architecture favoured geometric forms, especially sheer wall planes, curved corners and copings and the articulation of forms, often emphasising horizontal, vertical or

diagonal lines. Frosted and opaque glass, chromium or nickel plating, decorative mild steel, colourful accents of glazed tapestry bricks or tiles, contrasting colours and patterns were all part of the Moderne architectural vocabulary.

The HO6 Statement of Significance says:

- low-scale buildings from 1918–1945 featuring masonry construction, original roof forms, the pattern, size of original fenestration and stylistic detailing are significant
- “*mixed-era residential buildings ...represented in Millswyn Street...*” are significant in Area 2
- under ‘Why is it significant?’ for relating Criterion A:
 - for its demonstration of a predominantly residential development from the 1840s through to the postwar period
 - for its array of mixed-era development, resulting in a rich combined architectural and streetscape character
- under ‘Why is it significant?’ for relating Criterion E:

The South Yarra Precinct is of aesthetic significance primarily as a prestigious residential area of mixed character that has developed and evolved from the 1840s through to the present day.

The Panel is satisfied the building at 92–96 Millswyn Street is contributory to the precinct. While apparently not architect-designed, the building has a high degree of intactness and integrity as a wartime Moderne style block of flats. It demonstrates key characteristics of the wartime architecture, as described in the citation, Statement of Significance and evidence.

(iv) Conclusion

The Panel concludes the property at 92–96 Millswyn Street, South Yarra is appropriately categorised as contributory in the South Yarra Precinct (HO6).

4.2.4 8–22 Clowes Street, South Yarra



Scheme	HO and grading
Post C258 / C396	HO834: Individually significant
Exhibited C426	HO6: Significant
Council final position	HO6: Significant
No change from exhibition	

(i) The issues

The issue is whether the unauthorised removal of heritage fabric means that the place is no longer significant.

(ii) Evidence and submissions

Council noted the unauthorised removal of heritage fabric from the place and detailed the particulars of the enforcement notice under PE Act issued by Council.²²

Council advised that the landowner continues to proactively engage with Council in relation to the rectification works and has sought and been provided with an extension to submit the drawings detailing the proposed rectification works to Council. The relevant correspondence between the Council and the landowner's representative was provided to the Panel.

(iii) Discussion

The Panel broadly agrees that the Heritage Overlay needs to be applied on the basis of the intactness and integrity of the place at the time the controls are applied. But this approach cannot be blind to the reversibility of changes that detract from the heritage values of a place or building.

The property has already been determined to be significant by the application of HO834 and so categorisation as significant in HO6 is not a substantive change to the controls that apply.

Places proposed for heritage listing are routinely provided with interim heritage protection. If landowners considered unauthorised works would assist in resisting heritage protection, or achieving a lower level of heritage protection, the process would be effectively frustrated.

The Panel agrees with Council it would be an unfortunate outcome of the *Heritage Review* process if unauthorised works completed by a landowner resulted in the reclassification (or downgrading) of a heritage place, regardless of whether or not this was the intended outcome.

On the basis the landowner has committed to rectifying the breaches and reinstating heritage detail removed without planning permission, and that there are good prospects that this can be achieved, the Panel considers that the existing and proposed classification of the place as significant remains appropriate.

(iv) Conclusion

The Panel concludes the property at 8–22 Clowes Street, South Yarra is appropriately categorised as significant in the precinct.

²² Part B, [248]-[251].

4.2.5 10–16 Mona Street, South Yarra



Scheme	HO and grading
Post C258 / C396	HO427: Contributory
Exhibited C426	HO6: Contributory
Council final position Change of category is proposed	HO6: Non-contributory

(i) The issues

The issues are whether the property:

- described as 10–16 Mona Street in the *Heritage Review* refers to the correct property address
- at 10–16 Mona Street has been appropriately categorised as contributory in the South Yarra Precinct (HO6).

(ii) Evidence and submissions

One submitter said the *Heritage Review* included inaccurate numbering of the property at 10–16 Mona Place. It said 10–16 Mona Place is a single story dwelling and the double-storey property detailed in the citation is next door. The submitter requested the property address and category be reviewed and corrected.

The submitter provided a Heritage Impact Statement prepared by Bryce Raworth in 2021 for a planning permit application which described the property and explained an historic error with the property address at 18 Mona Place was incorrectly addressed as 10–16 Mona Place.

The Heritage Impact Statement said that while the property is currently categorised as contributory in HO427 “it is an altered example of an early twentieth-century house that is of limited local significance” that was previously categorised without being properly assessed.

Mr Huntersmith explained the HO6 citation included a property description for 10–16 Mona Place that should be corrected to 18 Mona Place. He said that based on independent review, including consideration of the Heritage Impact Statement prepared by Bryce Raworth, the *Heritage Review* had categorised the property as contributory within HO. He said:

Consistency in building heights, setbacks, overall forms and materiality were key characteristics considered, and this place (largely intact to its 1940s configuration) generally contributes to the urban character in this regard.

Following further consideration, Mr Huntersmith, said it is appropriate to re-categorise the property as non-contributory due to the extent of alterations, the fact the building was originally an addition to a larger house facing Punt Road (since demolished) and the current building shows no consistent architectural detailing or merit.

Ms Schmeder had a consistent view with Mr Huntersmith and that the error in the citation should be corrected from 10–16 Mona Place to 18 Mona Place.

Ms Schmeder gave evidence the property at 10–16 Mona Place was appropriately categorised as contributory. Following review of the Heritage Impact Statement prepared by Bryce Raworth,

endorsed plans for the current planning permit for the property, original 1940 plans for the property and site inspection from the public realm, she considered:

At the completion of the current works, the key changes to this house, as viewed from the public domain, will be:

- bagging of the brickwork, which is reversible should a future owner wish to do so,
- removal of the early window to the right of the front door, enlargement of this opening, and insertion of new French doors, and
- replacement of the front porch superstructure.

In the context that HO6 recognises interwar dwellings as contributory she concluded:

- the 1940 form will still be highly legible
- due to the restraint of the partial demolition and alterations, the house will still contribute to HO6.

Ms Schmeder recommended the contributory status of 10–16 Mona Place be retained.

Council provided the endorsed plans²³ for development of 10–16 Mona Place to the Panel, relied on the evidence of Mr Huntersmith and recommended:

- 10–16 Mona Place be categorised as non-contributory
- the Amendment documentation be updated to replace the reference to 10–16 Mona Place with 18 Mona Place, South Yarra.

(iii) Discussion

The documentation relating to 10–16 and 18 Mona Place is confusing.

The HO6 citation shows both 10–16 and 18 Mona Place as contributory in HO6 on the Area 4 map (see Figure 8) and in associated tables. The Statement of Significance also shows 10–16 and 18 Mona Place as contributory buildings on the map. However:

- The citation incorrectly assigns the address 10–16 Mona Place to the description of the two-storey 1915 house at 18 Mona Place, South Yarra. This should be corrected.
- The property at 18 Mona Place is incorrectly identified as a property built between 1918–1945 (see Figure 9). This should instead be shown in the citation as a building constructed between 1901–1918 (Figure 54 of the citation).

The property at 10–16 Mona Place is not described in the citation. This is acceptable as not all contributory buildings are described in the citation.

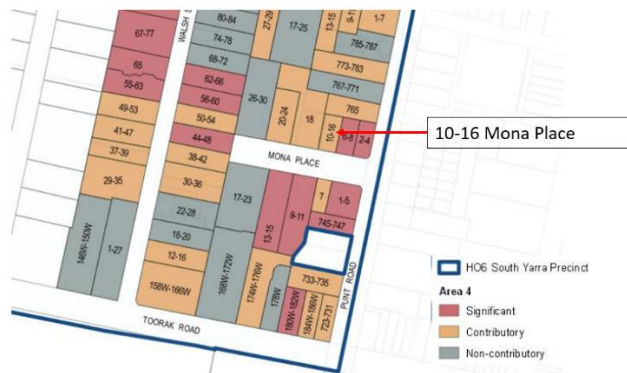
As described in the Heritage Impact Statement provided with the submission, the building was constructed in two stages; the original section constructed as part of the building facing Punt Road and the current facade created in the early 1940s. A previous garage constructed in 1922 facing Mona Place was retained.

The property at 10–16 Mona Place is not shown on the plan of properties constructed between 1918–1945 in Area 4 (see Figure 9), and instead is shown on map of buildings constructed between 1901–1918. While a technicality, and the building could rightly be shown on both plans, this is confusing as the building presents and has been assessed as a 1940s property.

²³ Document 9(25)

In this context, it would be useful to describe the place in the HO6 citation based on the further information about the history of the building provided through the Panel process, in particular the two stages of development.

Figure 8 HO6 Citation – Area 4 map showing building categories



Source: Excerpt of Area 4 map from *Heritage Review: Volume 4*, page 661, with Panel notation

Figure 9 HO6 Citation – Area 4 map showing buildings developed between 1918 and 1945



Source: Excerpt of Figure 55 from *Heritage Review: Volume 4*, page 676, with Panel notation

The HO6 citation for Area 4 states residential building gained momentum during the interwar years including individual residences that are representative of a variety of architectural styles.

The HO6 Statement of Significance says development in the Federation/Edwardian (1902–c1918) and Interwar (c1919–c1940) periods were important to the precinct. Under ‘What is significant?’ it says:

- the low-scale external form of buildings from 1918–45 (typically one to four storeys) featuring masonry construction and finishes (some painted and rendered), original hipped, gabled and flat roof forms (sometimes with parapets); intact early chimneys; the pattern and size of original fenestration; stylistic detailing; and early low masonry fences (some with integrated letter boxes and garden beds).

The fact the building was constructed in two stages this does not undermine its significance. Both periods of development are development are significant to the precinct.

The frontage of the building was constructed in the 1940s and Ms Schmeder correctly asked whether the building has retained enough of its 1940 form and fabric to be contributory.

As evidenced by the different opinion of experts, it is borderline in meeting a threshold of contributory to the precinct. To assist with its considerations the Panel has considered the City of Melbourne’s policy definition of contributory which says “*contributory places are typically externally intact, but may have visible changes which do not detract from the contribution to the heritage precinct*”.

The building is largely intact to its 1940s configuration, with changes including to the internal configuration, alterations to the rear and front porch and a bagged finish on most of the altered elevations. Further changes are proposed as part of a current permit, including replacement of the 1940s front garage with similar but larger one, creation of a hatch to the subfloor area beneath the front windows and replacement of the 1980s porch roof with a larger one and enlargement of windows next to the front door and creation of French doors.

While changes to front porch and windows will be visible from the street following development in accordance with the current permit, the Panel agrees with Ms Schmeder the building will still remaining highly legible. Regardless the Panel is required to consider significance of the building in its current form.

The property at 10–16 Mona Place is a modest example of an interwar house that maintains some of its interwar features, including building height, setbacks and roof form with two chimneys. It is largely intact to its 1940s configuration. While the appearance of materiality has changed and consistency of some detailing, such as changes to window and sill detailing, brick rendering is generally reversible, internal changes are not relevant to its heritage assessment, and the rear alterations are not visible from the street.

The Panel is satisfied the building has sufficient intactness and integrity to justify it being categorised contributory.

(iv) Conclusions and recommendations

The Panel concludes:

- The *Heritage Review* should be corrected to properly describe the properties in Mona Place.
- The property at 10–16 Mona Street has been appropriately categorised as contributory in the South Yarra Precinct (HO6).

The Panel recommends:

- **In HO6 amend the Statement of Significance for the South Yarra Precinct to show 10–16 Mona Place, South Yarra as contributory (as exhibited and not as Council proposed in its post-exhibition changes).**

The Panel has recommended earlier that the Heritage Places Inventory be updated in line with the Panel recommendations, and this would include:

Update the citation for 10–16 Mona Place, South Yarra to:

- **correct the address for the two-storey 1915 house described in the citation (page 675 of the *Heritage Review: Volume 4*) from 10–16 Mona Place to 18 Mona Place, South Yarra**
- **show the property at 18 Mona Place as built between 1901–1918 (Figure 54 of the citation) rather than between 1918–1945 (Figure 55 of the citation)**
- **include a brief description of the property at 10–16 Mona Place, in particular the two stages of development.**

4.2.6 23–25 St Leonards Court (St Leonards), South Yarra



Scheme	HO and grading
Post C258 / C396	HO6: Contributory
Exhibited C426	HO6: Significant Significant streetscape
Council final position No change from exhibition	HO6: Significant Significant streetscape

(i) The issues

The issues are whether:

- the property at 23–25 St Leonards Court (St Leonards) is appropriately categorised as significant in the South Yarra Precinct (HO6)
- the significant streetscape designation should be applied.

(ii) Evidence and submissions

One submitter, the prospective owner of the property, submitted the property was appropriately categorised as contributory and St Leonards Court should not be designated a significant streetscape, consistent with the findings of previous heritage reports for the area. The submission states the streetscape is of a lower architectural standard and less intact than other streets in South Yarra.

Mr Huntersmith said the assessment of the property was properly informed by Council’s heritage definitions and comparative analysis within the study area, and supported categorising St Leonards as significant. He quoted the HO6 citation which states:

23–25 St Leonards Court was built in 1939–42 to a design by architects Gordon J & Bryce Sutherland. It is a substantial three-storey block of flats constructed of salmon brick on a brown rusticated brick base, with hipped roof and two gabled bays to the principal facade. Gable ends retain blind oculi and ‘sputnik’ motifs.

The *Heritage Review* identified St Leonards as a notable example of interwar flats:

in the small interwar subdivision (1937) of St. Leonards Court. St Leonards Court survives as a highly intact streetscape with many of its buildings showing influences of the interwar Georgian Revival style. St Leonards is notable as one of the best examples in this immediate surrounding.

Ms Schmeder said the architectural quality, high level of intactness and fine detailing make the significant category appropriate for St Leonards. She provided details of comparable late interwar Georgian Revival flats categorised as significant in the precinct. Further, St Leonards Court clearly meets the definition of significant streetscape, as *“a highly cohesive streetscape architecturally, with little alteration since”* its development in 1937.

Council relied on the evidence of its experts, stating:

that St Leonards has been evaluated as a pivotal example in the small interwar subdivision (1937) situated in St Leonards Court. St Leonards Court survives as a highly intact streetscape with many of its buildings showing influences of the interwar Georgian Revival style and St Leonards is notable as one of the best examples in the immediate surroundings.

(iii) Discussion

The Panel has discussed the relevance of previous heritage studies in Chapter 3.1 of this Report, where it concludes the findings of previous studies are not necessarily relevant when more current studies are based on new information and understanding of a place.

Architect-designed St Leonards, built in 1939–1941, is highly intact and demonstrates influences of the interwar Georgian Revival style.

The Panel is satisfied St Leonards has high integrity as a building of the interwar/wartime era showing influences of the Georgian Revival style. It is highly intact with features and detailing as described in the citation, Statement of Significance and evidence.

The Panel is also satisfied St Leonards Court is a cohesive streetscape with a collection of highly intact and legible heritage houses.

(iv) Conclusion

The Panel concludes:

- The property at 23–25 St Leonards Court (St Leonards) is appropriately categorised as significant in the South Yarra Precinct (HO6).
- The significant streetscape designation should be applied to St Leonards Court.

4.2.7 6 and 8–10 Marne Street, South Yarra

6 Marne Street, South Yarra



Scheme	HO and grading
Post C258 / C396	HO6: Contributory and significant streetscape
Exhibited C426	HO6: Significant Significant streetscape
Council final position No change from exhibition	HO6: Significant Significant streetscape

8–10 Marne Street, South Yarra



Scheme	HO and grading
Post C258 / C396	HO6: Ungraded Significant streetscape
Exhibited C426	HO6: Contributory Significant streetscape
Council final position No change from exhibition	HO6: Contributory Significant streetscape

(i) The issue

The issue is whether the properties at 6 and 8–10 Marne Street are appropriately categorised in the South Yarra Precinct (HO6).

(ii) Evidence and submissions

One submitter objected to the proposed change to grading of:

- 6 Marne Street from contributory to significant
- 8–10 Marne Street from ungraded to contributory.

The submitter opposed the Amendment in the context of a current planning permit application being considered by the Victorian Civil and Administrative Tribunal (VCAT), and an existing planning approval for the redevelopment of 6 Marne Street, Planning Permit TP-2017–185. The

submission included two heritage evidence statements prepared for the VCAT hearing – one from Bryce Raworth, and one from Carolynne Baker.

Council advised in its Part B submission that a planning permit had been issued at the direction of the VCAT on 26 September 2023.²⁴

Mr Huntersmith said both properties were appropriately assessed and categorised. Specifically:

- 6 Marne Street (the Hove flats) was designed by Frank Stapley and built in 1929. *“The flats are a highly intact example of the work of a prominent architect demonstrating a sophisticated interpretation of the popular domestic architectural styles of the interwar period”*.
- 8–10 Marne Street was designed by A McMillan and built in 1936. *“Designed in a restrained Moderne style, the block demonstrates key characteristics of the typology, including a horizontal emphasis given by the use of horizontal glazing bars and corbelled brick details under the eaves”*.

Ms Schmeder was satisfied the *Heritage Review* has appropriately assessed the properties and said:

- 6 Marne Street *“is a well-designed and distinctive example of the Mediterranean Revival style that compares well to other substantial buildings of this and the related Spanish Mission style that are considered significant in HO6”*.
- while 8–10 Marne Street is not a particularly distinguished example of its kind, it is largely intact and readily identifiable as an interwar residential development that characterises Marne Street.

Council relied on the evidence of its experts.

(iii) Discussion

The assessment of a planning permit application or existence of an existing permit that has not been executed does not impact assessment of heritage significance of a place. The Panel relies on the assessment of condition of the place at the time of assessment. No material was provided to the Panel showing the place had been altered since the *Heritage Review* assessment.

The properties are located in Area 3 of HO6 which is significant for residential development including from the interwar period. The citation documents both buildings as architect-designed and:

- notes 8–10 Marne Street demonstrates the interwar Moderne style
- details the characteristics and features of 6 Marne Street and notes it as an eclectic example, stating:
buildings are rarely a ‘pure’ representation of a stylistic typology. Two significant buildings that stand out within the Marne Street streetscape, not just for its size and height but also for their eclectic use of architectural details, are 11–21 Marne Street and 6 Marne Street.

The Panel is satisfied the buildings have been appropriately assessed and categorised. The buildings are highly intact (6 Marne Street) and largely intact (8–10 Marne Street) examples of their type, as documented in the citation, Statement of Significance and evidence. The property at 6 Marne Street a distinctive or better than typical example of the Mediterranean Revival style.

²⁴ Ayshe Properties Pty Ltd v Melbourne CC [2023] VCAT 1086

(iv) Conclusion

The Panel concludes the properties at 6 and 8–10 Marne Street, South Yarra are appropriately categorised respectively as significant and contributory in the South Yarra Precinct (HO6).

4.2.8 55 and 57 -59 Marne Street, South Yarra

Scheme	HO and grading	
	55 Marne	55–57 Marne
Post C258 / C396	HO6: Ungraded Significant streetscape	HO6: Contributory Significant streetscape
Exhibited C426	HO6: Contributory Significant streetscape	HO6: Contributory Significant streetscape
Council final position	HO6: Contributory Significant streetscape	HO6: Contributory Significant streetscape
No change from exhibition		

(i) The issues

The issues are whether the properties at 55 and 57–59 Marne Street are appropriately categorised as contributory in the South Yarra Precinct (HO6).

(ii) Evidence and submissions

The Melbourne South Yarra Residents Group (MSYRG) submitted both properties should be categorised as significant in the precinct. It provided heritage advice from Nigel Lewis supporting this position. The advice did not provide reasons or details.

One submitter objected to the position of MSYRG to re-categorise the properties at 55 and 57–59 Marne Street stating the proposal did not form part of the exhibited amendment and should not be considered unless proposed as part of a new planning scheme amendment. The submission was accompanied by heritage advice from David Helms which concluded both properties ought to be categorised contributory.

Mr Huntersmith agreed with Mr Helms the properties are appropriately categorised as contributory, stating:

- there are many font examples of interwar flats in South Yarra
- the typology is an important contributor to the urban character of the precinct
- both properties are highly intact clinker-brick duplex buildings with hipped tile roof demonstrating influences of Georgian Revival and Old English styles
- they are typical examples of the typology compared with some of the more refined examples in the precinct.

Ms Schmeder said the properties should be contributory in the precinct, stating:

- she agreed with the opinion of Mr Helms that while intact it is a relatively modest building, not close in architectural quality to other significant interwar houses in the precinct

- while designed by architect Robert B Hamilton it was not the most recognisable of his work.

Council relied on the evidence of its experts and submitted both properties should be contributory in the precinct.

(iii) Discussion

The properties are located in Area 3 of HO6 which is significant for residential development including from the interwar period. The citation identifies both properties at 55 and 57–59 Marne Street as contributory, stating the influence of interwar Georgian Revival style is evident in the building. Further:

Maisonettes at 55 and 57–59 Marne Street were built c1936 for Sir George Dalziel Kelly, pastoralist and company director, who owned the properties, where he lived for some periods of time, from 1936 until his death in 1953 (*Age*, 10 July 1936:14; *Age*, 15 June 1953:7).

As described by Ms Schmeder “*these two properties form a single building, comprising two semidetached dwellings*”. The building category for 57–59 Marne Street is already contributory and is not proposed to be changed, while 55 Marne Street was previously ungraded.

The Panel is satisfied the building at 55 and 57–59 Marne Street has been appropriately assessed and categorised as contributory. The building is an architect-designed, highly intact, typical example of an interwar Georgian Revival style influenced residential building. Architect-designed residential buildings of this era are identified in the Statement of Significance as significant to the precinct.

(iv) Conclusion

The Panel concludes the properties at 55 and 57–59 Marne Street, South Yarra are appropriately categorised as contributory in the South Yarra Precinct (HO6).

4.2.9 20–22 Fairlie Court, South Yarra



Scheme	HO and grading
Post C258 / C396	HO6: Contributory
Exhibited C426	HO6: Significant
Council final position	HO6: Significant
No change from exhibition	

(i) The issues

The issues are whether:

- the Heritage Overlay should be applied to the whole parcel of land at 20 Fairlie Court
- application of HO1401 on the abutting road reserve land will impact access to 20 Fairlie Court
- the building at 20–22 Fairlie Court are not significant in their own right and should be categorised contributory.

(ii) Evidence and submissions

One submission, on behalf of the owners of 20 and 22 Fairlie Court, objected to application of the Heritage Overlay as proposed. It explained:

- Both properties do not meet the definition of significant heritage place in the Heritage Places Inventory and the justification in the *Heritage Review* does not demonstrate they have adequate heritage significance to be categorised as significant. The houses are not individually important in their own right and do not make an important contribution to South Yarra HO6. Further the property at 20 Fairlie Court has been substantially altered and the properties do not exhibit a special association with architect Marcus Martin. The submitter said both buildings should be categorised as contributory.
- A sliver of land at 20 Fairlie Court is not currently in HO6:
 - The land is garden and does not lend itself to development.
 - The Melbourne Girls Grammar School adjoining land to the immediate north is proposed for a new individual Heritage Overlay HO1401. An area of land is used for access to the rear of 20 Fairlie Court.

Mr Huntersmith considered the building was appropriately categorised as significant. He said the building, comprising a semi-detached pair of maisonettes, appears externally intact compared with a 1940s illustration and has a high level of integrity. Area 5 within HO6 has mixed-era building stock, including notable interwar residential development and a concentration of architect-designed buildings. Specifically, the building at:

20–22 Fairlie Court, built in 1940 to a design by Marcus Martin and Tribe, is a pair of two-storey maisonettes built of cream brick with a hipped tiled roof. The building has an unusual cranked plan that takes advantage of the wedge-shaped block. Entry is via a recessed porch with a stylised classical door surround with Art Deco influences. Overall, the detailing of the building is very restrained with a simple brick dentil course under the eave and timber framed multipaned windows with timber shutters.

...

The mixed-era development and involvement of prominent architects evidenced by 20 and 22 Fairlie Court is what defines the important heritage character of HO6.

Ms Schmeder examined historic materials and determined there were only minor changes to the west (principal) facade of 22 Fairlie Court, including the creation of two French windows to the ground floor which are largely hidden by the original high, cream brick front fence, and minor changes to the front facade of 20 Fairlie Court. Overall, she considered the building to have high enough intactness to be significant.

She agreed with the submitter the association with architect Marcus Martin does not automatically make the places significant, however as an architect-designed building it is both an unusual and accomplished design, and compares well with other buildings of this year in South Yarra.

Mr Huntersmith said it is typical to apply the Heritage Overlay to the entirety of a heritage place, including a building and the surrounding land, as guided by PPN01. He said that as the land is included in the fenced area of the residential property and is on title, it is logical to use this as an uncomplicated and easily recognised boundary for the Heritage Overlay.

Regarding the accessway to the north, Mr Huntersmith said it is not unusual for driveways and road reserves to be included in a Heritage Overlay and it does not prohibit the use for access.

Mr Schmeder agreed with the submitter that the slither of land does not have heritage value in relation to 20 Fairlie Court, and acknowledged the pre-existing roadway along the northern boundary which has since been absorbed into the Melbourne Girls Grammar School site. She said however it would be unusual to leave small parts of a property or previous roadway out of the relevant Heritage Overlay *“particularly as this would create a hole in the HO6 precinct extent. It is also standard practice to include current roadways as well within heritage precincts”*.

Council relied on the evidence of its experts:

- the entire parcel of land should be included in the Heritage Overlay, consistent with guidance in PPN01
- the *“right of way”* access from Walsh Street to the property is not a formed road or accessway, and its inclusion in proposed HO1401 is appropriate on the basis it is not unusual to apply the Heritage Overlay to private driveways or road reserves, and its application does not prohibit the use off the road reserve.

Council submitted no further documentation was provided to substantiate the assertion that the place had been extensively altered. It agreed with its experts the property is appropriately categorised as significant in the precinct. It said:

The mixed-era development and involvement of prominent architects, as evidenced by 20–22 Fairlie Court, is one of the defining features of the heritage character of HO6.

(iii) Discussion

The building demonstrates the heritage values of the precinct, and has high intactness and integrity. It compares well with similar properties of the type, as evidenced by Ms Schmeder’s expert witness statement. The building is not categorised as having associative significance with Marcus Martin, and therefore is not assessed on this basis. It is however relevant that the property is a better than typical example of interwar maisonettes, and is architect-designed as evidenced in the accomplished design incorporating Arts Deco detailing with largely Georgian Revival form.

It is appropriate for the curtilage around a heritage place or building to include the extent of the whole property. In accordance with PPN01 a reduced curtilage may be considered following assessment of what is significant, noting:

- the Heritage Overlay should capture elements of the place that are significant you know
- it is almost always necessary to include a curtilage to retain the setting or context of the significant building and to regulate development
- where possible, uncomplicated and easy recognised boundaries should be used.

The Panel notes Ms Schmeder’s evidence that the slither of land at 20 Fairlie Court does not in itself have heritage significance, however application of the Heritage Overlay to the entire property is important to ensure heritage values are considered when assessing any future development and the title boundary provides a clear and unambiguous curtilage boundary, as commonly applied in a residential setting. No justification was provided to apply a different approach in this case.

Use of the *“right of way”* access will not from Walsh Street to 20 Fairlie Court will not be impacted by application of the Heritage Overlay.

(iv) Conclusions

The Panel concludes:

- Council’s post-exhibition proposal to apply the Heritage Overlay to the whole parcel of land at 20 Fairlie Court, South Yarra, and to the “*right of way*” access to the property which forms part of proposed HO1401 is appropriate.
- The buildings at 20–22 Fairlie Court are appropriately categorised as significant in the South Yarra Precinct HO6.

4.3 Postwar properties**4.3.1 172–182 Walsh Street (Motstone)**

Scheme	HO and grading
Post C258 / C396	Outside HO
Exhibited C426	HO6: Significant
Council final position	HO6: Significant
No change from exhibition	

(i) The issues

The issue is whether the property at 172–182 Walsh Street (Motstone) has been appropriately categorised as significant in the South Yarra Precinct (HO6).

(ii) Evidence and submissions

Submissions relating to postwar residential development, including the comparative analysis, are discussed in Chapter 3.6 of this Report. The issue of what it means to be significant in a precinct is addressed in Chapter 3.3.

Six submitters objected to application of the Heritage Overlay to ‘Motstone’ at 172–182 Walsh Street, including the Owners Corporation for the property (Motstone). Submitters raised issues relating to:

- there is insufficient justification for application the Heritage Overlay
- the property has no historic or architectural merit and is not worthy of being categorised as significant in the precinct
- the building was constructed in 1974 not 1960 as claimed
- the name ‘Motstone’ has no cultural relevance
- the building is of poor integrity, is not attractive and does not have aesthetic value
- the property does not complement the streetscape, and it is very different to adjacent or other buildings in Walsh Street
- the building exterior has been modified and some timber windows have been replaced with aluminium.

Motstone submitted the assessment of the property as significant in HO6 relies on demonstrating:

- postwar flats are of historical significance to South Yarra

- the building is of aesthetic significance because it is a better than average example of Modernism.

Motstone said a number of contributory elements identified by Mr Huntersmith were not reflective of or unique to Modernism, for example the U-shaped design and projecting balconies. The primary Modernist feature appears to be the 'curtain wall', which is agreed by all experts to be a 'faux curtain wall infill'. The Owners Corporation rejected the suggestion the distinction between a faux curtain wall infill and an actual curtain wall was "*one for heritage purists only*". It said the faux curtain wall infill is visibly different to a curtain wall and is not unique to Motstone.

Motstone relied on the evidence of Mr Turner, who said if the property is to be included in the precinct it should be categorised as non-contributory. He did not dispute the construction date of 1959–1960, but he was of the view the property is not of historic significance. He said:

Nor is Motstone representative of the boom in flat development in Melbourne brought by the introduction of strata title legislation.

...

Motstone was built well in advance of the introduction of the Strata Title Act, and in any event it was not strata titled until 1974.

Mr Turnor also said the property is not of aesthetic significance, stating:

- the building does not demonstrate unique or exceptional aesthetic characteristics
- it is not a refined architect-designed building, and instead it adopts a conventional design for the period
- the U-shaped plan and central courtyard which was not new at the time of construction
- it was designed by an architect who did not play "*an important or influential role in advancement of Modernist design postwar Melbourne*"
- the building is not entirely intact to its original form
- it does not have a true 'curtain wall' and this reference incorrectly suggests a degree of architectural sophistication not evident in the design
- it is pre-dated by a similar block of flats with a faux curtain wall at 29 Coolullah Avenue, South Yarra, which are non-contributory in HO382 of the Stonnington Planning Scheme.

One submitter also said:

- six pack building typology has no heritage value according to a number of heritage experts including Robin Boyd, Miles Lewis, and 'Townsend and Pert'
- the design is not appropriate for Australian conditions, has no aesthetic value and has significant functional issues
- the building's categorisation as significant is not consistent with other properties at 112–120 Walsh Street and 122–126 Walsh Street.

One submitter questioned whether the volcanic rock walls are significant, noting they are common across Melbourne.

There was one supporting submitter who supported categorisation of the property as significant within precinct HO6, stating the building is an excellent example of durable and affordable housing.

Mr Huntersmith gave evidence that Motstone was correctly categorised as significant in HO6. Overall, he thought the building was a refined and sophisticated design which demonstrates a high degree of intactness and has architectural merit, incorporating many features of postwar Modernist design. He said:

Built in 1960, Motstone is a highly intact three-storey block of cream brick flats elevated on a pilotis providing car accommodation underneath. It demonstrates key characteristics of postwar Modernist design including a rectilinear form, flat roof, sheer walls of cream brick and extensive window walls of glass.

...

During the [*Heritage*] Review, over 60 postwar examples of flats were identified in the study area. Motstone was one of three examples categorised as a significant place. Architect-designed, it is one of more refined examples in the area, displaying key characteristics of its typology.

...

Motstone is distinguished from the places categorised as contributory places by its refined design articulated by the use of a full curtain wall, U-shaped plan with a central court, massing of projecting balconies and double height glazed entry foyer.

Motstone is distinguished from most other examples of postwar flats built in the study area in terms of its architectural refinement; it is better than typical examples...

Mr Huntersmith said the construction date was documented in a number of historical sources and the property was named after the former residence. Mr Huntersmith explained the property demonstrated Modernist design which:

- promoted expression of structural systems as well as simplicity and clarity in composition
- commonly had a strong emphasis on vertical lines and horizontal banding
- frequently used industrially processed materials
- used structural elements that no longer relied on load-bearing walls and allowed *“a new freedom to the expression of walls, windows and roofs as independent design elements”*.

Mr Huntersmith described the changes to the property and was of the view they had been done sympathetically and key characteristic elements of the building are highly intact. He considered the addition of an enclosure at the northeast corner upper level was barely visible and had minimal impact on overall intactness and integrity of the building, and could be easily reversed.

Mr Huntersmith said the height and bulk of Motstone is generally consistent with the mixed streetscape character of Area 5. In his opinion Motstone is an excellent, externally intact example of a postwar Modernist flat, and the view the building is ‘unsightly’ is subjective.

Regarding consistency with categorisation of nearby properties, Mr Huntersmith clarified:

- the property at 112–120 Walsh Street is not architecturally distinguished compared to other examples of the same period, is a typical block of late 1960s block of flats as is appropriately categorised as contributory
- while largely intact, the property at 122–126 Walsh Street is a new block of flats and does not have any heritage value, and the non-contributory category is appropriate.

Ms Schmeder considered Motstone to be consistent with the mixed-era development described in the Statement of Significance. She said Motstone, built in 1960, is stylistically up to date for its time and is important at the local level:

for its International style design, reflecting the early postwar 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.

Ms Schmeder gave evidence that comparative analysis of properties within and near the City of Melbourne provided a strong basis to categorise Motstone as significant. She considered comparable postwar properties in other parts of the City of Melbourne and nearby municipalities. She said while the proposed contributory buildings tended to be largely intact in some cases

window units had been replaced, brickwork overpainted or the undercroft enclosed. In comparison she said:

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.

She said the building compares well with Rocklea Gardens in St Kilda East (Port Phillip Planning Scheme HO293), and considered it to be more intact. Further, Ms Schmeder said there are similarities with postwar office buildings in the Hoddle Grid, including the use of a curtain wall filled with contrasting areas of clear glazing and coloured or solid spandrels.

Ms Schmeder did not consider it necessary for the architect (Charles J White) to be well-known to assess a building as a good example of its type, noting the Heritage Overlay is applied to many places where the designer is unknown.

Council relied upon the evidence of Mr Huntersmith that:

Motstone displays key characteristics of its typology as a highly intact postwar Modernist design including by virtue of its rectilinear form, flat roof, sheer walls of cream brick, extensive window walls of glass and elevation above ground level.

Council submitted Motstone is appropriately identified as one of eight postwar flats categorised as a significant building in HO6.

Council explained the principal consideration is whether the place reaches the threshold for local significance. It said:

- submitters had not provided documentation to suggest the building had poor integrity
- the addition of the enclosure on the northeast corner is not detrimental to the overall integrity and intactness when viewed from the public domain
- Area 5 has a mixed streetscape and Motstone is consistent with the assessed character
- Motstone is one of the more architecturally refined in the area, and has high architectural merit with intact original built form and detailing
- whether a place has aesthetic appeal or characteristics, or is unique or rare, can be a consideration but is not a requirement for a place to be assessed as locally significant.

Council stated future use and development, including sustainability modifications, is not relevant in determining heritage significance of a place.

(iii) Discussion

In other chapters of this Report the Panel has discussed and concluded:

- the *Heritage Review* adequately demonstrates postwar heritage is important to the history of South Yarra, and consequently it is appropriate to identify postwar flats as contributory or significant within the precinct (see Chapter 3.6)
- to be significant in the precinct a property does not need to meet the threshold to be individually significant in its own right, but it does need to be an exemplar or fine example of the criteria for which the precinct is significant (see Chapter 3.3)
- the findings of older heritage studies do not prejudice the findings of a contemporary study as knowledge and appreciation of heritage values changes and evolves over time (see Chapter 3.1)
- development opportunities, including sustainability modifications, are not relevant to assessing the heritage significance of a place (see Chapter 3.7).

The primary consideration for the Panel is whether Motstone has sufficient heritage significance to categorise it as significant within the precinct.

The Statement of Significance says elements that are significant in the precinct include:

the typical external form of post-1945 buildings (with varying heights); which have masonry and concrete construction and finishes; original hipped, gabled and flat roof forms (sometimes with parapets); early chimneys; the pattern and size of original fenestration; stylistic detailing; and early fences and landscaping (including masonry or stone fences, garden edging, garden beds or retaining walls).

Under 'why is it significant' the Statement of Significance says the precinct is:

- historically significant for:
 - its demonstration of predominantly residential development pattern spanning from the 1840s to the postwar period
 - concentration of high quality building stock demonstrating wealth and privilege of the area
 - from the interwar period and into the postwar period South Yarra became a focus for flat development
- aesthetically significant:
 - as a prestigious residential area of mixed character that has developed and evolved from the 1840s to the present day
 - has a *"rich combination of architecture and streetscape character ... unified by a general consistency in building quality, height, setback, form, and a pattern of fenestration and materiality that harmonises buildings of different historical eras and architectural styles within a cohesive urban setting"*
 - has a high concentration of refined architect-designed buildings
 - contains a large number of flats from the interwar and postwar periods, the *"later postwar flats reflect the changing urban landscape seen in much of inner city Melbourne"* and the postwar flats sit comfortably beside *"earlier development due to the scale, form and materiality"*.

Motstone demonstrates the key characteristics of postwar Modernist design and is a better than typical example of postwar flats in South Yarra. As explained in the citation, Motstone is one of the earliest postwar flats constructed of pale brick wing walls, large floor to ceiling windows, unadorned surfaces with a flat roof and car accommodation under the building. The building has high intactness and integrity, with modifications to the building barely visible and easily reversed.

The citation clearly explains the importance of six pack building typology to the development of South Yarra.

The Panel has further considered whether the building has visual attributes that relate to the heritage values of the place.

Aesthetic value does not equate with being attractive, which is a subjective concept. While not directly relevant in the context of assessing local heritage, the VHR Guidelines usefully defines aesthetic:

These definitions [of aesthetic/s] do not suggest that 'aesthetic' is synonymous with 'beauty'. Instead they imply a judgement against various qualities that may include beauty. To assume that 'aesthetic' and 'beauty' are interchangeable terms limits an understanding of aesthetic and aesthetics.

Aesthetic characteristics are the visual qualities of a place or object that invite judgement against the ideals of beauty, picturesqueness, evocativeness, expressiveness,

grotesqueness, sublimeness and other descriptors of aesthetic judgement. The visual qualities of a place or object lie in the form, scale, setting, unity, contrast, colour, texture and material of the fabric of a place or object.

The visual qualities of Motstone include the key architectural features of its type, as described in the citation and by experts. It is a refined design with a U-shaped central court, fenestration in the form of a faux curtain wall infill and double height glazed foyer and projecting balconies. The Panel accepts Ms Schmeder's evidence the building is significant for its Modernist International style design.

As described in the HO6 citation, Motstone was designed by architect Charles White. It is not a prerequisite for the architect to be known or well-known for a property to be categorised as a significant building in the place.

Importantly the citation explains while there are a number of blocks of postwar flats in Area 5 of HO6, however many "*are no longer intact enough to be considered representative of the typology*". The comparative analysis presented to the Panel through the *Heritage Review* appropriately considers properties in the City of Melbourne and comparable areas outside the City. The comparative analysis demonstrates the relative significance of the place showing the building compares well against other postwar properties and is a refined example of its type.

The citation includes examples of a number of important postwar flats and generally postwar Modernist architecture in Area 5 of the precinct. While the Statement of Significance recognises the multi-era development of South Yarra more broadly, postwar flats such as Motstone are not clearly identified in the 'what is significant' for Area 5. Modernism is identified as significant to Area 5 of the precinct, but in the context of interwar buildings. It would assist with understanding the history of the place to have a reference to postwar flats and Modernist architecture included in the Statement of Significance.

Experts agreed the window wall at Motstone is a faux curtain wall infill and not a true curtain wall. The citation should be amended to replace "*curtain walls*" with "*curtain wall form*". If Motstone were being considered under Criterion F 'Technical significance' this might be an important consideration, but that is not the case here.

(iv) Conclusion and recommendation

The Panel concludes:

- The property at 172–182 Walsh Street, South Yarra 'Moststone' is appropriately identified as significant in HO6.

The Panel preferred version of the HO6 Statement of Significance in Appendix D includes:

- **under 'What is significant?' for Area 5:**
"mixed-era residential buildings, including flats built during the postwar era, demonstrating architectural styles such as Modernism".

4.3.2 31–37 Millswyn Street, South Yarra



Scheme	HO and grading
Post C258 / C396	HO6: Ungraded
Exhibited C426	HO6: Significant
Council final position	HO6: Significant
No change from exhibition	

(i) The issue

The issue is whether the property at 31–37 Millswyn Street, South Yarra has been appropriately categorised as significant in the South Yarra Precinct (HO6).

(ii) Evidence and submissions

The property owner submitted the Statement of Significance did not support categorising the property as significant, and instead the property should be categorised as non-contributory. It said:

- postwar flats were not important to the South Yarra Precinct (Criterion A)
- the flats are not a refined architect-designed building (Criterion E).

The property owner explained:

In architectural terms, the word ‘refined’ bears its ordinary meaning — that is, ‘elegant’ or ‘cultured in appearance manner or taste’.

The phrase ‘refined architect-designed building’ is used repeatedly in the Statement of Significance in respect of Criterion E, together with references such as the ‘general high quality of architectural design and materiality’. What is said to be significant is not merely any building designed by an architect (or, in Feldhagen’s case, ‘architectural designer’, as he was not a registered architect), but a particularly high quality of architect-designed building that is reflective of the ‘influence of the many middle and upper-middle class arbiters of taste who chose to live in the area’.

The property owner questioned the materials, stating the “*Besser Hi-Lite blocks*” were a relatively cheap and ‘off the shelf’ construction technique, and said the comparator in Ms Schmeder’s expert witness statement was far more sophisticated. Further it said:

Ms Schmeder described the flats as a ‘quirky building’, a description that is difficult to reconcile with the Statement of Significance’s focus on ‘refined’ buildings and the ‘middle and upper-middle class arbiters of taste’ in South Yarra.

The property owner said the architect Feldhagen’s status as an émigré architect was of minimal relevance in the context of South Yarra, noting the citations make only passing reference and the *Thematic Environmental History* does not mention Feldhagen.

The submitter relied on the evidence of Mr Turnor. In addition to his evidence relating to the significance of postwar flats Mr Turnor said the property does not demonstrate unique or exceptional aesthetic characteristics. He referred to Robin Boyd’s critique of “*featurism*” in building design which had a “*fixation on parts rather than the whole*”. Mr Turnor did not accept the featurist qualities of the building could be described as refined.

Mr Turnor said he was not aware of any evidence that Feldhagen was a prominent architect in his day. While a prolific designer this did not necessarily equate to being high profile. Mr Turnor said the building was apparently designed with haste and Feldhagen:

was presumably able to provide a quick turnaround from the point of commission to the finished product by drawing on commonly occurring design motifs in his work, such as the grid of small, square bathroom windows. While Feldhagen may have had a prolific output, his body of work is of varying quality and includes some very pedestrian flat designs (illustrated below), and is on the whole not indicative of a highly accomplished or innovative architect/designer. His bankruptcy in the 1970s could be taken as evidence of his lack of success.

While Mr Turnor accepted that flats designed in the postwar era by émigré architects can be found in South Yarra, he did not consider the contribution to South Yarra adequately documented in the Statement of Significance or *Thematic Environmental History*.

Mr Turnor did not accept the locally significant buildings designed by Feldhagen in the City of Port Phillip as adequate comparators in the context of South Yarra. When taken by the Panel to the Feldhagen comparators he documented in his expert witness statement as “*pedestrian*” or unrefined, Mr Turnor conceded they were in fact not “*pedestrian*” and some were refined.

Mr Huntersmith said the building was appropriately categorised as significant and is an important example of the important postwar flat building activity in South Yarra. He said compared with contributory properties in the precinct the building is “*distinguished from most other examples of postwar blocks of flats in the study area due to its unusual and refined architectural detailing*” and high level of intactness.

Mr Huntersmith provided details of Feldhagen’s architectural training and practice. He said:

Feldhagen typically employed a varied material palette, especially through his use of a range of concrete/Besser blocks, expressed concrete, and a varied geometric articulation with shadow blocks and breeze blocks. This is particularly indicative of a futurist mode of design, a term coined by Robyn Boyd in 1960.

Mr Huntersmith recommended minor corrections to the citation to the description of the location and number of small windows and to “*replace ‘Michael Feldhagen’ with ‘Michael R E Feldhagen’ and remove references ‘émigré architect’*”.

Mr Huntersmith agreed with Mr Turnor the construction was likely a concrete block, noting he did not consider it made any difference to the assessment of significance, and this could be amended in the citation.

Ms Schmeder was of the view the property was appropriately categorised as significant. She provided further details about the architect Feldhagen and noted his earlier work had a greater level of “*decorative detail and expressiveness than was typical of postwar buildings*”. Further, the property is an excellent example of his design approach, is superior in design and intactness to other recent examples of his work, specifically in Port Phillip and Glen Eira, and compares well against other flats in the precinct. She said:

Feldhagen’s work stands out from the minimalist flat designs of other designers of the period and from Feldhagen’s later work.

Council relied on the evidence of its experts and submitted the building was significant. Council submitted Mr Turnor’s evidence was unsatisfactory and was concerned Mr Turnor had not disclosed in his original evidence preliminary advice in the form of a memorandum that:

adopts the position of an advocate providing advice on how the client might properly achieve their desired outcome in relation to the Amendment. The memorandum does not provide an independent (or dispassionate) opinion as to the heritage significance of the place.

Further, Council said Mr Turnor's criticism of the materiality in the site is at odds with other heritage listed places designed by Feldhagen and his evidence:

evinces a distaste for anything other than the best, most outstanding, postwar examples which sets the threshold for local significance too high. Council notes his use of the qualifiers – critical acclaim, unique, exceptional, carefully crafted bespoke design, to name a few.

Council confirmed the role of émigré architects was not relied on in assessing significance of the building.

(iii) Discussion

In other chapters of this Report, the Panel has discussed and concluded:

- the *Heritage Review* adequately demonstrates postwar heritage is important to the history of South Yarra, and consequently it is appropriate to identify postwar flats as contributory or significant within the precinct (see Chapter 3.6)
- to be significant in the precinct a property does not need to meet the threshold to be individually significant in its own right, but it does need to be an exemplar or better than typical example of the criteria for which the precinct is significant (see Chapter 3.3).

The primary consideration for the Panel is whether the property at 31–37 Millswyn Street, South Yarra has sufficient heritage significance to categorise it as significant within the precinct.

The Statement of Significance includes as what is significant in Area 2 of HO6:

- mixed-era residential buildings including a high concentration of refined architect-designed buildings, particularly evident along Park Street, and represented in other streets such as Millswyn Street, Domain Road and Toorak Road

The citation says important flat development, predominantly walk up flats, occurred in Area 2. It identifies the property as a significant building constructed from 1945 to the 1970s stating:

31–37 Millswyn Street, built in 1962 to a design by Michael Feldhagen, is a three-storey block of 12 flats. The front facade 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.

In general terms the following are important to HO6:

- residential development, and specifically development of flats
- postwar residential development
- refined architecturally designed buildings.

The building has high intactness and integrity, and is a better than typical example of Modernist postwar flats in South Yarra. The Panel accepts it is significant to the precinct for its historic value.

The Panel also accepts the building has aesthetic significance in the precinct.

As discussed in Chapter 3.2 and Chapter 4.3.1 above, the aesthetic values of a property do not relate to whether it is subjectively attractive, but relates to visual qualities including "*form, scale, setting, unity, contrast, colour, texture and material of the fabric of a place or object*".

As described in the citation and by experts, the building at 31–37 Millswyn Street has some distinctive and unusual aesthetic features. Featurist is a description of a design approach, not an aesthetic sin, compared to, say, ‘featureless’. The visual qualities of the building include its fenestration pattern, with a combination of small openings and floor to ceiling windows, and fish scale pattern of cladding. The refined featurist design includes a combined material palette and geometric articulation which unifies the building.

The Panel accepts the property is not assessed as significant for its association specifically with Feldhagen, or more broadly its association with émigré architecture. It is not a prerequisite for the architect to be known or well-known for a property to be categorised as a significant building in the place. Émigré architecture in South Yarra was not a focus on the *Heritage Review*. While the significance of émigré architecture may be the subject of future work, the assessment of the property’s significance does not turn on this association.

The Panel was assisted by the factual material presented by Mr Turnor, but not assisted by some of his opinions which drifted towards submission; speculative comments about the approach and success of the architect were not of assistance to the Panel.

The Panel is satisfied the property is a better than typical, highly intact, refined example of an architect-designed postwar residential building/walk up block of flats. The comparative analysis demonstrates the relative significance of the property with regard to other postwar buildings within in the precinct and compared to buildings in relevant areas outside the municipality.

Experts agreed the cladding was likely Besser/concrete blocks rather than precast concrete panels and this should be corrected in the citation.

The Panel agrees with the changes to the citation proposed by Mr Huntersmith, including clarification of the use of Besser/concrete blocks rather than concrete panels.

The Panel notes the property owner submitted the address of the property is 31–33 Millswyn Street, and this is the street number attached to the property on the fence and in the State government’s online mapping system VicPlan refers to the property as 33 Millswyn Street. The Amendment documentation refers to the property as 31–37 Millswyn Street, South Yarra. The address should be confirmed and if necessary corrected in the Amendment documentation.

(iv) Conclusions and recommendation

The Panel concludes:

- The property at 31–37 Millswyn Street, South Yarra is appropriately identified as significant in HO6.
- The address of the property should be confirmed and if necessary amended in the Amendment documentation.

The Panel recommends:

- **Update the citation for 31–37 Millswyn Street, South Yarra as suggested by Mr Huntersmith, but retain the reference to émigré architect.**

4.3.3 158W – 166W Toorak Road, South Yarra (St Ives)



Scheme	HO and grading
Post C258 / C396	HO6: Ungraded
Exhibited C426	HO6: Contributory
Council final position	HO6: Contributory
Changes to a citation or Statement of Significance is proposed.	

(i) The issue

The issue is whether the property at 166W Toorak Road West (St Ives) has been appropriately categorised as contributory in the South Yarra Precinct (HO6).

(ii) Evidence and submissions

One submitter, representing a unit holder in the building at 166W Toorak Road West (St Ives), objected to categorising the building as contributory on the basis buildings on either side are non-contributory and are of the same style and era.

Mr Huntersmith said:

St Ives represents the typology of residential towers, a new building type that emerged in the late postwar period (late 1960s to early 1970s), which is an important typology in the City of Melbourne. These multistorey flats/apartments adopted Modernist elements and were characterised by their simplicity of structure and minimal decoration. Built in Melbourne's inner suburbs (that is today's City of Melbourne, City of Port Phillip and City of Stonnington), the heritage value of the earliest high rise flats is gradually gaining appreciation and recognition.

...

The postwar blocks of flats at 158W–166W Toorak Road, South Yarra (Sussex, built in 1960; and St Ives, built in 1966) are good representative examples that display key elements typical of the typology of postwar flats which is important to the historic development of HO6. The height of St Ives further distinguishes it from other contributory examples in the precinct. They are appropriately categorised as a contributory place.

Mr Huntersmith explained:

- the property also contains a three-storey block of flats at 158W Toorak Road West (Sussex) which is contributory
- both Sussex and St Ives (seven-storey block of flats) were designed by architect Mordechai Benshemesh
- to the north 12–16 Walsh Street is contributory
- 168W-172W Toorak Road was built in 1982 and is non-contributory.

Ms Schmeder said St Ives and Sussex are both externally intact and developed in the postwar period, which is recognised as having heritage value to the precinct. In contrast the abutting non-contributory properties appear to be:

- on the west side, a very altered late into war or early postwar building
- on the east side, a late 20th century building of no architectural interest.

Ms Schmeder identified number of errors relating to the address and heritage category to be corrected on pages 661, 671 and 682 of Volume 4 of the *Heritage Review*.

Council relied on the evidence of its experts that the place is appropriately categorised as contributory, stating:

- the adjacent buildings of the same era are graded contributory, while 168W-172W Toorak Road is of a later era (1982) and is graded non-contributory
- the buildings on the site are architect-designed by prominent architect Mordechai Benshemesh
- St Ives was constructed in 1966.

Council submitted the *Heritage Review* should be updated to include details of the architect of both buildings and construction date of St Ives.

(iii) Discussion

In Chapter 3.3 of this Report the Panel has discussed and concludes the *Heritage Review* adequately demonstrates postwar heritage is important to the history of South Yarra, and consequently it is appropriate to identify postwar flats as contributory or significant within the precinct.

The heritage category of adjacent buildings is not relevant in assessing significance of the property.

St Ives is located in Area 4 of HO6 which is significant for mixed-era flats, including from the postwar era. In relation to postwar flats in Area 4, the citation notes:

Of interest is 'St Ives' at 158W–166W Toorak Road, a seven-storey block of flats built in the 1970s. Constructed with a concrete frame and brown brick infill panels, the building sits on a pilotis and features recessed balconies and a flat roof. The building dominates its streetscape due to its height and bulk. Its original or early brown brick and stone low front wall is also notable.

St Ives is a highly intact typical example of a postwar flat in the precinct. It is architect-designed, along with the three-storey block of flats on the same site, Sussex. St Ives demonstrates key characteristics of postwar architecture including a simple structure, Modernist elements and minimal decoration. At seven storeys it is a notable contributory building in the precinct.

(iv) Conclusions

The Panel concludes:

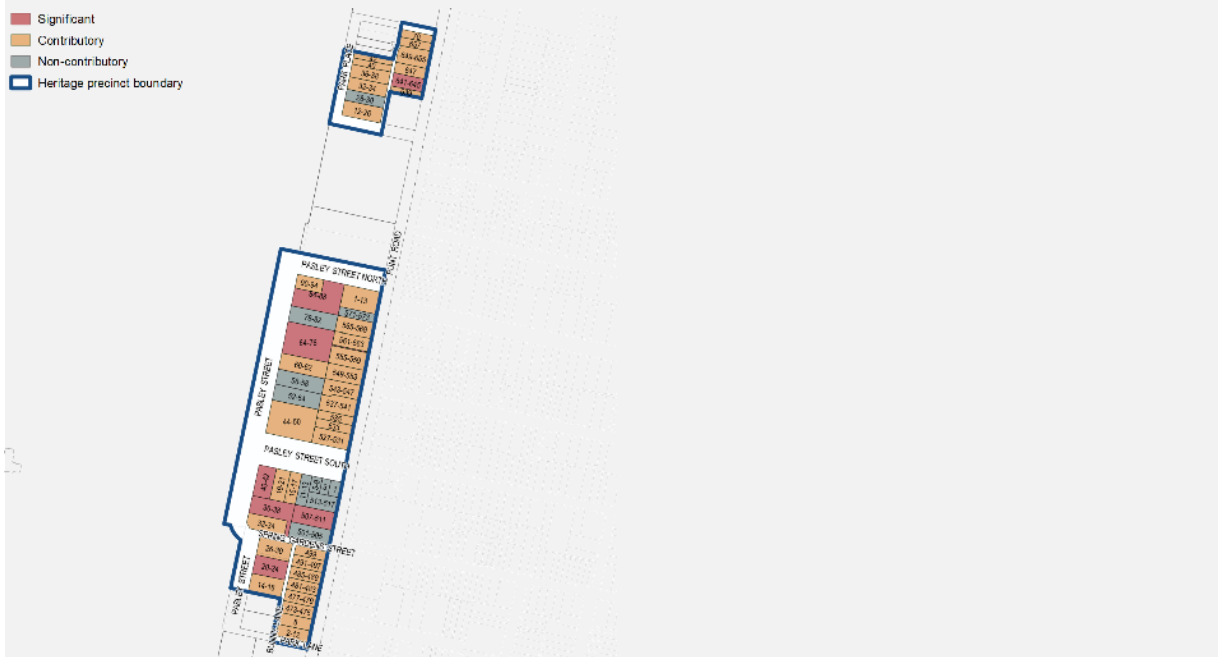
- The property at 166W Toorak Road West (St Ives) has been appropriately categorised as contributory in the South Yarra Precinct (HO6).
- Council's post-exhibition proposal to update the *Heritage Review* to include details of the architect of both buildings and construction date of St Ives, and to correct errors identified by Ms Schmeder is appropriate.

The Panel recommends:

- **Update the citation for property at 166W Toorak Road West, South Yarra (St Ives) as proposed by Council and correct errors identified in the expert witness statement of Ms Schmeder (Document 13).**

5 Pasley Street and Park Place Precinct (HO1419)

Exhibited Statement of Significance



What is significant?

Pasley Street and Park Place Precinct, including 8 Bunney Lane, 2–12 Park Lane, 12–42 Park Place, 14–94 Pasley Street, 1–13 Pasley Street North, 1–21 Pasley Street South, 473–573 and 639–657 Punt Road, South Yarra, developed from 1865 to 1961, is significant.

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

- low-scale external form of buildings developed pre-World War I (typically one to three storeys), featuring original hipped and gabled roof forms (sometimes with parapets) and intact early chimneys, timber and masonry construction and finishes (some painted and rendered), pattern and size of original fenestration, stylistic detailing and early iron palisade fences on stone plinths
- low-scale external form of buildings developed from 1918 to 1961 (typically one to four storeys), featuring masonry or concrete construction and finishes (some painted and rendered), original hipped and flat roof forms (sometimes with parapets), intact early chimneys, and the pattern and size of original fenestration, stylistic detailing, and early low masonry fences
- significant buildings' high level of integrity to their original design
- early subdivision patterns, including the size of allotments, the setbacks of park-fronting properties and the views to and from Fawkner Park
- public space elements, including the street trees, widths and shape of the asphalted footpaths and bluestone gutters in Pasley Street, Pasley Street North, Pasley Street South and Park Place.

Early intact fences at 507–511 Punt Road, 565–569 Punt Road, 641–645 Punt Road and 649–655 Punt Road also contribute to the significance.

More recent alterations and addition to significant and contributory places, including replacement fences, verandah or windows, are not significant.

Post-1961 developments and other extensively altered properties are not significant.

How is it significant?

Pasley Street and Park Place Precinct, including 8 Bunny Lane, 2–12 Park Lane, 12–42 Park Place, 14–94 Pasley Street, 1–13 Pasley Street North, 1–21 Pasley Street South, 473–573 and 639–657 Punt Road, South Yarra, is of local historical and aesthetic significance to the City of Melbourne.

Why is it significant?

The Pasley Street and Park Place Precinct is historically significant for its representation of the early subdivision pattern that resulted from an 1865 sale of Crown land, which was the last Crown land released for sale in the City of Melbourne. This sale of land was associated with a significant conflict in the City of Melbourne in the 1860s that ensued following the breaking up of areas reserved as public parkland for private development. The precinct is also important for its retention of the early pattern of development from the subsequent residential subdivisions from 1869 (Pasley Street) and 1885 (Park Place) that led to the formation of dog-legged Pasley Street and laneways connecting to Punt Road, as well as Park Place. The 1885 sale of the Park Place allotments was claimed to be the last subdivision of Crown land within the City of Melbourne. The area's particular association with speculative building and owner-builders reflect the politicised nature of the subdivision at a time of a public debate about the retention of public parkland versus revenue-raising by the government and private development. **(Criterion A)**

The historical development pattern of the mixed-era precinct represents the key phases of residential development in the City of Melbourne. The residential development of the precinct was initially slow, with few examples constructed in the 1870s, including the intact semidetached two-storey villa at 64–76 Pasley Street designed by architects Crouch & Wilson. After slow development in the 1870s, the Pasley Street pocket saw intensive building during the boom period of the 1880s and the beginning of the 1890s. The sale of the Park Place pocket in 1885 and development of the cluster of Victorian buildings between 1886 and 1891 also coincided with the land boom of the Victorian period that continued until 1892. Following economic recovery in the early twentieth-century, the vacant land remaining in the Park Place pocket was taken up for further residential development. Throughout the interwar and postwar period, a number of houses and blocks of flats were erected on new allotments, representing subdivided former gardens of Victorian-era properties, or replacing earlier houses. Astor at 641–645 Punt Road, with its Mediterranean-influenced facade, is an example of a Victorian residence converted to flats in the 1920s, reflecting a pattern of development that was common in South Yarra during the interwar period. The postwar flats in this precinct reflect the changing urban landscape seen in much of inner city Melbourne, brought about by waves of postwar European migrants who valued high-density European-inspired city living. **(Criterion A)**

Aesthetically, the mixed-era precinct is significant for the contribution of the well preserved masonry houses in a concentrated area. The diverse building stock ranges from Victorian-era workers' cottages and two-storey villas, to twentieth-century residences and flats. The places of aesthetic importance include a finely detailed Victorian residence with Dutch gables at 20–24 Pasley Street, and highly refined Italianate style examples at 36–38 Pasley Street, 64–76 Pasley Street, 84–88 Pasley Street and 507–511 Punt Road. A postwar block of flats at 40–42 Pasley Street, designed by prominent architect Yuncken Freeman Bros, is also of aesthetic importance. The views and vistas into and out of Fawkner Park to the residential areas and along Pasley Street are part of the important elements of the precinct. **(Criterion E)**

5.1 Specific properties

5.1.1 15–17 Pasley Street



Scheme	HO and grading
Post C258 / C396	HO6: Ungraded
Exhibited C426	HO1419: Contributory
Council final position Change of category is proposed	HO1419: Non-contributory

(i) The issues

The issue is whether 15–17 Pasley Street is appropriately categorised as contributory in the Pasley Street and Park Place Precinct (HO1419).

(ii) Evidence and submissions

The landowner submitted that while the roof form and right-hand chimneys survive, the front facade has been “gutted” and the front porch built in.

The Amendment seeks to categorise the building as contributory whereas previously it was ungraded.

Ms Schmeder gave evidence that:

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.

(iii) Discussion

The Panel accepts the evidence that the dwelling is non-contributory.

(iv) Conclusion

The Panel concludes:

- Council’s post-exhibition proposal to change the categorisation of 15–17 Pasley St South Yarra to non-contributory is appropriate.

5.1.2 52 and 56 Pasley Street and 543 Punt Road



Scheme	HO and grading	
	52 and 56 Pasley	543 Punt Road
Post C258 / C396	HO6: Ungraded	HO6: Contributory
Exhibited C426	HO1419: Non-contributory	HO1419: Contributory
Council final position No change from exhibition	HO1419: Non-contributory	HO1419: Contributory

(i) The issues

The issues are whether the:

- non-contributory buildings at 52 and 56 Pasley Street or the contributory building in Punt Road should be excluded from the Heritage Overlay
- property at 543 Punt Road is contributory.

(ii) Evidence and submissions

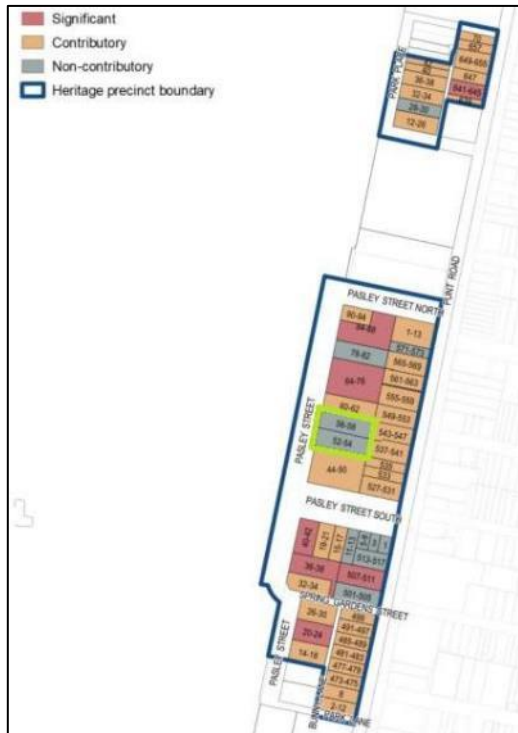
The landowner did not think it is appropriate that their houses or the adjoining flats be included in a Heritage Overlay. The submitter believes that the heritage area should be smaller, more targeted and not incorporate buildings of no heritage significance.²⁵

(iii) Discussion

As shown on the precinct map below, the properties at 52 and 56 Pasley Street (outlined in green) sit in the centre of the newly formed precinct. Their future redevelopment could have a negative impact on the surrounding Pasley Street streetscape if they were left outside the Heritage Overlay precinct.

The property at 543 Punt Road is already covered by the Heritage Overlay and identified as contributory.

²⁵ This submission appears to have an address error in it, as the flats next to 56 Pasley Street are at No. 52 and not at No. 58. (The property to the north, at 60–62 Pasley Street, is a Contributory Victorian villa.)



(iv) Conclusions

The Panel concludes:

- The application of the Heritage Overlay to 52 and 56 Paley Street is appropriate.
- The classification of 543 Punt Road as contributory in HO1419 is appropriate.

5.1.3 641–645 Punt Road (the Astor)



Scheme	HO and grading
Post C258 / C396	HO6: Ungraded
Exhibited C426	HO1419: Significant
Council final position Change of category is proposed	HO1419: Contributory

(i) The issue

The issue is whether 641–645 Punt Road (the Astor) is appropriately categorised as significant in the Pasley Street and Park Place Precinct (HO1419).

(ii) Evidence and submissions

The owners of Unit 3, 641 Punt Road, South Yarra, 3141, an apartment in the building also known as The Astor, objected to the change in heritage status of the building.

The owners agreed that the Astor reflects the changes that occurred in South Yarra in the interwar period to convert dwellings into apartments, but noted there are no other examples of this type of

converted apartment buildings in HO1419. They said the Astor is an outlier as the only example of this type of building in the area. Further no other examples of this building typology have been identified in the study as being significant. They concluded:

At most we believe that the Astor should be considered as contributory in the new HO as proposed and not significant.

Ms Schmeder gave evidence that:

The study states that 'the 'Astor' ... is of particular note, for its retention of Victorian-era terraces behind the interwar period facade.' (pg. 502) However, aside from the nineteenth-century roof form and chimneys, little has been retained of the Victorian-era terraces.

The construction of a new front facade with the loss of the Victorian ones is typical of interwar flats conversions, as seen other parts of South Yarra, and in nearby Stonnington and Port Phillip. The loss of the Victorian facades does not diminish its ability to demonstrate the transition in this area from all single-family homes to a notable number of multi-family dwellings as well.

Ms Schmeder considered that:

..., there is a strong rationale to argue that 'Astor' contributes to the precinct as it links two valued stages of its development. The majority of buildings in the precinct are Victorian single-family houses (detached and attached). There is also an admixture of contributory interwar flats (Moderne at 555 Punt Rd, Old English at 565 Punt Rd), as well as a Moderne maisonette (part of 86A Pasley St) and altered Moderne flats (non-contributory, 573 Punt Rd). The 'Astor' flats conversion thus represents both of these periods, and in my opinion is definitely a contributory place in the precinct.

Ms Schmeder considered whether the 'Astor' is of individual significance on the basis that it is a flats conversion. While the practice of converting Victorian houses to interwar flats is mentioned once in the precinct citation, specifically in relation to the 'Astor', this theme is not explored further nor represented by any other properties in the precinct. She said:

While 'Astor' has an attractive front facade, with a range of interesting details, such as the curved hood to the entrance and stylised nameplate, in my expert opinion, its design is closer in quality to the contributory examples depicted above.

The comparative analysis also indicates that there are many, very fine Spanish Mission and Mediterranean Revival flats in South Yarra, so the threshold for local significance is quite high. In my expert opinion, 'Astor' does not meet this threshold.

(iii) Discussion

Originally built as a semidetached pair of terraces in 1889, 641–645 Punt Road is reflective of a practice that was common during the interwar period: the conversion of early residential buildings to flats. Today the building has a Mediterranean-influenced facade from 1929.

The 'Astor' was categorised as significant due to its history as a flats conversion. In the Volume 1 table setting out grading changes the 'Rationale for proposed changes' for the 'Astor' is expressed as 'High historical merit'. And the citation states the 'Astor':

is of particular note, for its retention of Victorian-era terraces behind the interwar period facade ... [This] is reflective of a practice that was common during the interwar period: the conversion of early residential buildings to flats.

The Panel agrees with the submissions and evidence that the Astor is a 'one-off' example of a flats conversion in the Pasley Street and Park Place Precinct. The importance of this theme has not been substantiated in the citation, and there is no basis to claim it is significant solely because of the conversion. While there are similar examples of conversions in the remaining part of HO6, this historical background has not made them significant either.

The Panel agrees with Ms Schmeder that, 'Astor' does not meet the threshold of a significant building in the precinct.

There is a strong basis to categorise 'Astor' as contributory to the precinct, as it demonstrates two key periods in the precinct history.

(iv) Conclusion

The Panel concludes the Council's post-exhibition proposal to re-categorise 641–645 Punt Road (Astor) as contributory is appropriate.

6 Individual heritage places

6.1 485–491 St Kilda Road (Sheridan Close) (HO1413)

Exhibited Statement of Significance

Heritage Place:	Sheridan Close	PS ref no: HO1413
		

What is significant?

Sheridan Close at 485–491 St Kilda Road, Melbourne, built in 1951–53 and designed by Sir Bernard Evans, is significant.

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

- original built form surrounding an enclosed trapezoidal courtyard garden
- open access galleries and protruding stairwell towers on the internal sides
- face oatmeal brick construction, concave western facade, serrated northern and southern facades, and inner facades facing into the courtyard
- terracotta tiled hipped roof to north, south and east sections of the building, accessible terraces to the west section of the building
- pillars and ground floor undercroft parking
- complex's original materials as well as its detailing

- complex's high level of integrity to its original design representative of Postwar Modernist architecture, including influences of earlier styles such as Georgian Revival and the Moderne;
- pattern and size of original Georgian Revival style fenestration on the western facade
- Modernist style fenestration with asymmetrical glazing maximising light on the northern and southern sides
- other original elements including timber and aluminium window frames
- original or early volcanic rock edging, garden beds and layout of the central courtyard garden
- lamps and stepping stones within the courtyard garden.

More recent changes, including window, balustrading and door replacements, are not significant.

The tree plantings contribute to the setting of the place but are not significant in their own right.

How is it significant?

Sheridan Close at 485–491 St Kilda Road, Melbourne, is of local historical, representative, aesthetic and associative significance to the City of Melbourne.

Why is it significant?

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. It is significant for its capacity to demonstrate a period of residential growth along the St Kilda Road corridor. The high quality and grandeur of Sheridan Close is indicative of the prestige of a St Kilda Road address at that time. The integration of car parking within the building reflects the expectation of individual car ownership. It is also notable for its ongoing use as residential flats. **(Criterion A)**

Sheridan Close is aesthetically significant for its grandeur, scale and unusual stylistically hybridised design. The arrangement of the complex around an enclosed trapezoidal courtyard illustrates the exclusivity of the complex and harks back to the planning model of European piazzas. The complex is stylistically transitional. It is characterised by its juxtaposition of Modernist design principles with earlier styles such as Georgian and Moderne that were popular in the interwar era. These earlier styles would have been familiar to and popular with the wealthy demographic at which the complex was marketed and were commensurate with its prestigious address. Modernist design principles are at work, however, in the raising of the north and south sections of the building on pillars to create undercroft car parking areas and in the environmental considerations evidenced in the serrated profile of these wings to provide individual dwellings with light and views.

The visual dominance and concavity of the main St Kilda Road facade with its simple yet refined detailing contributes to the building's aesthetic significance and makes a notable contribution to the St Kilda Road streetscape. The oatmeal-coloured face brickwork construction is uncommon in this area and visually striking. **(Criterion E)**

Sheridan Close is significant for its association with architect Sir Bernard Evans who was a key proponent of the Own-Your-Own movement. Evans is also notable for his public contribution and advocacy in support of taller residential city buildings with greater open space and setbacks from the street in Melbourne. This was achieved through service on several council committees and roles as the Lord Mayor of Melbourne (1959–61) and a commissioner of the Melbourne and Metropolitan Board of Works (1956–73). As well as Sheridan Close, Bernard Evans, through his architectural practice, built many buildings of different uses and styles including Emerald Hill Court, South Melbourne; AMPOL House, Carlton; the CRA building, 99 Collins Street; and the Legal and General Assurance building, St Kilda Road. **(Criterion H)**

(i) The issues

The issues are whether the:

- property at 485–491 St Kilda Road (Sheridan Close) has sufficient heritage significance to justify the Heritage Overlay (HO1413)
- content of the Statement of Significance is appropriate
- proposed curtilage is appropriate.

(ii) Evidence and submissions

Sheridan Close Ltd submitted it opposed application of the Heritage Overlay HO1413 to Sheridan Close as exhibited. It submitted application of HO1413 should be abandoned, or at a minimum the Statement of Significance requires review to ensure it only applies to the elements that warrant protection.

Sheridan Close Ltd questioned the heritage assessment against each of the identified criterion, stating:

- while the place may be of interest for its historical association with the development of flats in Melbourne, it was not of sufficient interest to warrant individual listing under Criterion A
- there is no content in the Statement of Significance explaining how the place meets Criterion D
- while the St Kilda Road facade has aesthetic quality, the balance of the building has “*limited aesthetic quality*” and overall the building is not of aesthetic quality to meet the threshold for Criterion E
- while the association with Sir Bernard Evans & Associates might be of some interest, Sir Evans is not an adequately notable or recognised architect and the association is not at a sufficient level to warrant individual listing under Criterion H.

Sheridan Close Ltd said the examples used in the comparative analysis had only a loose association and were not of assistance in assessing the place.

Sheridan Close Ltd provided details of aspects of the Statement of Significance it considered to be errors and submitted the Statement of Significance overstates the significance of the place, as it represents a “*jumble of architectural periods*” and had been considerably altered. It questioned the assessment of the internal courtyard and associated garden setting as significant, noting the courtyard mostly functions as a driveway associated with undercroft car parking.

Sheridan Close Ltd provided attachments to its Hearing submission (Documents 50a – 50m) including:

- proposed changes to the Statement of Significance
- historic documents including site and building plans and various publications.

One submitter (unit occupier and shareholder of Sheridan Close Ltd) submitted the Statement of Significance overstates the heritage value of the place including but not limited to:

- social value of the place
- the building (as a whole) being an exemplar architectural piece of Sir Evans
- the landscaped setting
- the physical heritage value of the east, north and south wings.

The submitter said if the Heritage Overlay is applied to Sheridan Close, the extent of the proposed overlay should be to the western wing (front facade) of the building only. The submitter said that limiting the extent of the Heritage Overlay and content of the Statement of Significance would provide balance in protecting the actual values of the place without significantly reducing development potential.

Mr Huntersmith gave evidence:

- Sheridan Close is a four-storey postwar complex built in 1951–1953 designed by prominent architect Sir Evans
- the comparative analysis appropriately considered other postwar flats in the City of Melbourne and other local heritage listed examples designed by Sir Evans outside the municipality
- Sheridan Close is an outstanding example of its type, *“demonstrating Evan’s favour towards European city models by introducing a greater open space allocation through the inclusion of a central, plaza-like courtyard as the focus of the development layout”*
- the place’s aesthetic significance lies not just in its front facade but in the *“hybridisation of stylistic elements and layout of the place including side wings and courtyard”*
- the place has a clear association with the historically important period of postwar residential development that made an important contribution to the City of Melbourne flats
- the place has associative significance with Sir Evans as the architect of the building, and as assessed against the *Victorian Heritage Register Criteria and Threshold Guidelines* (2012 reviewed 2022), modified to apply at the local level
- it is not appropriate to reduce the curtilage of the Heritage Overlay and all of the land should be included, consistent with guidance in PPN01 and the Burra Charter.

Mr Huntersmith advised that Criterion D had been inadvertently ticked in the citation, and this should be removed from the citation along with the reference to Criterion D in the Statement of Significance. He noted the place has not been assessed for social significance.

Mr Huntersmith reviewed and responded to the changes to the Statement of Significance proposed by Sheridan Close Ltd. He generally did not support the changes, but noted the change from brickwork to metal balustrading should be noted in the citation, and the reference to stepping stones should be removed.

Mr Huntersmith recommended other minor changes to the Statement of Significance including:

- removing the reference to stepping stones from the list of contributory elements under ‘What is significant?’
- amending the relevant text in ‘How is it significant?’ to:
 - change the Criterion A statement to replace *“a forerunner to”* with *“that predated”* and remove *“It pioneered a new typology of luxury, purpose-built, high-density living”* from the Criterion A statement
 - change the Criterion H statement to replace *“Sir Bernard Evans who was a key proponent”* to *“Sir Bernard Evans who was an exponent”*.

Ms Schmeder gave evidence:

- the comparative analysis demonstrated how unusual the place is, *“hence the paucity of direct comparators. This is an elegant and unusual building with obvious landmark qualities.”*

- the place has historical significance as a key example of OYO flat, being one of the earliest and largest
- the place has aesthetic significance not just for its notable front facade, but the building was designed 'in the round' with consideration for the appearance of all four elevations, and the courtyard is part of the original design that contributes to the significance of the place as a whole.
- the comparative analysis demonstrates Sheridan Close as one of Sir Bernard Evan's most accomplished designs and the citation appropriately describes the associative significance with Sir Evans who was pioneer of the OYO flats innovation and who had an important impact on the built form and residential ownership in metropolitan Melbourne
- the citation has demonstrated the entire building and courtyard landscaping are of significance and should be protected as a whole by the Heritage Overlay, including the whole block of land.

Ms Schmeder identified the Statement of Significance should be amended to refer to the correct address of 485–489 St Kilda Road, and the reference to representative significance should be removed from the Statement of Significance and citation

Council relied on the evidence of Mr Huntersmith and Ms Schmeder. Council also referred to the Memorandum of Heritage Advice (7 June 2023) co-authored by Mr Turnor in relation to 31–37 Millswyn Street, South Yarra which gave the opinion that application of the Heritage Overlay was warranted for Sheridan Close.

Council accepted the changes to the Statement of Significance for HO1413 recommended by Mr Huntersmith and Ms Schmeder.

(iii) Discussion

The citation for Sheridan Close in Volume 4 of the *Heritage Review* included a detailed assessment of the place. It identified the relevant *Thematic Environmental History* theme and subthemes of:

- 6 Shaping a residential area
- 6.3 Flats, maisonettes, duplexes
- 6.4 Postwar residential development.

Sheridan Close has been appropriately assessed as having historical, aesthetic and associative significance (Criteria A, E and H).

Sheridan Close is an important early example of a large block of OYO postwar flats, and was the largest block of OYO flats in Melbourne when it was completed in 1953.

The building is a four-storey complex of 78 flats structured around a central courtyard with four connected blocks. A fifth floor 'penthouse' is positioned on the western block fronting St Kilda Road. The building is designed 'in the round' with articulation to all four facades, particularly the curved front facade and the serrated north and south side elevation.

Sheridan Close is generally intact with very few changes to the original features of the place. As detailed in the Statement of Significance, the building has a high level of integrity to its original design including many original elements such as:

- face oatmeal brick construction, concave western facade, serrated northern and southern facades, and inner facades facing into the courtyard
- terracotta tiled hipped roof to north, south and east sections of the building, accessible terraces to the west section of the building

- pillars and ground floor undercroft parking
- ...
- pattern and size of original Georgian Revival style fenestration on the western facade
- Modernist style fenestration with asymmetrical glazing maximising light on the northern and southern sides.

The architect of Sheridan Place, Sir Bernard Evans was a leading promotor of 'self-ownership' flats in the era. As stated in the citation, Sir Evans was a Melbourne City Councillor (1949–1973) and elected as Lord Mayor of Melbourne in 1959 and 1960. The introduction of large blocks of strata titled flats typology to Melbourne is largely attributed to Sir Evans.

Sheridan Close is not identified as having representative significance (Criterion D), and the inclusion of this in the Statement of Significance was in error. As proposed by Council this should be removed from the citation and from the section on 'How is it significant?' in the Statement of Significance. The place is also not identified as having social significance as clarified by Mr Huntersmith.

The citation identifies that Sheridan Close has few comparators in the City of Melbourne due to its unusual stylistic form, specifically its unusual combination of classical Georgian Revival facade with Modernist design elements and Moderne detailing. While it is comparable with other examples of luxury OYO flats with garden courtyard typology, which were well established in South Yarra during the 1930s and 1940s, it is a rare example from the 1950s. Consequently, the comparative analysis also includes examples outside of the City of Melbourne designed by Sir Evans.

The citation describes five comparative examples with consideration of use, stylistic features, construction date and/or scale, including other buildings designed by Sir Evans:

- Ravedene in Domain Road, South Yarra (currently contributory in HO6, and proposed as significant as part of this Amendment)
- 20W–26W Toorak Road, South Yarra (proposed as significant in HO6 as part of this Amendment)
- Greyfriars, a block of 43 units at 53 Balaclava Road, St Kilda East (HO219, City of Glen Eira)
- Deansgate, 9 Southey Street, Elwood (significant in HO7, City of Port Phillip)
- Merton Court in Ormond Road, Elwood (significant in HO8, City of Port Phillip).

The comparative analysis notes that Sheridan Close is of larger scale and broader detail palette is a stronger example of type than 20W–26W Toorak Road, and Sheridan Close has a more pronounced street presence than Ravedene or 20W–26W Toorak Road. Compared with other examples designed by Sir Bernard Evans, the citation states *"Sheridan Close offers an enhanced sense of grandeur, architectural refinement and individuality as a stylistic hybrid...is more refined aesthetically and of a greater scale"*.

With consideration of the evidence and comparative analysis, it is clear the courtyard is an integral part of the original design and contributes to the significance of the place.

The Panel was not given any opposing evidence regarding the heritage significance of the place or other elements of the Statement of Significance that were incorrect or needed amending.

The Panel is satisfied the comparative analysis adequately draws on other similar places within the City of Melbourne and as relevant places in other municipalities. While the comparative analysis does not explicitly refer to the relevant criteria, it demonstrates that Sheridan Place is comparable with other places listed in the Heritage Overlay with consideration of stylistic and aesthetic characteristics and as a strong example of the architectural work of Sir Bernard Evans.

The citation includes inconsistent statements that Greyfriars is recommended as an individually significant place by the City of Glen Eira Heritage Review 2020, and separately that HO219 applies to the place. The citation should be amended to reflect that Glen Eira Planning Scheme Amendment C214glen has been gazetted and HO219 has been applied to 53 Balaclava Road, St Kilda East (HO219).

The significance of Sheridan Place includes the building in its entirety and it is appropriate to apply the Heritage Overlay to the property boundaries as exhibited.

PPN01 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).

It goes on to explain circumstances in which it may be appropriate to reduce the curtilage of the Heritage Overlay. It states the 'polygon' should capture those elements of a place that are significant, and it is almost always necessary to include a curtilage to retain the setting or context of the significant building or features and to regulate development in proximity to the significant place. These circumstances are not relevant to Sheridan Close. As described by Ms Schmeder, the entire parcel of land including building and courtyard landscaping are significant and the Heritage Overlay should apply to the whole site.

(iv) Conclusions

The Panel concludes:

- The property at 485–491 St Kilda Road (Sheridan Close) has sufficient heritage significance to justify the Heritage Overlay (HO1413).
- The Statement of Significance should be amended as recommended by Council.
- The curtilage of the Heritage Overlay should be applied to the entire property, as exhibited.
- Council's post-exhibition proposal to update the citation is appropriate, including to:
 - remove the reference to Criterion D (representativeness)
 - note the change from brickwork to metal balustrading
 - identify that the Heritage Overlay has been applied to 53 Balaclava Road, St Kilda East (HO219) and is no longer a potential heritage place.

6.2 519–539 St Kilda Road (former Chevron Hotel) (HO1414) and 555–563 St Kilda Road (Royal Victoria Institute for the Blind) (HO492)

Exhibited Statement of Significance

Heritage Place:	Former Chevron Hotel	PS ref no: HO1414
		

What is significant?

The former Chevron Hotel at part of 519–539 St Kilda Road, Melbourne, built in stages from 1934 to 1939, is significant.

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

- external form and massing of the 1934–39 buildings, including the prominent roofline
- original materiality of the 1934–39 buildings, including face bricks, render and terracotta tile
- alternating light wells on the Commercial Road elevation, including the parapet wall above one projecting wing at the location of a former roof terrace
- brick tower with chamfered corners, tile roof, decorative render and weathervane
- formal entry way on Commercial Road, built as part of the 1939 additions, featuring highly decorative brickwork and a cantilevered, boxed awning
- pattern and size of original fenestration above the ground level, and the louvred shutters
- detailing such as the projecting brick course at the first floor sill height, and the string courses beneath

and above the third level windows

- roof details including the projecting eaves and chimneys
- other decorative details such as the string course beneath the fourth floor
- building's high level of integrity to its original 1934 and 1939 designs, especially evident on the St Kilda Road and Commercial Road elevations.

More recent alterations and additions, including alterations to the ground floor are not significant.

How is it significant?

The former Chevron Hotel at part of 519–539 St Kilda Road, Melbourne, is of local historical, representative and aesthetic significance to the City of Melbourne.

Why is it significant?

The former Chevron Hotel at part of 519–539 St Kilda Road, Melbourne, is of historical significance as an early and substantial example of a large, private, low-rise luxury hotel that modelled the American style of the 1930s. Large private luxury hotels were uncommon in Melbourne until after World War II. In the interwar period, most visitors to the city relied on the accommodation provided by smaller boarding houses and hotels. Although some private hotels had been established in the City of Melbourne in the preceding decades, the Chevron is a clear example of the transition towards large luxury private hotels designed in the American manner. The Chevron Hotel is possibly the only existing example of such a building from the interwar period in the City of Melbourne. It is of historical interest on account of the many well-known guests who stayed there, including Frank Sinatra, and the Hollywood actors Gregory Peck and Ava Gardner who stayed while filming *On the Beach* in 1959. **(Criterion A)**

The former Chevron Hotel is of representative significance as an interwar residential hotel erected in the City of Melbourne. Overall form and planning of the former Chevron Hotel are demonstrative of the residential hotels of the 1930s and 1940s that provided upmarket, modern private suites as well as shared lounges and recreation areas. It also represents influences by commercial architecture of the time, represented by the use of Commercial Palazzo style detailing including the use of vertical bays articulated by pilasters and restrained decorative rendered detailing, pilasters and spandrels. **(Criterion D)**

The former Chevron Hotel is of aesthetic significance for its country club-style of architecture and site planning that distinguish the subject building within the typology. Designed by architect Leslie M Perrott, the former Chevron Hotel features picturesque massing reminiscent of exotic destinations or the countryside, and integrated recreational facilities (including a swimming pool and tennis courts) across its larger site. The former Chevron Hotel represents how hotel establishments in Melbourne began to provide luxury accommodation on a large scale, influenced by the fashionable hotels in the United States. While drawing on classical architectural roots the former Chevron Hotel plays with the Palazzo form of a three-part facade, creating a more informal version of the style. The picturesque nature of the former Chevron Hotel is highlighted by elements like its low-rise form, diagonal tower, shuttered windows and terracotta roof. **(Criteria E)**

(i) The issues

The issues are whether the proposed curtilage of the Heritage Overlay is appropriate for:

- 519–539 St Kilda Road (former Chevron Hotel) (HO1414)
- 555–563 St Kilda Road (Royal Vic Institute for the Blind) (HO492).

(ii) Evidence and submissions

One submitter objected to the proposed curtilage of the Heritage Overlay (HO1414) for the former Chevron Hotel stating the map includes the two newer Chevron towers built in 2006 which may have been included by mistake and should be excluded from the proposed Heritage Overlay.

Another submitter objected to the curtilage of the Heritage Overlay for both the former Chevron Hotel and 555–563 St Kilda Road (Royal Victorian Institute for the Blind) on the basis it inappropriately includes modern buildings which is not in keeping with the logic of the Amendment *“and would otherwise cause unwanted and unneeded planning issues”*.

Council submitted the property at 555–563 St Kilda Road is currently in the Heritage Overlay (HO492) and is on the Victorian Heritage Register (VHR H1002). No change is proposed to the curtilage of HO492 as part the Amendment.

Mr Huntersmith said it was appropriate to retain the curtilage of HO1414 as exhibited. He said:

- a small section of new development was included in the eastern corner of the proposed Heritage Overlay, which provides a consistent buffer to the rear of the former hotel building
- this is intended to protect to three dimensional views of the building from the northeastern corner and sightlines along Commercial Road.

Mr Huntersmith said this aligned with guidance in PPN01 to ensure an appropriate curtilage covers the elements of the place that are significant, retains a setting or context and regulates development in proximity to the significant elements.

Ms Schmeder gave evidence a small part of the modern building was included in the proposed Heritage Overlay (HO1414) curtilage, as shown in Figure 10. She supported application of the Heritage Overlay as exhibited as it will allow assessment of future planning permits to appropriately consider heritage impacts on the east side of the former Chevron Hotel. If future development were to further obscure views on this side it may negatively impact heritage values.

Council relied on the evidence of its experts and did not propose any changes to the curtilage of Heritage Overlay (HO1414).

Figure 10 Application of Heritage Overlay HO1414

Source: Expert Witness Statement Natica Schmeder (Document 13) page 91, with Panel notation

(iii) Discussion

The exhibited Heritage Overlay (HO1414) curtilage is appropriate as it will allow for assessment of the potential impact of future development on the heritage values of the former Chevron Hotel. The curtilage includes a small section of the modern three-storey building, providing a consistent buffer and enabling three dimensional views of the building. The Heritage Overlay will protect important views from the north-eastern corner and along Commercial Road towards St Kilda Road.



The Panel has not considered existing Heritage Overlay (HO492) as no change is proposed as part of the Amendment.

(iv) Conclusion

The Panel concludes the proposed curtilage of the Heritage Overlay (HO1414) is appropriate for 519–539 St Kilda Road (former Chevron Hotel).

6.3 Former Wesleyan Church (431–439 Punt Road, South Yarra) (HO1407)

Exhibited Statement of Significance

Heritage Place:	Former Wesleyan Church	PS ref no:	HO1407
			

What is significant?

The former Wesleyan Church at 431–437 Punt Road, South Yarra, built in 1864 to a design by Crouch and Wilson, is significant.

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

- building's original rectangular form with slate gabled roof and twin turrets, and the bluestone
- external walls with side porches and buttresses
- pattern and size of original fenestration, especially the use of four-centred arches on all elevations
- other original elements such as cement openwork parapet, tracery window with four-part stained glass designed by Ferguson and Urie, quoining and string courses in moulded cream brick, diamond-pattern leadlight glazing.

More recent alterations and additions, including the new side and rear wings and landscaping features, are not significant.

How is it significant?

The former Wesleyan Church at 431–437 Punt Road, South Yarra, is of local historical and representative significance to the City of Melbourne.

Why is it significant?

The former Wesleyan Church at 431–437 Punt Road, South Yarra, built in 1864, is historically significant as an example of a local Wesleyan (Methodist) church built as part of the early suburban development of Melbourne, replacing an earlier church on the site that dated to the mid-1850s. It is also significant as it occupies one of the four Crown reserves granted for use by the four Christian denominations in the 1850s

along the same section of Punt Road. The subject church provides important tangible evidence of the development pattern of this early phase of suburban expansion within the City of Melbourne outside of the central city. The building is also evidence of the broad adoption of Gothic Revival style by the Methodists in Victoria in the 1850s and 1860s, which was a significant departure from their preference for a more austere style prior to the 1850s. **(Criterion A)**

Designed by prominent Melbourne architects Crouch and Wilson, the former Wesleyan Church is of representative significance to the City of Melbourne, as an example of the many smaller-scale churches of the major Christian denominations built in the 1860s and 1870s. Despite the residential conversion in 1994, the building is clearly legible as an example of an early Gothic style church, retaining key stylistic elements that are characteristic of the type, including the use of bluestone with contrasting dressings and detailing, as well as the symmetrical facade composition with gabled roof and twin turrets. The former church building is notable for its uncommon references to Perpendicular Gothic style, exhibited in the vertical emphasis of the design, the use of comparatively wide and flat pointed arches, and its central Perpendicular Gothic tracery window. The stained glass by Ferguson & Urie stained glass is an important part of the window design. **(Criterion D)**

(i) The issues

The issues are whether the:

- property at 431–439 Punt Road (former Wesleyan Church) has sufficient heritage significance to justify the Heritage Overlay (HO1407)
- the address of the property should be 435 Punt Road in the Statement of Significance.

(ii) Evidence and submissions

One submitter, a member of the Owners Corporation for the property at 431–439 Punt Road (former Wesleyan Church), objected to application of Heritage Overlay (HO1407) to the property. The submission included a report prepared by Green Heritage for Planning Scheme Amendment C396melb, dated 25 June 2021. The submitter said *“the report is comprehensive and set out the reasons and justification for objection to listing the building as ‘significant within HO6’”* and the Owners Corporation members have a united view on the matter.

The Green Heritage report concluded the place was not individually significant, and noted the correct address for the property was 435 Punt Road. The report recommended, as relevant to Amendment C396melb, the place be included as ‘contributory’ rather than ‘significant’ within the HO6 precinct. The report raised issues relating to:

- the comparative analysis, stating the place is not a rare example
- the loss of context for the church building and intactness of the church complex
- change of use of the place
- the original fabric of the church had been altered.

Mr Huntersmith explained the former Wesleyan Church designed by Crouch and Wilson, was built in 1864 and converted to a six unit apartment complex in 1994. He recapped the conclusions of the Panel for Amendment C396melb including:

- the church had always been ‘A-graded’, not ‘C-graded’ as suggested by the Green Heritage report
- conversion of the former church’s categorisation from ‘A-graded’ to significant in the precinct was consistent with the heritage grading conversion methodology
- the *Heritage Review* should confirm the building’s conservation status.

Mr Huntersmith and Ms Schmeder both concluded it was appropriate to apply Heritage Overlay (HO1407) to the property at 431–439 Punt Road. They agreed the place:

- had been appropriately assessed in the *Heritage Review*
- is highly intact when viewed from the public domain and has high historical and architectural importance
- is appropriately categorised in the Statement of Significance as having local historic and representative significance to the City of Melbourne.

In response to issues raised in the Green Heritage report, Mr Huntersmith said:

- the comparative analysis in the citation had appropriately assessed other mid-Victorian Wesleyan (Methodist) churches and Gothic Revival style churches
- the place was not assessed as significant for Criterion B (rarity)
- despite the change to the context of the building the place is clearly legible as a mid-Victorian bluestone church when viewed from the public domain
- continuity of use is not relevant unless assessing Criterion G (social significance)
- the additions to the building are discreet and largely in keeping with the style, and remains legible of as a mid-Victorian bluestone church.

Ms Schmeder agreed with Mr Huntersmith's evidence that the comparative analysis was appropriate and stated:

- the citation appropriately recognises the change in setting to the former church
- the assessment of significance is embodied in the place itself and not reliant on the surroundings
- the change of use from a community function to residences has an impact on social significance but has not undermined the historic or representative significance at the local level
- a place only needs to meet one Hercon criteria to justify application of the Heritage Overlay.

Ms Schmeder confirmed both addresses 431–439 Punt Road and 435 Punt Road are used for the property.

Council submitted the property was included in Amendment C396melb, which finalised the conversion of outstanding places from Amendment C258melb Heritage Places Inventory. Council relied on the evidence of Mr Huntersmith and Ms Schmeder.

(iii) Discussion

This Panel has not reinterrogated issues considered by the panel for Amendment C396melb which concluded in relation to the appropriate heritage category that the former church at 431–439 Punt Road is significant in precinct HO6. It also concluded that the *Heritage Review* should confirm the building's conservation status.

The Panel notes the submitter did not expand on its concerns as they relate to this Amendment.

The citation for the place prepared as part of the *Heritage Review* undertook a comprehensive heritage assessment for the place, and confirmed it has historic and representative significance. The comparative analysis explained the majority of churches built in the 1850–1860s were built of stone in the Gothic Revival style. It said the former church building shows influence of the Perpendicular Gothic style which is unusual in the City of Melbourne and Victoria.

The building is highly intact and legible, despite changes to its setting. The Panel is satisfied the place is of individual local significance for:

- Criterion A – as it provides important tangible evidence of the early Gothic Revival churches built as part of the earliest suburban expansion of Wesleyan Methodists in Melbourne
- Criterion D – as it retains key stylistic elements that are characteristic of the Gothic style church.

As historic references to the property refer to the address as 431–439 Punt Road this should be retained. As the contemporary reference to the property appears to be 435 Punt Road, to avoid confusion this address should be added to the Statement of Significance.

(iv) Conclusions and recommendation

The Panel concludes:

- The property at 431–439 Punt Road (former Wesleyan Church) has sufficient heritage significance to justify the Heritage Overlay (HO1407)



The Panel recommends:

- **In HO1407 amend the Statement of Significance, respect of the Former Wesleyan Church (431–439 Punt Road, South Yarra), to add a reference to 435 Punt Road under ‘What is significant?’ as follows:**

The former Wesleyan Church at 431–437 Punt Road ([also known as 435 Punt Road](#)), South Yarra, built in 1864 to a design by Crouch and Wilson, is significant.

6.4 South Yarra Presbyterian Church complex (603–627 Punt Road, South Yarra) (HO1409)

Exhibited Statement of Significance

Heritage Place:	South Yarra Presbyterian Church complex	PS ref no:	HO1409
			

What is significant?

The South Yarra Presbyterian Church complex at 603–627 Punt Road, South Yarra, established in 1854 and built in stages from 1866 to 1925, is significant.

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

- 1866 church (Figure 1: Number 1) and its original external form with slated gable roof, bluestone construction with sandstone (Barrabool Hills freestone) dressing and Gothic Revival style detailing; its high level of integrity to its original design; pattern and size of original fenestration and other decorative details; and the 1920 porch (Figure 1: Number 5)
- 1874 vestry and school wing's original T-shaped form with slate roof, bluestone construction and cement moulding; its high level of integrity to its original design; pattern and size of original fenestration and other Gothic Revival style decorative details (Figure 1: Number 3)
- 1884 Sunday school's original external form, polychrome face brickwork and bluestone foundation; its high level of integrity to its original design; pattern and size of original fenestration and other decorative details (Figure 1: Number 4)
- 1873 manse's original external form with additions from c1890, ruled render finish over masonry (now overpainted) and detailing; its high level of integrity to its original design; pattern and size of original fenestration and other decorative details influenced by domestic Gothic style (Figure 1: Number 2)
- 1925 caretaker's cottage's original external form with a gable roof and a projecting gabled wing, rough cast render finish and face brick base; its high level of integrity to its original design; pattern and size of

original fenestration and other decorative details influenced by domestic Gothic style (Figure 1: Number 6).

More recent alterations and additions, including rear extension to the caretaker's cottage from 1992 and refurbishment from 1992 and 1993, are not significant.



Legend

1	Presbyterian Church (1866)	4	Former Sunday school (1884)
2	Former manse (1873 and c1890)	5	Porch (1920)
3	Vestry and school wing (1874)	6	Former Caretaker's cottage (1925)

Figure 1. Aerial photograph of 603–627 Punt Road, South Yarra, showing the key elements that contribute to the significance. (Source: Nearmap 2021 with GML overlay)

How is it significant?

The South Yarra Presbyterian Church complex at 603–627 Punt Road, South Yarra, is of local historical, representative and social significance to the City of Melbourne.

Why is it significant?

The South Yarra Presbyterian Church at 603–627 Punt Road, South Yarra, established in 1854, is historically significant as an example of a local Presbyterian church built as part of the early suburban development of Melbourne. It is significant as it occupies one of the four Crown reserves granted for use in the mid–1850s by four major Christian denominations along the same section of Punt Road. Replacing an earlier 1854 timber church building, the 1866 church building (Figure 1: Number 1) stands as a key element in the extensive complex of buildings on the site that was developed through the nineteenth century and into the twentieth century. The South Yarra Presbyterian Church complex provides important tangible evidence of this early phase of suburban expansion within the City of Melbourne outside of the central city. **(Criterion A)**

The South Yarra Presbyterian Church complex is of representative significance to the City of Melbourne, for its representation of an early church complex comprising an 1866 church building and other buildings associated with the operation of the church, developed between 1874 and 1925. These buildings are also significant for their designs influenced by the Gothic Revival style. Designed by prominent Melbourne

architect Lloyd Tayler, the subject church (Figure 1: Number 1) retains key stylistic elements that exemplify Gothic Revival style churches, including the use of bluestone with contrasting dressings and detailing, slated high-pitched gable roof, dormer windows and openings on the clerestory level, buttresses, tracery stained-glass, and pointed arched windows and doors. The adjoining 1874 vestry and school wing (Figure 1: Number 3) matches the bluestone construction of the church and contrasting quoining detailing. The 1884 Sunday school building (Figure 1: Number 4) features elements of the Gothic Revival style including narrow pointed arched windows and timber fretwork to the gable ends. The two residential buildings (Figure 1: Number 2 and Number 6) represent domestic versions of Gothic Revival architecture, through their decorative timberwork, gabled roofs (both), quoining to the openings (manse) and narrow pointed arched windows (caretaker's cottage). **(Criterion D)**

The South Yarra Presbyterian Church complex is socially significant to the City of Melbourne. Serving the Presbyterian congregation on the site since 1854, and retaining that affiliation following the formation of the Uniting Church in Australia, the South Yarra Presbyterian Church demonstrates the dominance of the early Scots Presbyterian immigrants in the local area and their continued influence. The South Yarra Presbyterian Church is important to the Presbyterian community of South Yarra as a place of family gatherings and important occasions such as christenings, wedding and funerals for over 150 years. **(Criterion G)**

(i) The issue

The issue is whether the Statement of Significance for South Yarra Presbyterian Church complex (603–627 Punt Road, South Yarra) (HO1409) accurately describes what is significant.

(ii) Evidence and submissions

One submitter raised concerns the Statement of Significance did not accurately document what is significant at the property. The submitter said the Statement of Significance did not describe the impacts of a fire in May 2022 which caused extensive damage to the former Sunday School, including destroying its roof, the former vestry and school wing, and some damage to the Presbyterian Church. It requested the relative significance of individual buildings should be clarified, specifically suggesting the Caretaker's Cottage should be identified as contributory as it was built much later than the other buildings and has been subject to change.

Mr Huntersmith agreed with the submitter that the citation and Statement of Significance should be updated to note the impacts of the fire. He did not support including relative significance of the buildings and said it was not usual for individual elements of a site to be assigned individual significance categories. He stated:

- the significance of the place is enhanced by the retention of a complex of buildings
- while the Caretaker's Cottage is less substantial and has less architectural detailing, it is still typical of a Caretaker's Cottage and contributes to an understanding of the place
- conservation guidelines or a conservation management plan would typically detail relative significance of buildings across the site to inform the tolerance to change.

Ms Schmeder confirmed the fire damage should be documented in the citation and Statement of Significance including *“what was lost, and noting ‘high integrity, apart from the fire damage’”*.

Further she said in her 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.

...

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 and of itself.

Council submitted a revised Statement of Significance with its Part C submissions which:

- described the damage from the May 2022 fire
- clarified which buildings on the property were significant, noting the caretakers cottage as contributory.

(iii) Discussion

It is important to describe the changes to the property as a result of the 2022 fire, noting this occurred after the citation and Statement of Significance were prepared.

Council's Part C version of the Statement of Significance appropriately describes the fire impact to the Sunday School, the former vestry and school wing and, as recommended by Ms Schmeder, it notes the remaining building fabric has high integrity.

The Panel agrees with Ms Schmeder that, while not essential, it is appropriate to designate the relative heritage significance category of buildings within a complex if the relative significance has been assessed. This can assist in understanding the heritage significance and can assist with appropriate management of the place. It is equal to the assessment process undertaken to prepare a conservation management plan for a heritage place, and it is also comparable to differentiating between significant, contributory and non-contributory buildings in a precinct.

In this instance both experts consider the Caretaker's Cottage contributory to the place, noting it is highly intact and is an integral part of the complex. The Panel accepts Ms Schmeder's evidence the Caretaker's Cottage should be described as contributory in the Statement of Significance and citation, and the church, vestry, Sunday School and manse are significant.

(iv) Conclusions

The Panel concludes:

- The Council's post-exhibition changes to the Statement of Significance for South Yarra Presbyterian Church complex (603–627 Punt Road, South Yarra) (HO1409) are appropriate, including to:
 - describe the impacts of the 2022 fire
 - describe the Caretaker's Cottage as contributory, and the church, vestry, Sunday School and manse as significant.
- The citation should be updated to be consistent with the changes to the Statement of Significance.

7 The drafting of the Statements of Significance and definitions

7.1 Does contributory mean representative?

(i) The issue

The issue is whether there is a tension between use of the term ‘representative’ in Council’s heritage definitions and the Hercon criterion D (representativeness).

(ii) Background

In the Heritage Places Inventory the definition for contributory heritage places includes:

Contributory heritage place: ... A contributory heritage place may be ... a representative example of a place type,

As described by Council, the intent of the word ‘representative’ in the Council heritage definition of a ‘contributory heritage place’ is a ‘typical’ example. In contrast, Criterion D relates to:

Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

(iii) Evidence and submissions

Ms Schmeder, giving evidence for Council, suggested that including the term ‘representative’ the Council definition of a ‘contributory heritage place’ may be confused with Hercon Criterion D (representativeness). She said outside of the City of Melbourne a good representative example might be assumed to relate to Criterion D.

Ms Schmeder explained the term ‘representative’ has so many meanings, and as specialised vocabulary in heritage planning should be used cautiously. She said the language in PPN01 should prevail.

Council submitted the term ‘representative’ in the definition of contributory was not tied to the Hercon criteria but rather the notion of a ‘typical’ example.

(iv) Discussion

The purposes of the Hercon criteria and Council’s definitions are different:

- the Hercon criteria are used to assess the local heritage values and significance of a place
- the heritage category definitions in the Heritage Places Inventory are used to inform management decisions about a heritage place.


However, the Panel agrees with Ms Schmeder the term ‘representative’ in the Council definitions may be confusing.

The term ‘representative’ in heritage planning is precise and technical, and a cautious approach should be taken to its colloquial use in this context. In any future review of definitions, as suggested by the Panel in Chapter 3.3, it would be beneficial to ensure the terms used are fit for purpose in the context of heritage planning guidance including PPN01.

The Panel notes the HO6 Statement of Significance under ‘What is significant?’ for Area 3 uses the term ‘representative’ in relation to the architectural style of building stock. This would be more clearly expressed as ‘typical’.

The Panel has observed in the documentation use of the term ‘representative’ in different contexts and with different meanings. An example from the *Heritage Review* is shown in Figure 11 for 3–25 St Leonards Court – reasons why there is proposed to change the category from contributory to significant.

Figure 11 Example use of ‘representative’ in the *Heritage Review*

 <ul style="list-style-type: none"> - High integrity. - Fine representative example. - High architectural merit. - [Streetscape] Part of a well preserved group from a similar period or style. 	Yes (including stone walls, brick retaining walls and steps, and garden edging)
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(v) Conclusions

The Panel concludes:

- Council’s definition and the Hercon Criterion D use the term ‘representative’ differently which may cause confusion.
- Any future review of Council’s heritage definitions should consider use of terms that are fit for purpose and consistent with contemporary heritage planning guidance.

7.2 Use of the term ‘place’

The terms ‘place’, ‘building’, ‘property’ and ‘site’ are used interchangeably throughout the Amendment documentation.

The Panel is concerned about the potential confusion in the use of the term ‘place’ when referring to a building or property within a precinct. By way of example, while the Heritage Places Inventory defines a ‘contributory heritage place’ it categorises contributory ‘buildings’.

The language of heritage planning is important. PPN01 and the VHR Guidelines both refer to heritage places. In both cases the heritage place may be an individually significant place or precinct.

PPN01 does not provide for (individually significant) places to be embedded within precincts, but does provide for identification of contributory buildings. The *Heritage Review* refers to significant and contributory buildings in the precinct citations as ‘places’. Use of the term place within a precinct is not consistent with planning guidance, and creates confusion regarding the heritage assessment and thresholds.

It is important to refer to contributory or significant ‘buildings’ or ‘properties’ in a precinct, rather than places. This will assist with understanding the distinction between the precinct as a heritage place and its contributory elements.

While the introduction of the Heritage Places Inventory correctly explains it applies to buildings categorised as significant or contributory, and whether they are located in a significant streetscape

and the tables correctly list ‘building categories’, the definitions incongruously describe contributory or significant places.

The Panel has reviewed the precinct Statements of Significance that are subject of submissions. It recommends changes to refer to significant or contributory buildings rather than places in its preferred Statements of Significance at Appendix D and Appendix E of this Report.

The Panel observes that the use of the term ‘contributory building’ in a precinct is consistent with its use in PPN01, but notes that contributory elements to a precinct may include elements other than a building but which form part of the site or property, for example garden features. Any future review of definitions should take this into consideration.

In practical terms the Council definition of a ‘significant heritage place’ relates to both individually significant places and significant buildings within a precinct. Planning policy is the same for both, and in assessing a planning permit application the policy does not differentiate between them.

The Panel has discussed what it means to be a significant building in a precinct in Chapter 3.3 of this Report.

While application of policy to an individual heritage place and a significant building in a precinct may be entirely appropriate, the definition conflates the two. It may help to reduce confusion if the Heritage Places Inventory expands on the purpose of the definition as a management tool, and to more clearly differentiates between the heritage places and properties the definition applies to, specifically individually significant places and a significant buildings within a precinct.

Further, the Panel observes the Heritage Places Inventory says:

The policies in the Melbourne Planning Scheme applied by the responsible authority when considering relevant planning permit applications are dependent on the particular building category and whether it is in a significant streetscape.

The building category and significant streetscape definitions are in the Melbourne Planning Scheme.

The Panel appreciates Council has been delivering an extensive strategic works program to ensure its heritage controls are up to date, appropriate and comprehensive. The building categories in the Heritage Places Inventory are derived from earlier local policy.

As part of a separate process there may be value in reviewing the definitions with regard to other heritage planning guidance and to ensure use of consistent and technically robust terminology. This includes but is not limited to use of the terms ‘representative’ (see Chapter 7.1 of this Report), ‘place’, ‘property’ and ‘building’. It would also be helpful to clarify the purpose of the definitions in relation to assessment and management of heritage places.

The Panel concludes:

- It is important to distinguish between a heritage place (individually significant place or precinct) and the significant elements that make up that place.
- Before adopting and approving the Amendment, documents should be reviewed to ensure correct reference is made to heritage places or elements of a place such as buildings.
- For the purposes of this Report, the Panel has referred to:
 - a heritage place as an individually significant property or precinct, consistent with PPN01
 - a property or building when referring to significant elements of a precinct.

The Panel preferred version of the HO6 Statement of Significance in Appendix D and HO1419 Statement of Significance in Appendix E:

- **clarify the use of the term ‘place’.**

7.3 Mapping significant buildings and streetscapes

Council has taken a different approach to drafting its precinct Statements of Significance from the guidance in PPN01, specifically where buildings are contributory and significant to a precinct they are shown on the precinct map and listed in the Heritage Places Inventory rather than listed under ‘What is significant?’.

The Panel is not concerned with this approach in principle, however, notes some drafting refinements may assist with communication what is significant to the place. While the precinct map shows significant, contributory and non-contributory buildings this is not mentioned or cross-referenced under the section on ‘What is significant?’.

It may be useful to include a statement under ‘What is significant?’ that significant, contributory and non-contributory buildings or properties are shown on the map. This is consistent with PPN01 which says there should be no doubt about the elements the example Statement of Significance in PPN01 which explicitly lists contributory buildings.

The Panel concludes:

- It may be useful to include a statement under ‘What is significant?’ that significant, contributory and non-contributory buildings or properties are shown on the map.

The Panel preferred version of the HO6 Statement of Significance in Appendix D and HO1419 Statement of Significance in Appendix E:

- **include a reference to the maps.**

7.4 Identifying significant streetscapes

The MSYRG submitted the *Heritage Review* and Statements of Significance do not adequately describe important streetscapes.

The *Heritage Review* explains the definition in the Heritage Places Inventory was used to determine if streetscapes in precincts had potential significance.

A building included in a significant streetscape is listed in the citation and the Heritage Places Inventory. Significant streetscapes include both significant and contributory buildings. In general terms the Panel accepts a precinct may include significant streetscapes in a precinct, assessed with reference to Council’s definition and in the context of a heritage study. Planning policy recognises that streetscapes may contribute to heritage significance and various strategies are intended to guide decision making.

The Panel notes the reference to significant streetscapes is not included anywhere in the Statements of Significance. The ‘What is significant?’ section of the precinct Statement of Significance should identify significant streetscapes, and the Panel has shown this in its preferred versions at Appendix D.

The Panel preferred version of the HO6 Statement of Significance in Appendix D and HO1419 Statement of Significance in Appendix E:

- **include a significant streetscape map and a reference to the map.**

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Michelle Sherwood	24	Sheridan Close Ltd
2	Claire Billson	25	Melbourne South Yarra Residents Group
3	St Martins Youth Arts Centre	26	Paul and Georgina McSweeney
4	Jeff Haydon	27	Owners of 20 and 22 Fairlie Court, South Yarra
5	Frank Taraborrelli	28	Charles Shaw
6	Jason Hay	29	Owners of 221–223 Domain Road, South Yarra
7	Fiona Somerville	30	Property Investment Services Pty Lt for 435 Punt Road, South Yarra
8	Pamela McCorkell	31	Nick Renwick
9	Edward Billson	32	Anonymous
10	Kim Vincs	33	Jennifer Shaw
11	Withdrawn	34	Mark Sutcliffe
12	Chris Boocock	35	Felicity Strong
13	John Piccolo	36	Christ Church Grammar School
14	Damian Beare and E-Lynn Cheng	37	Ross and Sue Macaw
15	Simon de Moor	38	Chris Drummond
16	Edward Mahony	39	Susy Barry
17	Lev Ramchen	40	Lauren Murrant
18	Kim Ramchen	41	Owners of 105–107 Park Street, South Yarra
19	Brian McCullagh	42	Peter Gaunt
20	Vicki Hosking	43	Owners of 6 and 8–10 Marne Street, South Yarra
21	Harry Date	44	Estate of Rachel Hornung
22	Alan Sherwood	45	Owners of 233–235 Domain Road, South Yarra
23	George Nedovic		

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Melbourne City Council	<p>Susan Brennan SC and Carly Robertson, instructed by Ann-Maree Drakos and Dana Foenander, who called expert evidence on:</p> <ul style="list-style-type: none"> - Heritage from Mark Huntersmith of GML Heritage - Heritage from Natica Schmeder of Landmark Heritage Pty Ltd
Owners Corporation of 172–182 Walsh St	<p>Amanda Johns of Planning & Property Partners, who called expert evidence on:</p> <ul style="list-style-type: none"> - Heritage from Martin Turnor of Bryce Raworth Pty Ltd
Owners Corporation of 233–235 Domain Rd, South Yarra	<p>Rupert Watters of Counsel, instructed by Amanda Johns of Planning & Property Partners, who called expert evidence:</p> <ul style="list-style-type: none"> - Heritage from Martin Turnor of Bryce Raworth Pty Ltd
Owners of 93 Park Street Holdings	<p>John Cicero and Eli Morrisson of Best Hooper Lawyers, who called expert evidence:</p> <ul style="list-style-type: none"> - Heritage from Peter Lovell of Lovell Chen
Owners of 105–107 Park Street, South Yarra	<p>John Cicero, Eli Morrison and Andrew Iser of Best hooper Lawyers, who called expert evidence:</p> <ul style="list-style-type: none"> - Heritage from Peter Lovell of Lovell Chen
Owners of 221–223 Domain Road	<p>Taryn Sobel-Beeri of Urbis Pty Ltd, who called expert evidence on:</p> <ul style="list-style-type: none"> - Heritage from David Helms
Sheridan Close Ltd	<p>Chris Taylor of Planning & Property Partners, with presentations from:</p> <ul style="list-style-type: none"> - Directors of Sheridan Close, Michael hoy and Marc Dixon
The Estate of Rachel Hornung	<p>Suganya Pathan of Counsel, instructed by Roger Yelland & Co, who called expert evidence:</p> <ul style="list-style-type: none"> - Martin Turnor of Bryce Raworth Pty Ltd

Appendix C Document list

No	Date	Description	Presented by
1	21 Sep	Directions Hearing notice letter	Planning Panels Victoria (PPV)
2	3 Oct	Directions and Timetable letter	PPV
3	13 Oct	Map of proposed significant streetscape changes	Council
4	13 Oct	Map of proposed changes to the Heritage Overlay	Council
5	13 Oct	Submissions	Council
6	18 Oct	Version 2 Timetable and distribution list	PPV
7	24 Oct	Background documents: a) South Yarra Conservation Study 1985 b) South Yarra Conversation Study - Building and Streetscape Classifications Map 1 c) South Yarra Conversation Study - Building and Streetscape Classifications Map 2 d) City of Melbourne Heritage Strategy 2013 e) City of Melbourne Heritage Review 2015 f) Methodology Report Heritage Gradings Review g) Graeme Gunn Architects v Melbourne CC [2006] VCAT 348 h) Graeme Gunn Architects v Melbourne CC [2006] VCAT 1669 i) City of Melbourne Heritage Design Guide 2023 j) City of Melbourne Heritage Design Guide 2020 k) Thematic History 2012	Council
8	26 Oct	Part A submission	Council
9	26 Oct	Background documentation including: - Panel reports and background material (<i>labelled 1–22</i>) - Plans, permit and VCAT decisions (<i>labelled 23– 41</i>)	Council
10	30 Oct	Distribution list version 2	PPV
11	30 Oct	Expert witness statement of Martin Turnor	31–37 Millswyn Street
12	30 Oct	Expert witness statement of Mark Huntersmith	Council
13	30 Oct	Expert witness statement of Natica Schmeder	Council
14	30 Oct	Expert witness statement of Peter Lovell	Owners of 105–107 Park Street
15	30 Oct	Expert witness statement of David Helms	Owners of 221–223 Domain Road

No	Date	Description	Presented by
16	30 Oct	Expert witness statement of Peter Lovell	Owners of 93 Park Street
17	30 Oct	Expert witness statement of Martin Turnor	Owners of 233–235 Domain Road
18	30 Oct	Expert witness statement of Martin Turnor	Owners Corporation of 172–182 Walsh St
19	1 Nov	233–235 Domain Road – 1960 Permit and plans: <ul style="list-style-type: none"> - Plan at first and ground floor - Plan at first and ground floor with annotations - Elevations - Permit 	Council
20	6 Nov	Part B submission enclosing: <p>Addendum A:</p> <ul style="list-style-type: none"> - Carlton Heritage Review C405 – Council Part B submission to Panel - Carlton Heritage Review Amendment C405 – Kate Gray Evidence - North Melbourne Heritage Review Amendment C403melb – Kate Gray evidence <p>Addendum B</p> <ul style="list-style-type: none"> - Postwar blocks of flats map prepared by GML Heritage <p>Addendum C</p> <ul style="list-style-type: none"> - Notice of Decision – TP-2021–308 Amended 93–103 Park Street, South Yarra - Amended endorsed plans – TP-2022–557 221–223 Domain Road, South Yarra - Overview of South Yarra Permits, Plans and Tribunal decisions - Planning Permit TP-2023–366 23–25 St Leonards Court South Yarra <p>Addendum D</p> <ul style="list-style-type: none"> - C426 Grading History for all submitter properties <p>Addendum E</p> <ul style="list-style-type: none"> - Table of proposed changes to Amendment C426 in response to submissions – Part B version 	Council
21	6 Nov	Presentation of Mark Huntersmith	Council
22	6 Nov	Presentation of Natica Schmeder	Council
23	6 Nov	Memorandum of advice regarding Archway – Natica Schmeder	Council
24	6 Nov	Supplementary statement of evidence of Natica Schmeder	Council

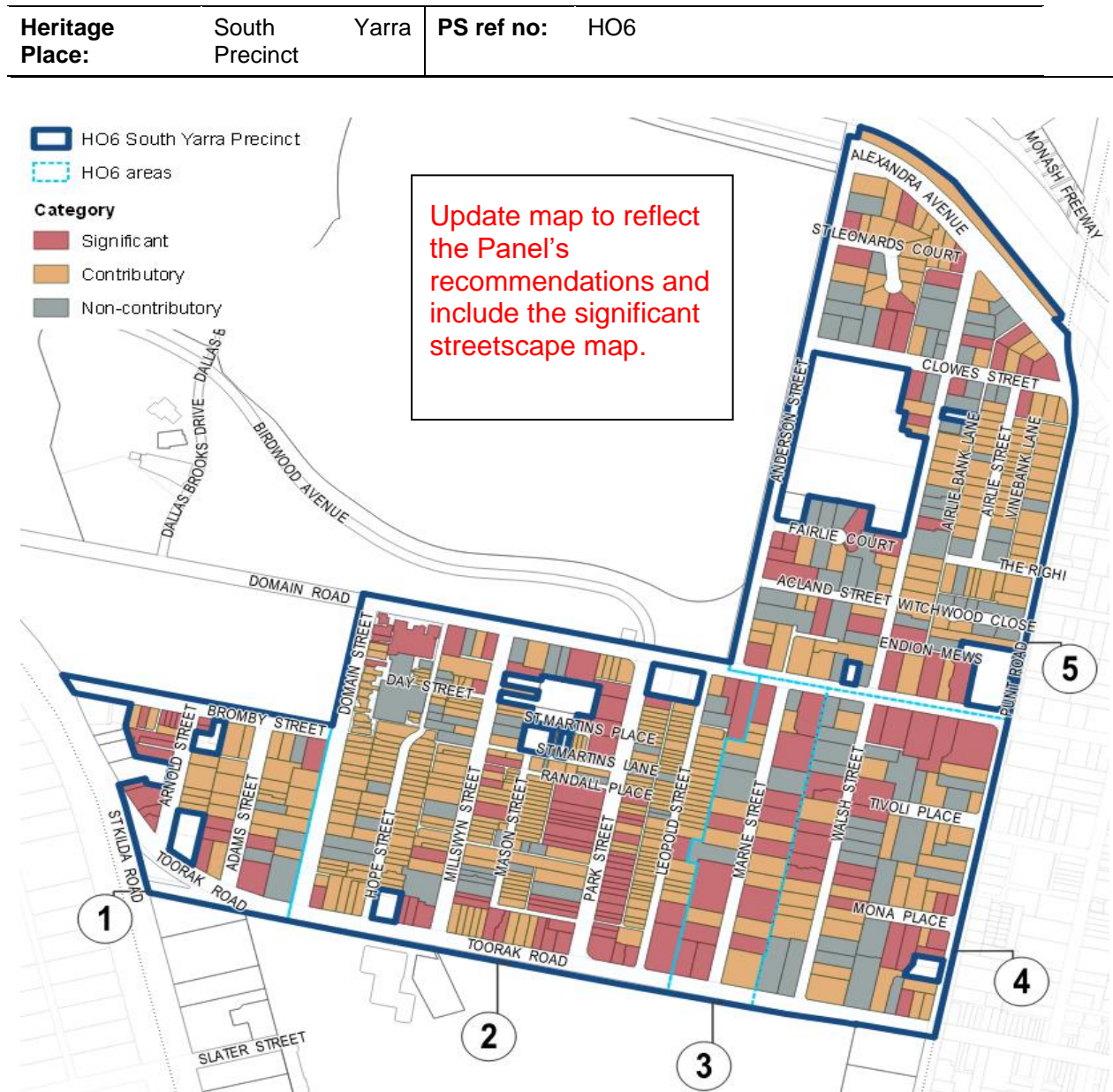
No	Date	Description	Presented by
25	6 Nov	Supplementary statement of evidence of Mark Huntersmith	Council
26	8 Nov	233 Domain Road – Preliminary Memorandum of advice prepared by Bryce Raworth Pty Ltd	Owners of 233–235 Domain Road
27	8 Nov	Version 3 Timetable	PPV
28	8 Nov	Version 3 Distribution list	PPV
29	9 Nov	City of Melbourne Hoddle Grid Heritage Review (March 2020)	Owners Corporation of 172–182 Walsh St
30	10 Nov	Article from Canberra Times dated Wednesday 9 December 1970	Owners of 233–235 Domain Road
31	10 Nov	Map of building categories in HO1 Carlton Precinct and HO3 North & West Melbourne Precinct	Council
32	13 Nov	Evidence Statement Bryce Raworth in reply – 172–182 Walsh Street, South Yarra	Owners Corporation of 172–182 Walsh St
33	13 Nov	Evidence Statement of Bryce Raworth in reply – 233 Domain Road, South Yarra	Owners of 233–235 Domain Road
34	13 Nov	Submission	Owners Corporation of 172–182 Walsh St
35	13 Nov	Submission	Owners of 233–235 Domain Road
36	14 Nov	Submission	Owners of 105–107 Park Street
37	14 Nov	Expert witness statement of Peter Lovell – with corrected page numbers	Owners of 105–107 Park Street
38	14 Nov	Statement of Peter Lovell in response to Council's expert	Owners of 105–107 Park Street
39	14 Nov	Submission enclosing: - Plans for 93 Park Street	Owners of 93–103 Park Street
40	14 Nov	Expert witness statement of Peter Lovell - with corrected page numbers	Owners of 93–103 Park Street
41	14 Nov	Statement of Peter Lovell in response to Council's expert	Owners of 93–103 Park Street
42	14 Nov	Submission	Owners of 221–233 Domain Road
43	15 Nov	Heritage Places Inventory March 2022 (amended May 2023)	Council
44	15 Nov	Melbourne Precinct Statements of Significance	Council

No	Date	Description	Presented by
45	15 Nov	Chapter on <i>Modernism into the future</i> from <i>Australia Modern</i> , Hannah Lewi, Phillip Goad 2019	Council
46	15 Nov	Submission	485–489 St Kilda Road (Sheridan Close)
47	15 Nov	Timetable version 4	PPV
48	15 Nov	Submission enclosing: - City of Port Phillip Heritage Review	31–37 Millswyn Street
49	15 Nov	Statement of Martin Turnor in response to Council's experts enclosing: - Bryce Raworth – initial advice (7 June 2023)	31–37 Millswyn Street
50	15 Nov	Submission enclosing additional attachments: - Sheridan Close proposed amended State of Significance Aug 2023 - Sheridan Close West wing window replacement plan 1986 - Original site 1896 - [extract 1] A Guide to Melbourne Architecture 1999 - [extract 2] A Guide to Melbourne architecture 1999 - Survey of Postwar Built Heritage 2008 - Residential Flats in Melbourne by Terry Swayer 1982 - Sheridan Close garden rocks - Historic Buildings Bill 1981 [extract] - Works attributed to Bernard Evans - Heroic Melbourne – Architecture of the 1950s by Norman Day - Richard Peterson: A Place of Sensuous Resort: buildings of St Kilda and their People [extract] - Bio of Bernard Evans	485–489 St Kilda Road (Sheridan Close)

No	Date	Description	Presented by
51	17 Nov	<p>Council Part C submission enclosing:</p> <ul style="list-style-type: none"> - Correspondence regarding compliance issues between Council and lawyer representing 8 Clowes St - Email chain between Department of Transport and Planning and Council regarding Statement of Significance - Melbourne - 43.01 HERITAGE OVERLAY Addendum A - Heritage Places Inventory (South Yarra section) Part C version - Pasley Street and Park Place Precinct HO1419 Statement of Significance Part C version - Sheridan Close HO1413 Statement of Significance (485–489 St Kilda Road Melbourne) Part C version - South Yarra Precinct HO6 Statement of Significance Part C version - South Yarra Presbyterian Church complex HO1409 Statement of Significance (603–627 Punt Road) Part C version 	Council
52	17 Nov	Port Phillip Heritage Review, Volume 1–6, Adoption Version, Amendment C161-Part 2, December 2021	Council
53	21 Nov	Statement of Significance 324 Esplanade, Port Melbourne	Owners of 221–223 Domain Road

Appendix D Panel preferred version of the Statement of Significance: HO6 South Yarra Precinct

Statement of Significance: South Yarra Precinct, February 2023



What is significant?

The South Yarra Precinct, South Yarra, incorporating an area in the Parish of Melbourne South developed from the 1840s, is significant.

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

- [Buildings shown as contributory or significant on the map above.](#)
- [Streetscapes shown as contributory or significant on the map above.](#)

- Area 1, including
 - early pattern of subdivision of the land comprising 14 allotments (Crown Sections 3 and 4), fronting Adams Street, Arnold Street and Bromby Street, sold in 1864
 - early pattern of subdivision of the land comprising seven allotments (Crown Section 5), bounded by Bromby Street, St Kilda Road and Arnold Street, sold in 1865.
 - mixed-era residential buildings, predominantly interwar and postwar blocks of flats interspersed with nineteenth century building stock
 - early twentieth-century commercial and industrial buildings in St Kilda Road and Arnold Street, including those that reflect the emergence of motor-related businesses along the major thoroughfare on the St Kilda Road and a former private hospital
- Area 2, including
 - early pattern of subdivision of the land comprising four 9 ½-acre allotments (Crown Allotments 15, 16, 17 and 18) sold in 1849. Residential subdivision by 1850 created wider principal streets (Millswyn Street and Park Street) with large villa blocks. Smaller blocks for workers' houses were created by mid-Victorian subdivisions in narrower street such as St Martins Lane, Little Park Street and Hope Street (including former Montpelier Place), and similar 1880s subdivisions of Mason Street and Leopold Street
 - mixed-era residential buildings including a high concentration of refined architect-designed buildings, particularly evident along Park Street, and represented in other streets such as Millswyn Street, Domain Road and Toorak Road
 - early suburban subdivisions and nineteenth century building stock, especially with consistent pre-1901 streetscapes in Domain Street, Hope Street, Mason Street and Leopold Street
 - nineteenth and early twentieth-century commercial buildings in the intersection of Domain Road and Park Street, and along Millswyn Street
- Area 3, including
 - early pattern of subdivision of the land comprising a 9 ½-acre allotment (Crown Allotment 19) sold in 1849. Allotment 19 was the site of a mansion 'Maritimo' until the early twentieth-century. The Maritimo Estate was subdivided in 1912–16 into allotments fronting Domain Road and a new street named Marne Street
 - a high concentration of refined architect-designed blocks of flats representing the popularity of flat development that continued into the postwar period
 - high quality interwar building stock, representative of almost every interwar architectural style (including Arts and Crafts, Georgian Revival, Old English, Moderne, Mediterranean and Spanish Mission) and the work of some of Melbourne's most prominent architects practising in the period
- Area 4, including
 - early pattern of subdivision of the land comprising two 9 ½-acre allotments (Crown Allotments 20 and 21), sold in 1849. Formed in the 1850s, spacious villa allotments fronting Walsh Street, Mona Place and Tivoli Place were among the earliest residential subdivisions in South Yarra
 - mixed-era residential buildings representing the phase of active flat development following demolition and subdivision of nineteenth century estates
 - 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
- Area 5, including

- early pattern of subdivision of the land comprising three 10-acre allotments (Crown Allotments 8, 9 and 10), and a smaller allotment (Crown Allotment 5), sold in 1845–46. These allotments were developed with a number of houses in the 1840s and 1850s. Further residential subdivisions occurred from the 1880s, creating allotments fronting Walsh Street, Domain Road and Clowes Street, and newly formed streets of Airlie Street and The Righi
- early pattern of subdivision comprising reclaimed land (part of a former lagoon) on Crown Allotment Y, bounded by Clowes Street, Punt Road and Alexandra Avenue, subdivided in 1910–13
- mixed-era residential building stock characterised by eclectic range of interwar styles and influences, including Arts and Crafts, Georgian Revival, Old English, Moderne, Mediterranean and Spanish Mission
- [mixed-era residential buildings, including flats built during the postwar era, demonstrating architectural styles such as Modernism](#)
- [postwar development, mainly flats, is concentrated in the section between Walsh Street and Punt Road](#)
- a cluster of intact 1920s–30s Georgian Revival style buildings in St Leonards Court
- consistent pre-1901 streetscapes in Airlie Street
- a varying topography with land sloping down towards the river
- the low-scale external form of buildings developed pre-World War I (typically one to three storeys); featuring original hipped and gabled roof forms (sometimes with parapets); early chimneys; timber and masonry construction and finishes (some painted and rendered); the pattern and size of original fenestration; stylistic detailing; and early iron palisade fences on stone plinths or retaining walls
- the low-scale external form of buildings from 1918–45 (typically one to four storeys) featuring masonry construction and finishes (some painted and rendered), original hipped, gabled and flat roof forms (sometimes with parapets); intact early chimneys; the pattern and size of original fenestration; stylistic detailing; and early low masonry fences (some with integrated letter boxes and garden beds)
- the typical external form of post-1945 buildings (with varying heights); which have masonry and concrete construction and finishes; original hipped, gabled and flat roof forms (sometimes with parapets); early chimneys; the pattern and size of original fenestration; stylistic detailing; and early fences and landscaping (including masonry or stone fences, garden edging, garden beds or retaining walls)
- early subdivision patterns as evidenced in the hierarchy of principal and secondary streets and lanes (including the layout and width of streets), allotment sizes, and setbacks from property boundaries
- public space elements including:
 - the Golden Wych Elm (*Ulmus glabra* ‘Lutescens’) at 2 Clowes Street
 - street trees, especially mature London Plane trees (*Platanus x acerifolia*) planted along Arnold Street and Adams Street and in a verge along Bromby Street
 - a group of mature trees planted on the stretch of reserve along the Yarra River (opposite 1–45 Alexandra Avenue), including two Canary Island Date Palms (*Phoenix canariensis*), Washingtonia (*Washingtonia robusta*), Schinus Peppercorn Tree (*Schinus areira*) and Eucalyptus Bangalay (*Eucalyptus botryoides*)
 - two mature Moreton Bay Figs (*Ficus macrophylla*) at the triangular traffic island at the corner of Toorak Road and St Kilda Road

extant street lamp (55 Bromby Street) and street lamp bases (outside 1–9 and 19 Park Street), at the corner Park Street and Mason Street, at the corner Toorak Road and Park Street, and outside 1 Walsh Street)

- asphalted footpaths, bluestone kerbs and gutters, and the lanes with bluestone pitchers and central drains

- views into and out of the adjoining parks and gardens.

Early fences and landscaping contribute to the significance of the precinct.

More recent (post-1980s) alterations and additions to significant and contributory buildings are not significant.

How is it significant?

South Yarra Precinct, South Yarra, is of local historical and aesthetic significance to the City of Melbourne.

Why is it significant?

South Yarra Precinct is historically significant for its demonstration of a predominantly residential development pattern that spans from the 1840s through to the postwar period. The concentration of high-quality building stock in the precinct demonstrates the significant influence of wealth and privilege in this part of Melbourne. This is reflected in the prestigious location and desirability of the area associated with its elevated position, proximity to the river and pleasant parkland setting. Area 2 retains most housing stock from the Victorian period. Substantial terraces and detached villas developed by prominent property owners are interspersed with smaller working-class houses built for their servants and those who worked in trades. Several boarding houses, guesthouses and private hotels were established in Park Street. Occupying elevated land and in close proximity to the city centre, merchants, professionals and wealthy speculators were drawn to the area. Owing to the social cachet of the area, graziers established town houses here from the mid nineteenth century or later retired to the area. Subsequent suburban subdivisions and nineteenth-century building stock are well represented across the South Yarra Precinct, especially with consistent Victorian streetscapes in Domain Street, Hope Street, Mason Street, Leopold Street (Area 2) and Airlie Street (Area 5). (Criterion A)

Throughout the twentieth-century, remaining vacant lots were taken up for further residential development. From the interwar period, South Yarra became a focus for flat development in Melbourne where low-rise blocks of flats became a lucrative form of investment in the aftermath of the stock market crash of 1929 and subsequent Depression. This is particularly evidenced by the interwar streetscapes in Marne Street (on the site of the Maritimo estate, in Area 3), developed over a short period 1928–40. The popularity of flat development continued into the postwar period. Area 3 is distinguished for its collection of a high number of architecturally designed, mostly interwar, luxury blocks of flats and houses. Fairlie Court and St Leonards Court (the former Fairlie and St Leonards estates, in Area 5) represent similar concentration of interwar development at smaller scale. Area 1 is predominantly characterised by interwar and postwar flats interspersed with Victorian-era building stock. Area 4 also had a similar phase of active flat development following demolition and subdivision of Victorian era properties such as Salisbury (42–66 Walsh Street), Riahnva (at the corner of Toorak Road and Punt Road) and Fairholm (55–77 Walsh Street). 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)

The South Yarra Precinct is also significant for its retention of nineteenth and early twentieth-century commercial and industrial buildings in St Kilda Road (Area 1), Millswyn Street and the intersection of Domain Road and Park Street (Area 2). The latter was the location of one of the earliest commercial developments in the suburb, and was substantially renewed around the time of the electrification of tram lines in 1927. The emergence of automobile-related businesses in the 1910s and 1920s in St Kilda Road (Area 1) and St Martins Lane (Area 2) is evidence of relatively early car ownership in the area. (Criterion A)

The South Yarra Precinct is of aesthetic significance primarily as a prestigious residential area of mixed character that has developed and evolved from the 1840s through to the present day. This layering of development has resulted in the area having a rich combined architectural and streetscape character. This mixed character is unified by a general consistency in building quality, height, setback, form, and a pattern of fenestration and materiality that harmonises buildings of different historical eras and architectural styles within a cohesive urban setting. The precinct's character is enriched by its public realm elements, which include a mix of wide and finer grade streets that have mature and semi-mature deciduous and evergreen trees, bluestone kerbs and guttering, asphalt footpaths and a network of bluestone lanes (the latter are a particular feature of Areas 2 and 5). Throughout the precinct oblique views are possible due to the generous side setbacks of many buildings. This allows buildings to be viewed three-dimensionally, including roofscapes of hip and gable roof forms clad with slate or terracotta combined with chimneys and parapets. The aesthetic quality of the precinct is further enhanced by its proximity to parklands; it is bound by Fawkner Park to its south, and the Royal Botanic Gardens, and Yarra River to its north. (Criterion E)

Within the precinct there are streets that have a particularly high uniformity that demonstrate subsequent subdivision patterns. These include the intact Victorian streetscapes along Hope Street, Mason Street, Park Street and much of Leopold Street (Area 2) and Airlie Street (Area 5) which retain a large proportion of Italianate style houses. It includes interwar streetscapes of Marne Street (Area 3), St Leonards Court (Area 5) and (to a lesser degree) Fairlie Court (Area 5). These are characterised by an eclectic range of interwar styles and influences, including Arts and Crafts, Georgian Revival, Old English, Moderne, Mediterranean and Spanish Mission. Of note is the large number of interwar Georgian Revival residences, particularly in St Leonards Court and Fairlie Court (Area 5). Area 2 retains a group of intact interwar shops at the corner of Domain Road and Park Street. Early commercial development can also be observed along Millswyn Street (although all buildings are now used for residential purposes). (Criterion E)

The precinct is distinguished by its high concentration of refined architect-designed buildings. This is particularly evident along Park Street, Domain Road and Toorak Road (Area 2) and Marne Street (Area 3) for Victorian and interwar architecture respectively, however such ~~places~~ buildings are not confined to any one section of the precinct nor to any one development period. This, coupled with the general high quality of architectural design and materiality, provides an unusually rich aesthetic quality to the streetscapes across the entire area. (Criterion E)

The precinct contains a large number of blocks of residential flats from the interwar and postwar periods. While those from the interwar period tend to be large luxury flats, the later postwar flats reflect the changing urban landscape seen in much of inner city Melbourne. Through its high

concentration of refined architect-designed building stock the precinct demonstrates the influence of the many middle and upper-middle class arbiters of taste who chose to live in the area. The postwar

buildings themselves sit comfortably side by side with earlier development due to their scale, form and materiality. (Criterion E)

Primary source

South Yarra Heritage Review 2022 (GML Heritage)

What is significant?

Pasley Street and Park Place Precinct, including 8 Bunny Lane, 2–12 Park Lane, 12–42 Park Place, 14–94 Pasley Street, 1–13 Pasley Street North, 1–21 Pasley Street South, 473–573 and 639–657 Punt Road, South Yarra, developed from 1865 to 1961, is significant.

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

- [Buildings shown as contributory or significant on the map above.](#)
- [Streetscapes shown as contributory or significant on the map above](#)
- low-scale external form of buildings developed pre-World War I (typically one to three storeys), featuring original hipped and gabled roof forms (sometimes with parapets) and intact early chimneys, timber and masonry construction and finishes (some painted and rendered), pattern and size of original fenestration, stylistic detailing and early iron palisade fences on stone plinths
- low-scale external form of buildings developed from 1918 to 1961 (typically one to four storeys), featuring masonry or concrete construction and finishes (some painted and rendered), original hipped and flat roof forms (sometimes with parapets), intact early chimneys, and the pattern and size of original fenestration, stylistic detailing, and early low masonry fences
- significant buildings' high level of integrity to their original design
- early subdivision patterns, including the size of allotments, the setbacks of park-fronting properties and the views to and from Fawkner Park
- public space elements, including the street trees, widths and shape of the asphalted footpaths and bluestone gutters in Pasley Street, Pasley Street North, Pasley Street South and Park Place.

Early intact fences at 507–511 Punt Road, 565–569 Punt Road, 641–645 Punt Road and 649–655 Punt Road also contribute to the significance.

More recent alterations and addition to significant and contributory ~~places~~ [buildings](#), including replacement fences, verandah or windows, are not significant.

Post-1961 developments and other extensively altered properties are not significant.

How is it significant?

Pasley Street and Park Place Precinct, including 8 Bunny Lane, 2–12 Park Lane, 12–42 Park Place, 14–94 Pasley Street, 1–13 Pasley Street North, 1–21 Pasley Street South, 473–573 and 639–657 Punt Road, South Yarra, is of local historical and aesthetic significance to the City of Melbourne.

Why is it significant?

The Pasley Street and Park Place Precinct is historically significant for its representation of the early subdivision pattern that resulted from an 1865 sale of Crown land, which was the last Crown land released for sale in the City of Melbourne. This sale of land was associated with a significant conflict in the City of Melbourne in the 1860s that ensued following the breaking up of areas reserved as public parkland for private development. The precinct is also important for its retention of the early pattern of development from the subsequent residential subdivisions from 1869 (Pasley Street) and 1885 (Park Place) that led to the formation of dog-legged Pasley Street and laneways connecting to Punt Road, as well as Park Place. The 1885 sale of the Park Place allotments was claimed to be the last subdivision of Crown land within the City of Melbourne. The area's particular association with speculative building and owner-builders reflect the politicised nature of the subdivision at a time of a

public debate about the retention of public parkland versus revenue-raising by the government and private development. (Criterion A)

The historical development pattern of the mixed-era precinct represents the key phases of residential development in the City of Melbourne. The residential development of the precinct was initially slow, with few examples constructed in the 1870s, including the intact semidetached two-storey villa at 64–76 Pasley Street designed by architects Crouch & Wilson. After slow development in the 1870s, the Pasley Street pocket saw intensive building during the boom period of the 1880s and the beginning of the 1890s. The sale of the Park Place pocket in 1885 and development of the cluster of Victorian buildings between 1886 and 1891 also coincided with the land boom of the Victorian period that continued until 1892. Following economic recovery in the early twentieth-century, the vacant land remaining in the Park Place pocket was taken up for further residential development. Throughout the interwar and postwar period, a number of houses and blocks of flats were erected on new allotments, representing subdivided former gardens of Victorian-era properties, or replacing earlier houses. Astor at 641–645 Punt Road, with its Mediterranean-influenced facade, is an example of a Victorian residence converted to flats in the 1920s, reflecting a pattern of development that was common in South Yarra during the interwar period. The postwar flats in this precinct reflect the changing urban landscape seen in much of inner city Melbourne, brought about by waves of postwar European migrants who valued high-density European-inspired city living. (Criterion A)

Aesthetically, the mixed-era precinct is significant for the contribution of the well-preserved masonry houses in a concentrated area. The diverse building stock ranges from Victorian-era workers' cottages and two-storey villas, to twentieth-century residences and flats. The ~~places~~ [buildings](#) of aesthetic importance include a finely detailed Victorian residence with Dutch gables at 20–24 Pasley Street, and highly refined Italianate style examples at 36–38 Pasley Street, 64–76 Pasley Street, 84–88 Pasley Street and 507–511 Punt Road. A postwar block of flats at 40–42 Pasley Street, designed by prominent architect Yuncken Freeman Bros, is also of aesthetic importance. The views and vistas into and out of Fawkner Park to the residential areas and along Pasley Street are part of the important elements of the precinct. (Criterion E)

Primary source

South Yarra Heritage Review 2022 (GML Heritage)