

Amendment C245

Yarra Planning Scheme

**Statement of heritage evidence for
PLANNING PANEL**

**Correction of Heritage Overlay errors, zone anomalies and
implementation of recommendations and findings of recent heritage
studies**

April 2020

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Instructed by

Maddocks

Prepared for and on behalf of

Yarra City Council

Statement of Qualifications and Experience, and Declaration

Authorship

This statement has been prepared by Ms Anita Brady, Director, Anita Brady Heritage, PO Box 1108, Collingwood, 3066.

Qualifications and Experience

I hold a Master of Arts (Public History) from Monash University, and a Bachelor of Arts (Hons) from the University of Melbourne. I have been involved in cultural heritage practice and management for some 30 years in both the public and private sectors. I commenced my career in c.1990 with the (then) Department of Conservation Forests and Lands, working on heritage places on public land, reserves, state forests and in National and State Parks.

This early experience evolved to include heritage appraisals of private and government owned properties, assessments of works and development related impacts on heritage places, and strategic planning and policy development for heritage places. While employed at Heritage Victoria for four years, I was the principal author of the Victorian Heritage Strategy (May 2000), and Secretary to the Heritage Council's Policy and Protocols Committee. I have also published on cultural heritage matters.

I was employed by Lovell Chen (formerly Allom Lovell & Associates) from June 2001 until September 2018; was promoted to Associate Director in 2005 and Principal Heritage in 2017.

During my time at Lovell Chen I was responsible for leading multi-disciplinary teams with expertise in architecture, history, archaeology and planning. I undertook numerous heritage assessments and appraisals of properties, heritage impacts assessments, authored reports on heritage matters for planning panels, prepared expert witness statements, and gave evidence before planning appeals tribunals. I also managed municipal heritage studies, gaps studies and reviews for local Government authorities, including the municipalities of Boroondara, Yarra, Yarra Ranges, Greater Bendigo, Port Phillip and Melbourne.

I was involved in the preparation of numerous conservation management plans, analyses and reports, for very diverse heritage places in Victoria and elsewhere in Australia. These places included private dwellings, Department of Defence and Australia Post properties, industrial heritage complexes, sports grounds and stadiums, large cultural landscape areas, and World Heritage Listed places such as the Royal Exhibition Building and Carlton Gardens and convict sites in Tasmania and Western Australia. I was also responsible for preparation of planning permit exemptions, to be incorporated plans, for the Cities of Yarra and Maribyrnong; and for a recent review of property gradings, precinct statements of significance and local heritage policies for the City of Melbourne.

Instructions

My instructions on this matter comprised a 'Brief to expert' from Maddocks, dated 30 January 2020, which advised of Amendment C245, provided an overview of the Amendment, and invited me to prepare evidence and appear as an expert witness before this Planning Panel. The 'Brief to expert' also requested that I:

- Undertake a general peer review of the Amendment and the methodology used in preparation of the relevant heritage study reports, with a particular focus on those reports which are relevant to the submissions made on the Amendment;
- Respond to issues raised by submissions, with the exception of St Brigid's Catholic Church, North Fitzroy and 61-75 Langridge Street & 14 Glasgow Street, Collingwood, which are addressed separately by Mr David Helms; and
- Outline any recommended changes to the Amendment.

Involvement in this project

Following receipt of the above correspondence, I undertook the general peer review of the relevant heritage study reports; reviewed the relevant submissions made on the Amendment; identified several changes to the Amendment; and prepared this statement of evidence.

In my previous position at Lovell Chen, I was involved in, and managed, a heritage study for Yarra which focused on Victoria Street, Abbotsford. The outcome of this work included a new heritage precinct on the south side of Victoria Street, at its western end; and some site-specific individual Heritage Overlays. These places are included in the area subject to the *Victoria Street and Bridge Road Built Form Review: Heritage Assessments*, GJM Heritage (2018), of which I undertake a peer review below. They are identified in the GJM Heritage report with reference to 'Lovell Chen (2012), *City of Yarra Heritage Gaps Study 2012*'.

Note also that in December 2019, and separate to the above, I was approached by Anthony De Luca in relation to the property at 200-202 Johnston Street, Collingwood. Mr De Luca (it is understood) is the owner of the property and has made a submission to this Amendment which is commented on below. He enquired as to my availability to assist with the Amendment, including reviewing the proposed change to the heritage controls over his property. At the time of the approach, I was not aware of this Amendment and had not been contacted or instructed by Maddocks. However, I advised Mr De Luca that I could not assist, mainly due to being engaged by Yarra City Council from time to time in relation to heritage matters, including providing heritage advice on planning applications and giving evidence at the Victorian Civil and Administrative Tribunal.

Summary of opinion (including recommendations)

It is my opinion that:

- The **heritage studies** reviewed and commented on in this statement, which support the Amendment, are generally consistent in their approach and methodology with The Burra Charter and its associated Practice Notes; and with the Victorian Planning Provisions Planning Practice, Applying the Heritage Overlay. However, there are some aspects and recommendations of the studies which are queried and commented on in this statement.
- While this Amendment proposes to include the heritage studies as '**Reference Documents**' in the Yarra Planning Scheme, the inclusion of the *Thematic Study of Theatres in the City of Yarra*, Context Pty Ltd (2017) might be reconsidered due to it recommending internal controls which are not supported here (see dot point three below). However, and depending on that outcome, some content of the report is recommended to be incorporated into the existing precinct citations for the HO324 Johnston Street Precinct, Collingwood and the HO310 Bridge Road Precinct, Richmond. The place citations for the former Burnley Theatre, Austral Theatre and Richmond Cinema, as included in the *Thematic Study of Theatres in the City of Yarra*, are also recommended to be included as 'Reference Documents'. Again, depending on whether the *Thematic Study of Theatres in the City of Yarra* is included in its entirety, this may involve extracting the citations from the report and amending them where they refer to the interiors and the internal controls.
- The proposed introduction of **internal controls** to the three theatres (former Austral and Burnley theatres, and former Richmond Cinema) is not supported.
- The former **Austral Theatre** at 200-202 Johnston Street, Collingwood, is currently partly included as an individually significant place in the HO324 Johnston Street Precinct. The proposal to replace the precinct control with a site specific (individual) Heritage Overlay control, which covers the whole of the property and includes internal controls, is not supported on the basis of the internal controls not being warranted. However, the property is

recommended to remain in the precinct with its current individually significant grading; the precinct boundary is also recommended to be extended to cover the whole of the property.

- The former **Burnley Theatre** at 365 Swan Street, Richmond, currently has a site specific (individual) Heritage Overlay (HO286). No change is recommended to the current controls.
- The former **Richmond Cinema** at 311-317 Bridge Road, Richmond, is currently partly included as a contributory place in the Bridge Road Precinct, Richmond (HO310). The proposal to replace the precinct control with a site specific (individual) Heritage Overlay control, which covers the whole of the property and includes internal controls, is not supported on the basis of the internal controls not being warranted. However, the property is recommended to remain in the precinct and to be upgraded from contributory to individually significant in the precinct; the precinct boundary is also recommended to be extended to cover the whole of the property.
- The proposed extension of HO93, which includes the **Queens Parade trees** is supported, as is the updated place citation, although some additions to the citation are recommended.
- The proposed inclusion of **202-206 Church Street**, Richmond, in the Heritage Overlay, with a site-specific Heritage Overlay control, is supported, as is the proposed individually significant grading.

Declaration

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



Anita Brady

Table of Contents

Statement of Qualifications and Experience, and Declaration	1
1.0 Introduction	5
1.1 Submissions	5
1.2 Proposed internal controls	6
1.3 Yarra place gradings	6
2.0 Peer review of heritage studies	7
2.1 Theatres Review	7
2.1.1 General comment on study	8
2.1.2 Internal controls	9
2.1.3 Use of Theatres Review content	13
2.2 Victoria Street/Bridge Road Review	15
2.2.1 'Heritage Analysis and Recommendations' report	17
2.2.2 General comment on study	18
2.3 Collingwood Review	19
2.3.1 General comment on study	20
3.0 Submissions	21
3.1 Issues raised in submissions	21
3.2 Response to submissions	24
3.3 Theatres	24
3.3.1 Former Austral Theatre	24
3.3.2 Former Burnley Theatre	27
3.3.3 Former Richmond Cinema	30
3.4 Queens Parade trees	35
3.5 202-206 Church Street, Richmond	40
3.6 Suggested use of an incorporated plan	43

1.0 Introduction

1. This statement of heritage evidence in relation to Yarra Amendment C245 has been prepared for Maddocks on behalf of Yarra City Council.
2. This statement includes a high-level peer review of the following heritage studies which are, with this Amendment, recommended to be included as 'Reference Documents' in the Yarra Planning Scheme, specifically at Clause 21.11 Reference Documents and at Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay. The studies support and underpin the Amendment, including the recommendations and findings of the studies:
 - *Thematic Study of Theatres in the City of Yarra*, Context Pty Ltd (2017) (referred to below as the 'Theatres Review')
 - *Victoria Street and Bridge Road Built Form Review: Heritage Assessments*, GJM Heritage (2018) (referred to below as the 'Victoria Street/Bridge Road Review')
 - *Collingwood Mixed Use Pocket, Heritage Analysis & Recommendations*, GJM Heritage (2018) (referred to below as the 'Collingwood Review')
3. The peer review is not a detailed review of all aspects and content of the heritage studies, and of all the findings.
4. This statement also includes a review of, and response to, ten submissions received in relation to the Amendment (see 'Submissions' below and at Section 3.1), variously involving five places:
 - Former Austral Theatre, 200-202 Johnston Street, Collingwood
 - Former Burnley Theatre, 365 Swan Street, Richmond
 - Former Richmond Cinema, 311-317 Bridge Road, Richmond
 - Queens Parade trees
 - 202-206 Church Street, Richmond (three adjoining buildings/commercial terrace row)
5. This statement generally does not include or address those parts of the Amendment which propose to correct Heritage Overlay errors and zone anomalies.
6. This statement additionally includes several recommended changes to the Amendment, arising out of my review of the heritage studies and the submissions. These changes remain within the general scope of the heritage studies and are also generally consistent with the intent of the Amendment.
7. In preparing this evidence, including the response to submissions, I have largely relied on the historical and descriptive information included in the relevant heritage studies, together with inspections of the affected properties from the public realm. I also undertook inspections of the interiors of two of the three theatres, the former Austral Theatre and Burnley Theatre, with the owners' consent.

1.1 Submissions

8. While 11 submissions were received in relation to Amendment C245, including late submissions, this statement addresses and responds to ten of them as numbered below (excluding submission no. 2 which is addressed separately by Mr David Helms):
 - 1 Anthony De Luca, 200-202 Johnston Street, Collingwood
 - 3 SongBowden Planning, 365-377 Swan Street, Richmond
 - 4 AP Planning, 311-317 Bridge Road, Richmond
 - 5 Collingwood Historical Society Abbotsford, Clifton Hill and Collingwood properties
 - 6 The 3068 Group (Inc.), Queens Parade street trees
 - 7 Con Mydaras, 204 Church Street, Richmond
 - 8 Irene Tran, 202 Church Street, Richmond
 - 9 Thao Tran, 202 Church Street, Richmond

- 10 Terrance Nott, theatres and Fitzroy/Fitzroy North properties
- 11 Ian Wight, theatres

1.2 Proposed internal controls

9. Amongst other recommendations and findings, the Theatres Review recommended the application of internal Heritage Overlay controls, in addition to external controls, to three theatres:
 - Former Austral Theatre, 200-202 Johnston Street, Collingwood
 - Former Burnley Theatre, 365 Swan Street, Richmond
 - Former Richmond Cinema, 311-317 Bridge Road, Richmond
10. Council later resolved to abandon the proposal to apply internal controls to the Burnley Theatre and Richmond Cinema, and to retain them for the Austral Theatre. Notwithstanding, this statement addresses the proposed controls to the three theatres.

1.3 Yarra place gradings

11. Reference is made in the heritage studies and in this statement of evidence, to the gradings or levels of significance of individual properties and places. The following extract from Yarra's Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay, provides some explanation and definition of the gradings:

Every building of cultural significance has been assessed and graded according to its heritage contribution. The levels of significance used are:

Individually significant: The place is a heritage place in its own right. Within a Heritage Overlay applying to an area each individually significant place is also Contributory.

Contributory: The place is a contributory element within a larger heritage place. A contributory element could include a building, building groups and works, as well as building or landscape parts such as chimneys, verandahs, wall openings, rooflines and paving.

Not contributory: The place is not individually significant and not contributory within the heritage place.

The level of significance of every building is identified in the incorporated document, *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8* (as updated from time to time).

2.0 Peer review of heritage studies

12. By way of introductory comment, the heritage studies reviewed and commented on below are generally consistent in their approach and methodology with the *Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013* (Burra Charter) and its associated Practice Notes, which provide a 'best practice standard' for managing cultural heritage places in Australia.¹ 'Managing' includes the assessment and documentation of heritage places.
13. The studies are also generally consistent - in their approach, methodology, content, use of assessment criteria, and format – with the Victorian Planning Provisions *Planning Practice Note 1: Applying the Heritage Overlay* (August 2018, referred to below as the 'VPP Practice Note').
14. Notwithstanding, there are some aspects and recommendations of the studies which I query, and which are discussed below.

2.1 Theatres Review

15. The heritage study report, proposed to be included as a 'Reference Document' in the Yarra Planning Scheme, is:
 - *Thematic Study of Theatres in the City of Yarra*, Context Pty Ltd (2017)
16. It is understood that Context Pty Ltd was engaged by Yarra City Council to undertake a review of historic theatres in the municipality, and to recommend any new or additional heritage controls, including internal controls, where considered appropriate and warranted.
17. Stage One commenced in 2015 and included desktop research, preparation of a thematic history of theatre places in Yarra ('thematic essay'), and a preliminary survey. The latter is understood to have included the interiors of the theatres which were later recommended for internal controls.
18. This stage identified 38 places including some which had been demolished (some 17 places). The study also identified 'four key themes' related to different theatre types, mainly associated with 'key social periods in history'. These were:
 - Pre 1900 entertainment places that included live theatres, Cyclorama moving image theatres and outdoor entertainment 'pleasure gardens';
 - The picture palaces that began showing silent movies and later the 'talkies' and finally the post-war technicolour blockbusters;
 - Live theatre venues, including the post-1960s independent experimental and comedy theatres; and
 - The use by churches and other cultural institutions to stage theatre and show films in halls as an expression of diversity or in some cases to control what their congregations viewed.²
19. The study additionally found that of the surviving theatres in Yarra, most were already included in the Heritage Overlay as a contributory or individually significant place within a precinct, although 'their identified value may not be related to their use or association as a theatre'. Two places were also subject to individual Heritage Overlays, but 'their identified significance was not primarily related to their use or association as a theatre' and 'their interiors did not form part of the statement of significance'.³

¹ Burra Charter 2013, see <https://australia.icomos.org/publications/charters/>, accessed 20 February 2020.

² Theatres Review report, 'Executive Summary', p. iv.

³ Theatres Review report, 'Executive Summary', p. iv.

20. Stage Two involved an assessment of whether the existing Heritage Overlay controls were 'appropriate and sufficient to adequately recognise and protect the cultural heritage significance for each place identified in Stage One'. This stage also found that 'most places were adequately protected and recognised through the current mechanism and controls', but that four places required further assessment 'as a result of desktop research and the preliminary survey undertaken in Stage One'. The survey indicated that these four places 'may have a high level of internal intactness or integrity, relating to their use as a theatres or cinemas, which was not adequately addressed with the existing controls'.⁴

21. The four places were:

- Former Austral Theatre, 200-202 Johnston Street, Collingwood
- Former Burnley Theatre, 365 Swan Street, Richmond
- Former Richmond Cinema, 311-317 Bridge Road, Richmond
- Jubilee Pictures/Adelphi Cinema, 361-365 Nicholson Street, Carlton North

22. The Jubilee Pictures/Adelphi Cinema was subsequently found to have 'sufficient' existing controls, and that:

The internal fabric is altered and limited, although the volume remains. Does not meet threshold for interior controls when compared to other similar examples.⁵

23. The final report, completed in September 2017, included an overview of the methodology, findings and recommendations of the study, as well as citations for those places recommended for additional or changed Heritage Overlay controls. The citations include an historical context and site history; a description and overview of building integrity, including interiors; comparative analysis and assessment against recognised heritage criteria (HERCON criteria); a statement of significance; and recommended place grading and controls. The place citations are referred to below, at Section 3.3.

24. Of the 'key findings' of the study, three theatres (excluding the Jubilee Pictures/Adelphi Cinema) were found to warrant 'the application of internal controls due to their intact interior features'.

25. Other 'Additional findings' related to theatre or similar places which did not require further assessment due to having been demolished, not being located, not having a strong association with the theatre themes, and/or being already sufficiently protected and controlled.

2.1.1 *General comment on study*

26. As a general comment, the Theatres Review represents a comprehensive study or review of historic theatres and related places in Yarra, which follows a generally accepted process and methodology, and draws on a wide range of primary and secondary sources, as well as field work (survey). It sets out the findings and final recommendations of the study, and the stages followed in reaching these findings. The identification of relevant historical themes, and the thematic history of theatres, are important components of the study, which provide a context for understanding the history of theatres in Yarra and assist with the comparative analysis undertaken in the assessment of the relative significance of the theatres.

27. In terms of the overall outcome of the study, it provides a useful source of information on historic theatres in the municipality, including identifying those which survive and those which don't, and the current status of their heritage controls. It also highlights the importance of this theme to the municipality, including the historical importance of theatres to the community. From that, the

⁴ Theatres Review report, 'Executive Summary', pp. iv-v.

⁵ Theatres Review report, 'Executive Summary', p. vi.

apparent lack of recognition of the significance of the theatres is evident, including 'their identified value [as] related to their use or association as a theatre'.⁶

28. It is agreed that theatres are important historical places in Yarra, as are the themes in the history of Yarra. It is also agreed that of the surviving theatres in Yarra, most of which are already included in the Heritage Overlay as a contributory or individually significant place within a precinct, 'their identified significance was not primarily related to their use or association as a theatre' and therefore not fully recognised.⁷
29. However, not all the findings of the Theatres Review are fully agreed with, including the recommendation that internal controls be implemented for three former theatres (Austral and Burnley theatres, and Richmond Cinema); and associated with that, the theatres which are currently included in precincts (Austral Theatre and Richmond Cinema) be removed from the precincts and given individual Heritage Overlay controls. The issue of internal controls is addressed below at Section 2.1.2.
30. Given the above, the Theatres Review report may be reconsidered for inclusion as a 'Reference Document' in the Yarra Planning Scheme. However, some content of the study report is recommended to be incorporated into two existing precinct citations (HO324 and HO310). The place citations for the former Burnley Theatre, Austral Theatre and Richmond Cinema may also, depending on the outcome with the report in its entirety, be extracted from the report, amended and included as 'Reference Documents'. This recommendation is addressed in more detail below at Section 2.1.3.

2.1.2 *Internal controls*

31. The application of internal controls to places (buildings) of local significance, under the mechanism of the Heritage Overlay, is rare. Conventionally, such controls have mainly been applied to places, and interiors, at a state level of significance, under the *Heritage Act 2017*.
32. This is not to say that such controls should not be applied at the local level, but rather that historically a very cautious approach has been adopted.
33. The VPP Practice Note, which is referred to in the Theatres Review report,⁸ states the following regarding 'Applying internal alterations controls':

...This provision should be applied sparingly and on a selective basis to special interiors of high significance.
34. The emphasis is on applying or using the controls 'sparingly' and on a 'selective basis', where the interiors are 'special' and of 'high significance'. This guidance, as provided in the Practice Note, appears to establish a high to very high local threshold which, in turn, may help explain the rare use of the controls at local level.
35. In Yarra, this control has rarely been applied, save for HO464.⁹ This, again, tends to indicate a high to very high local threshold for internal controls.
36. For the subject theatres, the comparative analysis included in the Theatres Review to assist with assessing – and ranking – the significance of the interiors is generally limited to the surviving theatres under review. The analysis does not go to the local threshold, or to municipal

⁶ Theatres Review report, 'Executive Summary', p. iv.

⁷ Theatres Review report, 'Executive Summary', p. iv.

⁸ Theatres Review report, p. 5.

⁹ Being 51-53, 59-61 and 67-69 Smith Street, Fitzroy Smith Street South Precinct, Fitzroy and Collingwood.

comparisons, for the introduction of internal controls, accepting also that this may have been beyond the scope of the study.

37. By way of comparison with (select) other Planning Schemes, a review undertaken in preparing this statement of the Heritage Overlays of Melbourne,¹⁰ Boroondara,¹¹ and Moreland,¹² also indicate a general absence of these controls at the local level, with some limited exceptions. Port Phillip, on the other hand, has opted to apply these controls to some 60 places in the Heritage Overlay.¹³
38. The Victorian Heritage Database (VHD)¹⁴ has also been reviewed here, as a source of information on historic theatres and cinemas included in Heritage Overlays in Victoria. A search of the VHD¹⁵ identified theatres and cinemas (sometimes in the form of, or associated with, mechanics institutes or memorial halls) in the municipalities of Stonnington, Southern Grampians, Yarra Ranges, Moreland, Moonee Valley, Maribyrnong, Darebin, Cardinia, Brimbank, Greater Geelong, Boroondara and Yarra. The latter includes places identified in the Theatres Review study.
39. Of these, four places associated with theatres and cinemas (i.e. this form of entertainment) were found to have internal controls, being two places in the Southern Grampians Shire (HO52 and HO71) and two places in Cardinia Shire (HO87 and HO230).
40. Some previous Planning Panel findings and recommendations relating to the application of internal controls were also reviewed here. This included the report, *Heritage Issues: Summaries from Panel Reports* (Planning Panels Victoria, Issue 2, March 2018) which is:

...a compilation of planning panel reports on heritage amendments to planning schemes...It outlines some of the issues commonly addressed by Panels in recent years...presents specific findings for various issues and [does] not represent any general view of Planning Panels Victoria.¹⁶
41. The March 2018 report has a section on 'Interiors'.¹⁷ Some of the Panels cited in this section supported the introduction of controls over the interiors of specific places, generally on the basis of the documentation before them (including the statement of significance). Other Panels did

10 Save for two places in Melbourne, being HO1218 and HO1200 (both with interim controls), see https://planning-schemes.delwp.vic.gov.au/schemes/melbourne/ordinance/43_01s_melb.pdf, accessed 24 February 2020.

11 Save for five places in Boroondara, being HO145, HO724 and HO826, HO848 and HO793 (the latter three with expiry dates or interim controls), see https://planning-schemes.delwp.vic.gov.au/schemes/boroondara/ordinance/43_01s_boro.pdf, accessed 24 February 2020.

12 Save for five places in Moreland, being HO270, HO412, HO386, HO359 and HO243, see https://planning-schemes.delwp.vic.gov.au/schemes/moreland/ordinance/43_01s_more.pdf, accessed 24 February 2020.

13 Internal controls have been applied to some 60 places in Port Phillip, see https://planning-schemes.delwp.vic.gov.au/schemes/portphillip/ordinance/43_01s_port.pdf, accessed 24 February 2020.

14 The database can be accessed here <https://vhd.heritagecouncil.vic.gov.au/>.

15 While the VHD has a significant collection of data on heritage places in Victoria, it is understood that not all municipalities list their Heritage Overlay places in the VHD, or if they do list them, they might not be specifically identified as a 'theatre' or 'cinema'. Therefore, searching the database under 'theatre' and 'cinema' may not reveal the full extent of these places included in local Planning Schemes.

16 *Heritage Issues: Summaries from Panel Reports* (Planning Panels Victoria, Issue 2, March 2018), p. 2.

17 *Heritage Issues: Summaries from Panel Reports* (Planning Panels Victoria, Issue 2, March 2018), pp. 41-2.

not support the controls or queried the methodology and approach to the proposed controls. Of note were Panel findings that:¹⁸

- The Heritage Victoria brief for local heritage studies does not require internal inspection, so internal alteration controls are usually only applied to ‘semi-public’ buildings such as churches (Whitehorse C74 Part 2, 2008).
 - Accepted that the threshold for internal controls was higher than that for listing under the Heritage Overlay but did not accept that the Heritage Overlay should be restricted to areas visible from the public realm (Whitehorse C74 Part 2, 2008).
 - A ‘systematic’ study of interiors versus an ‘opportunistic’ listing of interiors was identified as an issue (Melbourne C186, 2012), but was later clarified to accept that there can be individual interiors that meet the threshold of significance without extensive study (Melbourne C207, 2014).
42. ‘Internal controls’ were also addressed elsewhere in the March 2018 report, in the section ‘Applying Additional Controls’:
- Panel considered that internal controls should be applied sparingly, but in two cases as proposed (one public and one private property), the merit of the interiors was not challenged (Glenelg C55 Part 1, 2013).¹⁹
43. An earlier study, *Review of Heritage Provisions in Planning Schemes*, Advisory Committee Report (August 2007), also referenced ‘internal alteration controls’, finding that such controls were ‘rarely used for local places and mainly for churches’, but supported the ‘need to retain [the] opportunity to schedule in internal controls’ where justified by the ‘statement of significance’.²⁰
44. Turning more specifically to the interiors of the theatres under review, and recommended in this Amendment for internal controls, internal access was obtained with the owner’s consent to the former Burnley Theatre in Swan Street and the former Austral Theatre in Johnston Street.
45. The interior of Burnley Theatre was described in the Theatres Review as the ‘most intact’ of the theatres recommended for internal controls.²¹ It is agreed that this theatre retains much of its original fabric, layout and internal elements, largely as set out and described in the Theatres Study and place citation, albeit in varying condition including some elements in very poor condition. Surviving internal elements include the main internal spaces with original ceiling details including the foyer and auditorium, stairs, the proscenium and stage area, decorative plaster finishes, and the original or early decorative paint scheme throughout.
46. The description of the interior of the Austral Theatre, as included in the Theatres Review, is also largely agreed with and includes the main internal spaces, including foyer and auditorium with decorative ceilings, other decorative plaster finishes, stair leading from the foyer to the gallery, and men’s toilets. However, this theatre is less intact than the Burnley Theatre, having been subject to more internal change and adaptation including the introduction of partitions and the

18 Heritage Issues: Summaries from Panel Reports (Planning Panels Victoria, Issue 2, March 2018), pp. 41-2.

19 Heritage Issues: Summaries from Panel Reports (Planning Panels Victoria, Issue 2, March 2018), p. 15.

20 Summary or abridged version found at: <https://www.stonnington.vic.gov.au/files/assets/public/vision/strategic-planning/strategies-and-structure-plans/heritage-strategy/heritage-reference-documents/principles-and-practice/heritage-provisions-in-planning-schemes-advisory-committee-report-2007.pdf>, accessed 28 March 2020, see pages .

21 Theatres Review report, Appendix D, citation for ‘Burnley Theatre’.

like to create internal rooms and spaces within the interior. Some of the surviving fabric and elements are also generally less elaborate and detailed than those of the Burnley Theatre.

47. Access was not obtained to the interior of the former Richmond Cinema. The assessment of the interior of this building is therefore largely based on the information included in the place citation in the Theatres Review. The latter includes the following descriptions:²²

...the original spatial volume of the theatre and its vaulted ceiling can still be appreciated. The original lattice metal sheeting to the ceiling is visible as you enter the building from the rear (and is partially hidden by the showroom storeroom). The decorative mezzanine level balcony is extant supported on original slender circular steel columns. The balcony has been infilled. The metal lattice ceiling has been retained since the cinema's days as an ice skating rink. Part of the ceiling has been plastered and has a geometric pattern outlined in plaster strapping

48. And:

The interior of the Richmond Cinema retains its auditorium space and gallery (although in modified form) and this is still readable as an internal spatial volume. The metal lattice ceiling is of interest as an unusual feature, and highly probably a remnant of the building's first use as a skating rink.

49. In reading these descriptions, there is an acknowledgment of the 'modified form' of the building's interior. Also, references to an ability to 'read' and 'appreciate' an internal volume, survival of a ceiling 'of interest', and an 'infilled' mezzanine balcony do not persuade that this is a 'special interior' of 'high significance' (with reference to the VPP Practice Note). The description of the interior also appears to place it as a less, or the least, intact of the theatre interiors under review. This is further reinforced by the fact of the building, with its interior, not being a purpose-built theatre or cinema – it was originally built as a skating rink in 1888 and converted to cinema use in 1917.
50. Of the two more intact former theatres, a convincing case is also not readily made for the former Austral Cinema, given the changes and adaptation that have occurred to this interior.
51. The former Burnley Theatre interior is more intact and because of this it could be considered the more significant of the surviving theatre interiors. However, the theatre operated for a comparatively short period – it opened in 1928 and ceased operations in 1958 – and was subsequently used (and continues to be used) for other purposes for some 60 years. This diminishes the significance in historical terms (Criterion A), again having regard for the 'high significance' test, and high to very high local threshold, as per the Practice Note. Whether the interior meets this threshold on the other values identified in the place citation, being rarity (Criterion B), representativeness (Criterion D) or aesthetic (Criterion E), is also questioned. Reference is again made to the caution which generally permeates previous Planning Panel findings on internal controls, as outlined above; and to the fact of most other historic cinemas and theatres listed in Heritage Overlays in Victoria not having internal controls. It is difficult to place the Burnley Theatre at a higher level of significance than these other locally significant examples.
52. Before concluding this commentary on the Burnley Theatre, it is also noted that the VHD entry for the theatre, which reproduces the content of the 1998 place citation,²³ has 'Attachments' associated with the entry which include extracts from the *Richmond Conservation Study* of

²² Theatres Review report, Appendix D, citation for 'Richmond Cinema'.

²³ City of Yarra Heritage Review, Volumes 1-4, Allom Lovell and Associates, 1998, see VHD entry at <https://vhd.heritagecouncil.vic.gov.au/places/103087>

1984. One of the extracts describes the interior of the theatre (as it was at the time) and assesses it as being of state significance. The attachments also include a 2009 recommendation by the Executive Director of Heritage Victoria to not add the theatre to the Victorian Heritage Register (VHR) and confirming the local significance of the place. This follows an apparent nomination of the former theatre to the VHR.

53. None of the above is intended to imply that the theatres under consideration in this Amendment are not of heritage value, or are of limited value, and from that not deserving of Heritage Overlay controls. Rather, the theatres are of local heritage value, and are individually significant, but it is the application of internal controls which is questioned and not supported here.

2.1.3 *Use of Theatres Review content*

54. There are two existing heritage precinct citations which would benefit from, and be enhanced by, the addition of information included in the Theatres Review. This is set out below.
55. The three place citations included in the Theatres Review, for the former Burnley Theatre, Austral Theatre and Richmond Cinema, are also recommended to be included in the Yarra Planning Scheme as 'Reference Documents'. Depending on the outcome regarding the inclusion of the *Thematic Study of Theatres in the City of Yarra* in its entirety as a 'Reference Document', this may involve the citations being extracted from the study report, and amended where they refer to the theatre interiors and internal controls.

HO324 Johnston Street Precinct

56. The most recent citation for the HO324 Johnston Street Precinct, in which the former Austral Theatre is located, is included in the *City of Yarra Review of Heritage Overlay Areas* (Graeme Butler and Associates 2007, updated 2013).²⁴ Under 'What is significant?' the citation refers to the theatre as a 'recreational site' and one of the 'significant buildings' in the precinct. The citation under 'Why is it significant?' also refers to a 'former theatre' (understood to be the Austral Theatre). The individual place citation from the Theatres Review includes some specific history and I recommend that a brief extract from this history be added to the 'What is significant?' section of the precinct citation, where it addresses twentieth century development in the precinct.
57. The following extract from the precinct citation, under the heading of 'What is significant?' includes the recommended additional text in italics:

In the 20th century, the Collingwood Technical School complex developed as an alternative public centre to the former town hall and court house. The school was opened in 1912 at the former Collingwood municipal offices and the first purpose-built school structure was completed in 1913 (facing Perry St) but most of the complex developed around the World War Two era, playing a major role in retraining of returned soldiers. The school complex contains the highly significant 1938 Administration Building, with its arched Johnston Street entry bay. A superior example of international Dudok Modernism, the building was designed by the Public Works Department Chief Architect, Percy Everett.

Other significant buildings include hotels such as the Galloway Arms of 1888 (115 Johnston Street) and the Bendigo Hotel of 1911 (125 Johnston Street); shops like G Mateer's Victoria Bakery 1888 (67 Johnston Street) and Williams' Buildings of 1895 (153-157 Johnston Street) and recreational sites like the former Austral Theatre, later the Austral Picture Theatre, of 1921 (202-204 Johnston Street). *The latter originally had a seating capacity of 1600, opening at a time when suburban*

24 Appendix 7 includes precinct citations/statements of significance.

picture palaces were immensely popular. The stripped back Greek revival façade, with applied mouldings and stepped parapet, is a distinctive contributor to this area of Johnston Street.

HO310 Bridge Road Precinct

58. The most recent citation for the HO310 Bridge Road Precinct, in which the former Richmond Cinema is located, is also included in the *City of Yarra Review of Heritage Overlay Areas* (2007/2013). The citation does not specifically name the Richmond Cinema, nor its original iteration as a skating rink, although the citation under 'What is significant?' refers to 'two theatres' which developed in the 'civic centre' area of the precinct (associated with the town hall complex, courthouse and police station) where the subject property is located. It is recommended that a brief extract of the history of the Richmond Cinema, as included in the Theatres Review place citation, be added to this section of the precinct citation. The additional history should identify the establishment of the late 1880s skating rink as a significant nineteenth century recreational place in the precinct, and its later adaptation and use as a large and popular cinema. Under 'Why is it significant?' a dot point is also recommended to be added which states 'For the presence of individually significant nineteenth century recreational sites such as the 1888 skating rink, later adapted to the Richmond Cinema'.
59. The following extract from the precinct citation, under the heading of 'What is significant?' includes the recommended additional text in italics:

Today the majority of the Victorian-era buildings in Bridge Road date from the 1870s and 1880s when the advent of horse drawn omnibuses brought shoppers to the area. These were replaced by cable trams in 1885 and an electrified tram service in 1916, each new mode of transport improving access to the shops and residences lining the road. *The Richmond Skating Rink opened in 1888, on a large site set back from Bridge Road. It was also known as the Victorian Crystal Palace before being converted to a picture theatre in 1917, and later the Richmond Cinema with a new frontage to Bridge Road and a vast capacity of 2406 seats.*

60. And under 'Why is it significant?' an additional dot point to be added to the list:

For the presence of individually significant nineteenth century recreational sites such as the 1888 skating rink, later adapted to the Richmond Cinema.

Place citations

61. The place citations in the Theatres Review for the former Burnley Theatre, Austral Theatre and Richmond Cinema, variously relate to places:
- With an existing individual Heritage Overlay, being HO286 the Burnley Theatre
 - Currently graded individually significant to the HO324 Johnston Street Precinct, being the Austral Theatre
 - Recommended to be upgraded from contributory to individually significant to the HO310 Bridge Road Precinct, being the Richmond Cinema.
62. At present, the most recent citations for two of these places are included in the following 'Reference Documents':
- Burnley Theatre: *City of Yarra Heritage Review*, Volumes 1-4, Allom Lovell and Associates 1998.
 - Austral Theatre: *City of Yarra Review of Heritage Overlay Areas*, Graeme Butler and Associates 2007 updated 2013; Appendix 7 includes citations for individually significant places in precincts which are 'not from the main development era' of the precinct, in this case the HO324 Johnston Street Precinct.

63. There is no existing citation for the Richmond Cinema as its existing grading is contributory to the HO310 Bridge Road Precinct.
64. As is consistent with other individual places in Yarra for which citations have been prepared, including places with an individual Heritage Overlay control or places which are individually significant to a precinct, it is recommended that the three place citations of the Theatres Review be included in the Planning Scheme as 'Reference Documents'. However, as the proposed internal controls for these places are not supported, it is also recommended that the place citations be amended to remove, or at least limit, references to the interiors including under the headings of 'Description & Integrity', 'Comparative Analysis', 'Assessment Against Criteria' and in the 'Statement of Significance'. The 'Recommendations' for the Schedule to the Heritage Overlay should also remove 'Yes' to 'Internal Alteration Controls'. References to the interiors can remain in the 'History' sections of the citations.

2.2 Victoria Street/Bridge Road Review

65. The heritage study report, proposed to be included as a 'Reference Document' in the Yarra Planning Scheme, is:
- *Victoria Street and Bridge Road Built Form Review: Heritage Assessments*, GJM Heritage (14 June 2018)
66. It is understood that GJM Heritage was engaged by Council in 2017 to undertake a Built Form Review of Victoria Street and Bridge Road, between Hoddle Street and the Yarra River, together with surrounding/adjoining mixed use and commercial areas. The heritage study was undertaken in conjunction with the work of David Lock Associates Pty Ltd, who were involved in a Built Form Framework study of the same area.
67. The purpose of the review was 'to determine where and how new development can appropriately occur along and around Victoria Street and Bridge Road'. 'Heritage advice' was required to ensure that the 'Built Form Review and the subsequent Design and Development Overlay (DDO) appropriately responds to the heritage fabric and values of the study area, leading to fully integrated decision-making when considering new development opportunities'.²⁵
68. The 'Key components' of the Victoria Street/Bridge Road Review were:²⁶
- Review the suitability of the extent of the existing Heritage Overlays and identify gaps or inconsistencies (if any); and
 - Review the suitability of the existing statements of significance for heritage places and precincts against the extant heritage fabric and identify where the statements require updating for the purposes of properly considering built form recommendations; and
 - Review the current gradings for heritage places and identify where updates are required. The updated gradings are to be included in the incorporated document, *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8* where as noted, the level of significance of every graded place in Yarra is identified.
69. The recommendations and/or outcomes of the review were:
- Updates to existing statements of significance for heritage precincts and site-specific Heritage Overlays
 - Potential inclusion of eight places in new site-specific Heritage Overlays
 - Change to some heritage place gradings

²⁵ Victoria Street/Bridge Road Review, Heritage Assessments, 'Introduction', p. 1.

²⁶ Victoria Street/Bridge Road Review, Heritage Assessments, 'Introduction', p. 1.

- Change to some Heritage Overlay precinct boundaries.²⁷
70. Statements of significance for existing heritage precincts and places with site-specific Heritage Overlays were analysed and reviewed to ensure that they were ‘current and useful for managing change within the Study Area’, with the outcomes documented in the report. While most existing statements ‘were sound’, some updates were recommended.²⁸
71. The heritage precincts for which updated statements were prepared:
- Bridge Road Precinct, Richmond (HO310)
 - Victoria Street Precinct, Richmond (HO408)
 - Victoria Street West Precinct, 233-251 Victoria Street, Abbotsford (HO444)
72. In addition, two places (former banks) which were individually significant in the Bridge Road Precinct (HO310) were assessed to be ‘atypical’, and new statements of significance were prepared for these places, albeit they remained in HO310. Two other places, including Halls Buildings, 202-206 Church Street, Richmond (which is the subject of three submissions, and is addressed and commented on below at Section 3.5), and 32-34 Thomas Street, Richmond, were recommended for inclusion in the Heritage Overlay for the first time, on a site-specific basis; and six other places which were already individually significant in a precinct were recommended for inclusion in site-specific Heritage Overlays.
73. Comparative analysis ‘against similar places identified in the Heritage Overlay’ was undertaken for the two new places (202-206 Church Street and 32-34 Thomas Street) ‘to determine whether the place satisfied the threshold for local heritage significance’.²⁹ Comparative analysis generally was not undertaken for the other places cited above at paragraph 72, although where other statements of significance, from earlier studies, are cited in the report these make some reference to comparisons with other places.
74. The updated and new statements of significance for the precincts and individual places are attached to the report.
75. Attachment A is designated ‘Proposed Reference Document to Clause 22.02 of the Yarra Planning Scheme’. This attachment includes statements of significance for the ‘Yarra High Streets’, including for precincts and individual places which were subject to built form reviews and studies in Swan Street and Queens Parade (also undertaken by GJM Heritage), as well as the current Victoria Street/Bridge Road Review. The date of the proposed ‘Reference Document’ is October 2017, with a June 2018 update reflecting the additions and changes recommended in the current review.
76. The remaining attachments (B to K) include statements of significance, as contained in more detailed heritage citations, for the ten individual places referred to above at paragraph 72. These include Attachment D, which is the place citation for 202-206 Church Street, Richmond (again, addressed and commented on below at Section 3.5); and Attachment J, the citation for the former Flour Mill and Grain Store complex at 534-534A Bridge Road, Richmond, which was prepared by Context Pty Ltd in 2014 (and not GJM Heritage).
77. The statements of significance are generally in the standard ‘What is significant?’, ‘How is it significant?’ and ‘Why is it significant?’ format. The more detailed place citations include a site history; a description and overview of building integrity; an assessment against recognised

²⁷ Victoria Street/Bridge Road Review, Heritage Assessments, ‘Introduction’, p. 1.

²⁸ Victoria Street/Bridge Road Review, Heritage Assessments, p. 2.

²⁹ Victoria Street/Bridge Road Review, Heritage Assessments, p. 10.

heritage criteria (HERCON criteria); a statement of significance; where relevant, a previous statement from an earlier study; and where required, the recommended place grading and controls. As already noted, for the two places newly recommended for a site-specific control, a comparative analysis is also included in the citation.

78. For the gradings review, this includes updated or revised gradings for places on the basis of demolitions having occurred, or on a re-assessment or re-appraisal of the relative significance of the place, with the gradings going up or down. The report includes an explanation or 'justification for the regrading' of the places.³⁰
79. For the review of heritage precinct boundaries, some corrections or alterations to the existing boundaries are identified and explained in the report.³¹
80. It is also understood that the 'Heritage Assessments' report of 14 June 2018, as cited here, was complemented by another GJM Heritage report, which is not proposed to be included as a 'Reference Document' in the Planning Scheme:

- *Victoria Street and Bridge Road Built Form Review: Heritage Analysis and Recommendations* (6 June 2018)

81. An overview of the latter report follows.

2.2.1 *'Heritage Analysis and Recommendations' report*

82. The 'Heritage Analysis and Recommendations' report, as the title suggests, provides the analysis and research which underpins the findings and recommendations of the Victoria Street/Bridge Road Review, and the outcomes as documented in the above 'Heritage Assessments' report; it also constitutes the 'heritage advice' referred to in the 'Introduction' to the latter report. As per the 'Executive Summary' to the 'Heritage Analysis and Recommendations' report:

This heritage advice analyses the existing heritage values and qualities along Victoria Street, Richmond and Abbotsford and Bridge Road, Richmond and the surrounding mixed use / commercial areas. It identifies gaps, inconsistencies and inaccuracies with the current heritage controls and provides recommendations for addressing these issues, which are detailed in the separate Heritage Assessments report (GJM Heritage, June 2018).³²

83. The 'Heritage Analysis and Recommendations' report provides a brief introduction to Yarra's collection of historical 'High Streets' (including main road and/or commercial streets such as Swan, Brunswick, Smith, Victoria, Rathdowne, Nicholson, Gertrude and Johnston streets; Bridge and St Georges roads; and Queens Parade); and a brief history and description of Victoria Street and Bridge Road. It also sets out the scope of the study, and the methodology followed in undertaking the study.³³
84. The study also involved an analysis of the planning context including the heritage provisions and other relevant policy considerations; and fieldwork was undertaken, as follows:

All buildings and structures within the study area were inspected from the public realm with particular attention paid to the presentation of heritage buildings to

30 Victoria Street/Bridge Road Review, Heritage Assessments, commencing p. 13.

31 Victoria Street/Bridge Road Review, Heritage Assessments, commencing p. 20.

32 Victoria Street/Bridge Road Review, Heritage Analysis and Recommendations, 'Executive Summary', p. viii.

33 Victoria Street/Bridge Road Review, Heritage Analysis and Recommendations, commencing at p. 17.

Victoria Street and Bridge Road. The rear and side interfaces to the neighbouring residential areas subject to the Heritage Overlay were also considered.³⁴

85. The purpose of the fieldwork was to:

- Review the suitability of the extent of the existing Heritage Overlays and to identify gaps.
- Review the suitability of the existing statements of significance for heritage places and precincts against the extant heritage fabric and to identify where the statements required updating for the purposes of properly considering built form recommendations.
- Review the extant heritage fabric against the heritage gradings and identify any inconsistencies and inaccuracies.
- Identify rows of buildings such as terraced shop/residences that were built as a single group to the same or very similar design and remained highly intact.
- Review the heritage buildings and streetscapes within the study area to identify the architectural and streetscape heritage features (e.g. parapets, roof forms, view lines, corner sites) that are relevant to a consideration of built form recommendations.³⁵

86. In the 'Heritage Analysis' component of the report,³⁶ the study area is divided into seven (non-heritage) precincts and eleven mixed use/commercial pockets. These precincts and pockets are analysed in some detail for their existing heritage status, heritage characteristics and conditions, and key views. In some instances, 'Recommended changes' are included, which address updating the relevant statements of significance for affected precincts and some site-specific Heritage Overlays, to more accurately capture the important heritage features identified in the analysis. These recommendations are generally included in the 'Heritage Assessments' report and its documented outcomes, as subject to this Amendment.

87. The 'Heritage Analysis and Recommendations' report also addressed the built form parameters of the study area, in the context of the heritage characteristics and values; consideration of mandatory or discretionary height and setback controls in heritage areas; referred to Planning Panels Victoria (Panel) reports which reviewed the appropriateness of DDOs in areas that are also subject to, at least in part, the Heritage Overlay; identified and made recommendations relating to continuous lengths of particularly intact streetscapes in the study area; identified potential future character considerations; and recommended Design and Development Overlay built form parameters. These aspects of the report, and study, are not commented on in this peer review.

2.2.2 *General comment on study*

88. The two reports together represent a comprehensive study which was thorough and detailed and extended beyond the typical scope of a heritage study, in arriving at its recommendations for heritage places in the Built Form Review study area.

89. While the 'Heritage Assessments' report is proposed to be included as a 'Reference Document' in the Yarra Planning Scheme, and is the focus of this peer review, it was supported by the 'Heritage Analysis and Recommendations' report, with the latter documenting the detailed analysis which was required to support preparation of the statements of significance and citations attached to the 'Heritage Assessments' report, and the review of precinct boundaries and place gradings. The latter is based on a sound methodology; is a generally rigorous study

34 Victoria Street/Bridge Road Review, Heritage Analysis and Recommendations, p. 17.

35 Victoria Street/Bridge Road Review, Heritage Analysis and Recommendations, p. 17.

36 Victoria Street/Bridge Road Review, Heritage Analysis and Recommendations, commencing at p. 34.

with well-considered outcomes and recommendations; and is largely consistent with the assessment and documentation of heritage places as outlined in the VPP Practice Note.

2.3 Collingwood Review

90. The heritage study report, proposed to be included as a 'Reference Document' in the Yarra Planning Scheme, is:
- Collingwood Mixed Use Pocket, Heritage Analysis & Recommendations, GJM Heritage (2018)
91. It is understood that Council engaged GJM Heritage to undertake a review of heritage controls in Collingwood South in the location of a proposed new Design and Development Overlay. As per the 'Introduction':³⁷

This report forms part of a suite of analysis that considers the Victoria Street and Bridge Road commercial corridors and associated mixed use pockets as well as the Smith and Brunswick Street commercial corridors (including the Gertrude and Johnston Street commercial strips) and associated mixed use pockets including the Collingwood Mixed Use Pocket. The Collingwood Mixed Use Pocket has been considered outside of the wider study area because of its discrete nature and the high level of development pressure that is impacting on the heritage values of the precinct.

The purpose of this advice is to ensure that the Built Form Framework being developed by Hansen Partnership for the Collingwood Mixed Use Pocket takes proper account of the heritage values of the recognised heritage precincts and individual buildings within the study area, and results in planning controls that reflect fully integrated decision-making.

92. The Collingwood Review identified the following 'Recommended Changes to Heritage Controls' in the study area:

There are a number changes recommended to the heritage controls for the Collingwood Mixed Use Precinct, both to the extent of the Heritage Overlay and potentially to the registered extents of places included on the VHR [Victorian Heritage Register]...It is also recommended that the Statement of Significance for the Collingwood Slope Precinct and Victoria Parade Precinct and site-specific Heritage Overlays be updated to accurately capture the important heritage features of the various heritage places.

It is recommended that updated Statements of Significance be prepared for all buildings of atypical form such as the former Dyason & Co. Cordial Factory, Sir Robert Peel Hotel, The Vine Hotel, the former St Saviours Church of England Mission Church and the former Cambridge Street State School to inform any future redevelopment.³⁸

93. Updated statements of significance for the Collingwood Slope and Victoria Parade precincts are included as appendices to the report.
94. The Collingwood Review also identified that 18-22 Derby Street, Collingwood 'may warrant inclusion' in HO102, which includes 10-16 Derby Street; and that 33-45 Derby Street,

³⁷ Collingwood Mixed Use Pocket, Heritage Analysis & Recommendations, p. 2.

³⁸ Collingwood Mixed Use Pocket, Heritage Analysis & Recommendations, p. 19.

Collingwood 'be considered for inclusion on the Heritage Overlay as an extension of HO336', the Victoria Parade Precinct, Collingwood.³⁹

95. Subsequently, GJM Heritage undertook a detailed assessment of 33-45 Derby Street (June 2018). This includes a history, description, comparative analysis, statement of significance and recommendation that the subject properties be added to HO336 as contributory places. Anthemion Group also undertook a separate detailed assessment of 18-22 Derby Street (June 2018), which also included a history, description, comparative analysis, statement of significance and recommendation that the subject properties be added to HO102 as contributory places.
96. The above assessments are recommended under this Amendment to be included as 'Reference Documents' in the Yarra Planning Scheme.

2.3.1 *General comment on study*

97. The Collingwood Review is a comprehensive study of a discrete area, where the methodology and approach is similar to that followed in the Victoria Street/Bridge Road Review, as outlined and commented on in the two GJM Heritage reports referred to above at Section 2.2. The methodology is sound, as are the recommendations of the review which relate to changes to the Heritage Overlay.
98. The two subsequent assessments which support the recommended inclusion of 18-22 and 33-45 Derby Street, Collingwood, in two existing Heritage Overlays, are also thorough and provide justification for the additional heritage controls.

³⁹ Collingwood Mixed Use Pocket, Heritage Analysis & Recommendations, pp. 22-23.

3.0 Submissions

3.1 Issues raised in submissions

99. The following table identifies the submission in the left column; summarises and paraphrases the principal heritage issues in the middle column; and, in the right column, identifies the relevant section of this statement where the issue is addressed and responded to.

100. Issues to do with economic impacts, the Amendment process, potential conflict with other planning controls and strategic direction, or other matters which are not of direct heritage relevance, are generally not identified or responded to.

Table 1 Summary table of submissions and issues raised and addressed.

Submissions (number and submitter name)	Issues (summarised and paraphrased)	Response (section number in this statement)
1 Anthony De Luca 200-202 Johnston Street Austral Theatre	Objects to the inclusion of the property as an individually significant heritage place; to the proposed individual Heritage Overlay over entire property; and to proposed internal controls.	Section 3.3.1 (former Austral Theatre) Section 2.1.2 (discussion of internal controls)
3 Song Bowden Planning 365-377 Swan Street Burnley Theatre	Objects to the proposed internal controls. The interior of the building does not warrant these controls and has been substantially altered over many years. It has been used for furniture sales for longer than it was a theatre. The existing Heritage Overlay already provides sufficient heritage protection for the external fabric of the building.	Section 3.3.2 (former Burnley Theatre) Section 2.1.2 (discussion of internal controls)
4 AP Planning 311-317 Bridge Road Richmond Cinema	Recognises that the site may have some heritage values. The building has undergone various changes over time, including external and internal alterations, and continually evolves as new tenants move in and out or their requirements change. Objects to the proposed internal controls, which are a significant imposition [usually] reserved for places on the Victorian Heritage Register and significant public buildings. Quotes VPP Practice Note: Internal heritage controls 'should be applied sparingly and on a selective basis to special interiors of high significance. The statement of significance for the heritage place should explain what is significant about the interior and why it is important'. Cites three key elements identified in the heritage study citation:	Section 3.3.3 (former Richmond Cinema) Section 3.6 (incorporated plan) Section 2.1.2 (discussion of internal controls)

Submissions (number and submitter name)	Issues (summarised and paraphrased)	Response (section number in this statement)
	<ul style="list-style-type: none"> • The metal lattice ceiling in rear part of building, together with the decorative plaster panels to the edges of the ceiling; • Decorative mezzanine level balcony; and • Interior volume associated with its former use as a skating rink and picture theatre. <p>Submits that these distinct [internal] parts of the building could be protected, while allowing for other internal works to be undertaken without planning approval. If internal controls are applied, suggests a site-specific incorporated plan be prepared which identifies exempt works.</p>	
<p>5 Collingwood Historical Society</p> <p>Clifton Hill/Collingwood properties including Austral Theatre</p>	<p>Generally supports the Amendment.</p> <p>Supports the proposed individual Heritage Overlay and internal controls for 200-202 Johnston Street.</p>	<p>Section 3.3.1 (former Austral Theatre)</p> <p>Section 2.1.2 (discussion of internal controls)</p>
<p>6 The 3068 Group (Inc.)</p> <p>Queens Parade street trees</p>	<p>The changes to HO93 (Queens Parade) do not go far enough to protect the elm boulevard which is more extensive than identified.</p> <p>The HO93 statement of significance does not distinguish between the nineteenth century and interwar plantings.</p> <p>HO93 should include Napier Reserve and the substation.</p> <p>Turkey Oak is not a suitable replacement species.</p>	<p>Section 3.4 (Queens Parade trees)</p>
<p>7 Con Mydaras</p> <p>204 Church Street</p> <p>Halls Buildings</p>	<p>Objects to the proposed heritage control:</p> <p>The context/surroundings of the site are undergoing significant change and development.</p> <p>The building has diminished integrity:</p> <ul style="list-style-type: none"> • The ground floor has been demolished and rebuilt including demolition of the original shopfront, original verandah, original first floor windows, original ground floor layout and roof. The plan shown in the report dated 1897 is vastly changed. • Only the first-floor rendering to the facade remains albeit in poor condition. • The facade is of poor quality and poor workmanship with very thin rendering which 	<p>Section 3.5 (202-206 Church Street)</p>

Submissions (number and submitter name)	Issues (summarised and paraphrased)	Response (section number in this statement)
	has been patched up and replaced in various locations.	
8 Irene Tran 202 Church Street Halls Buildings	Objects to the proposed heritage control: The context/surroundings of the site are undergoing significant change and development. There are mainly contemporary buildings in the neighbourhood. The building has diminished integrity (generally as above for 204 Church Street).	Section 3.5 (202-206 Church Street)
9 Thao Tran 202 Church Street Halls Buildings	Objects to the proposed heritage control: The context/surroundings of the site are undergoing significant change and development. There are mainly contemporary buildings in the neighbourhood. The building has diminished integrity (generally as above for 204 Church Street).	Section 3.5 (202-206 Church Street)
10 Terrance Nott Theatres and Fitzroy/Fitzroy North properties	Generally supports the Amendment. Supports the proposed internal controls to the former theatres: <ul style="list-style-type: none"> • The three theatres have some of the last remaining interiors of this kind in Yarra. • The interiors retain auditorium ceilings, entrance lobbies and dress circles in various forms. • The interiors demonstrate wide span structural support forms of the times. • The existing external controls will not protect these historical important interiors. • A schedule of the most important parts of the interiors could be compiled, and the building owners would not require planning approval for works or minor alterations to the parts of the buildings that are excluded from the schedule. • External controls should remain. • Most of the important [theatre] interiors of Yarra have been demolished, the most recent loss being the Star Lyric Theatre in Fitzroy. 	Section 2.1.2 (discussion of internal controls) Section 3.3 (theatres) Section 3.6 (incorporated plan)
11 Ian Wight Theatres	Generally supports the Amendment. Supports the proposed internal controls to the former theatres:	Section 2.1.2 (discussion of internal controls)

Submissions (number and submitter name)	Issues (summarised and paraphrased)	Response (section number in this statement)
	<ul style="list-style-type: none"> • The proposed controls are supported by a proper study carried out by reputable heritage consultants and no considered assessment has been made available (at least so far) to question their assessment. • Supports the concept/suggestion of using an incorporated plan to exempt minor works which do not impact on the significant parts of the interiors. <p>Also refers to, and is critical of, the Council decision to abandon the proposed internal controls to two of the three former theatres.</p>	<p>Section 3.3 (theatres)</p> <p>Section 3.6 (incorporated plan)</p>

3.2 Response to submissions

101. The following is set out in relation to the place and then the issues raised in the submissions. Each section is followed by a comment/response.

3.3 Theatres

3.3.1 Former Austral Theatre

102. The former Austral Theatre at 200-202 Johnston Street, Collingwood, is currently included as an individually significant place in HO324, Johnston Street Precinct, Collingwood (Figure 1).

103. According to the Theatres Review:

The Austral Theatre, later Austral Picture Theatre at 200-202 Johnston Street, Collingwood was built in 1921 for Winifred Kenny, Picture Proprietor of Northcote. It was operated by Robert McLeish (who is also associated with the Rivoli, Camberwell) and has other historical associations with operators C. Hore and John and Maria Lyris, confectioners...The Austral Theatre was the fifth in the chain of theatres across Melbourne controlled by Robert McLeish. The theatre, with a seating capacity of 1600 was opened on September 15, 1921 and closed in 1959 (Catrice, 1991:41). It became an importers storage building, before becoming its current use as a carpet store.⁴⁰

104. The property is located on the north side of Johnston Street and the north boundary of the precinct does not extend for the full depth of the property, or building, meaning that HO324 cuts through the heritage place. The recommendation of the Theatres Review is to replace the existing heritage precinct control with a site specific (individual) Heritage Overlay control (HO499) which covers the whole of the property and includes internal controls. The study states that the place 'will require an Individual Heritage Overlay...to accommodate the internal controls through the Schedule to the Heritage Overlay'.⁴¹

105. The principal issues identified in Submission 1 to the Amendment include the proposed change from a precinct control to an individual Heritage Overlay, and the proposed internal controls.

⁴⁰ Theatres Review report, Appendix D, citation for 'Austral Theatre'.

⁴¹ Theatres Review report, p. v.

106. Submission 5 supports the proposed individual Heritage Overlay and the internal controls. Submissions 10 and 11 generally support the application of internal controls to this, and the other, theatres.

Comment/response

107. The proposed internal control over this building is commented on above at Section 2.1.2, where the control is questioned and not supported.

108. However, the proposal to place the entirety of this place, including the exterior of the building and its associated land, under heritage controls is supported. It is already graded individually significant to the HO324 precinct, although approximately half of the property is excluded from the precinct. This is an anomaly which should be remedied and is not conducive to managing and protecting the heritage significance and values of the place. This can be addressed by extending the precinct boundary to cover the entire property, rather than applying an individual Heritage Overlay, particularly given the latter is not required if internal controls are not applied.

109. At present, the HO324 Johnston Street Precinct does not include any individual Heritage Overlay places, save for the Keith Haring mural (HO354, included on the Victorian Heritage Register as VHR 2055) and the property known as Belmont (HO107, also included on the Victorian Heritage Register, VHR 871). There are also other places graded individually significant to the precinct which do not have an individual Heritage Overlay. The approach recommended here for the former Austral Theatre is consistent with this.

110. As recommended above at Section 2.1.3, the citation and statement of significance for the HO324 precinct is recommended to be updated with additional information relating to the former Austral Theatre; and the place citation from the Theatres Review is also recommended to be amended and included in the Yarra Planning Scheme as a 'Reference Document'.

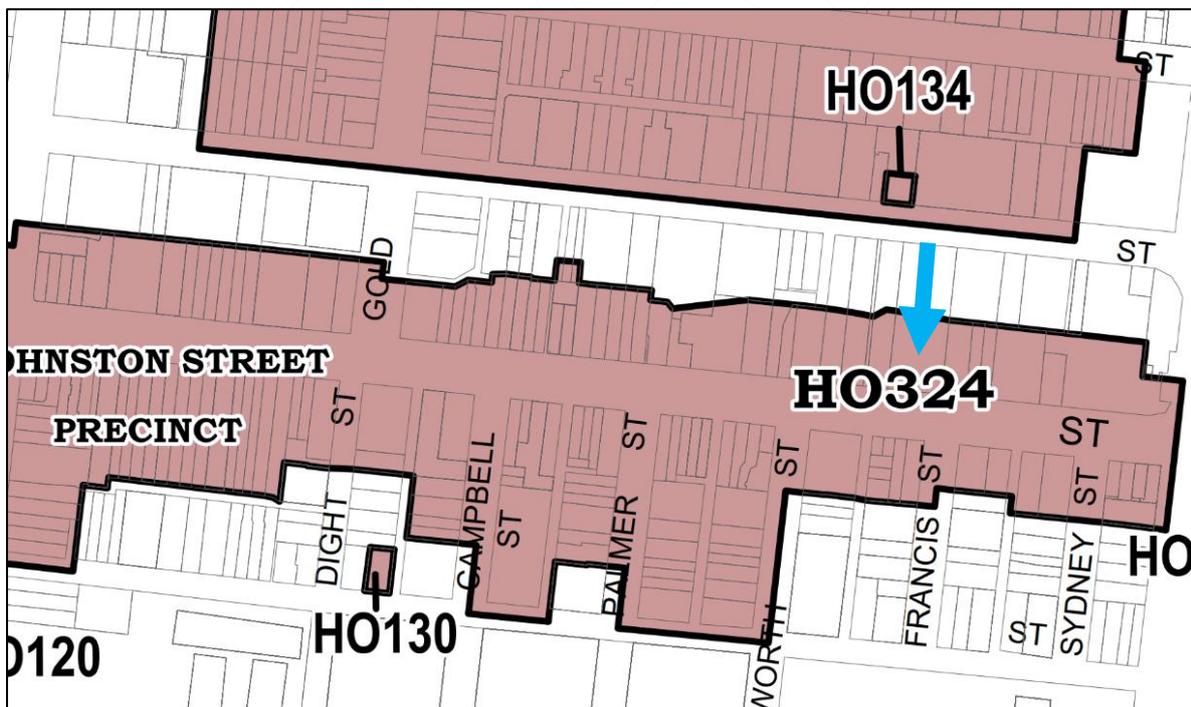


Figure 1 Extract from the current Yarra Heritage Overlay Map, showing the eastern end of HO324, with the former Austral Theatre site indicated
Source: Planning Schemes Online



Figure 2 Recent aerial photograph of former Austral Theatre (indicated)
Source: Nearmap, December 2019



Figure 3 Former Austral Theatre, Johnston Street



Figure 4 Former Austral Theatre, rear (north) and side (west) elevations; the rear half of the building and associated land area is currently excluded from the HO324 precinct

3.3.2 Former Burnley Theatre

111. The former Burnley Theatre at 365 Swan Street, Richmond, is currently included in a site specific (individual) Heritage Overlay, HO286 (Figure 5).

112. According to the Theatres Review:

The former Burnley Theatre opened on 21 May 1928 as a single screen picture palace. It was built by F L Walton Pty Ltd to the design of cinema architects Bohringer Taylor & Johnson. When opened, the theatre featured seating for 1170 people, a dress circle, theatre side boxes, an elaborate ceiling dome and decorated proscenium. The stage had an orchestra platform and dressing rooms. The projection room was adapted in 1929 to accommodate sound in talking pictures.⁴²

113. The recommendation of the Theatres Review is to retain the 'existing Individual Heritage Overlay status' including the current extent, and to activate additional internal controls 'through the Schedule to the Heritage Overlay'.⁴³

114. The principal issues identified in Submission 3 to the Amendment include the proposed internal controls; and that the existing Heritage Overlay already provides sufficient protection for the external fabric of the building.

115. Submissions 10 and 11 generally support the application of internal controls to this, and the other, theatres.

⁴² Theatres Review report, Appendix D, citation for 'Burnley Theatre'.

⁴³ Theatres Review report, p. v.

Comment/response

116. The proposed internal control over this building is commented on above at Section 2.1.2, where the control is questioned and not supported.

117. No change is recommended to the current site specific (individual) Heritage Overlay for this property, being HO286. However, as recommended above at Section 2.1.3, the place citation from the Theatres Review is recommended to be amended and included in the Yarra Planning Scheme as a 'Reference Document'.

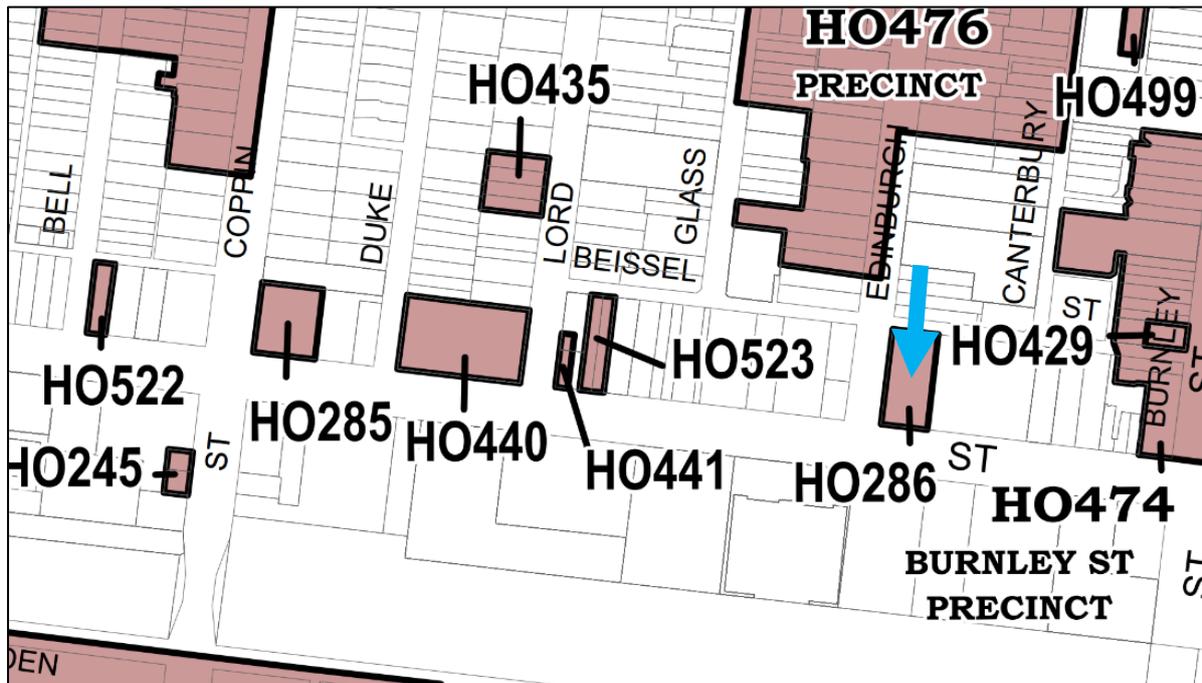


Figure 5 Extract from the current Yarra Heritage Overlay Map, showing HO286 which covers the former Burnley Theatre, as indicated
Source: Planning Schemes Online

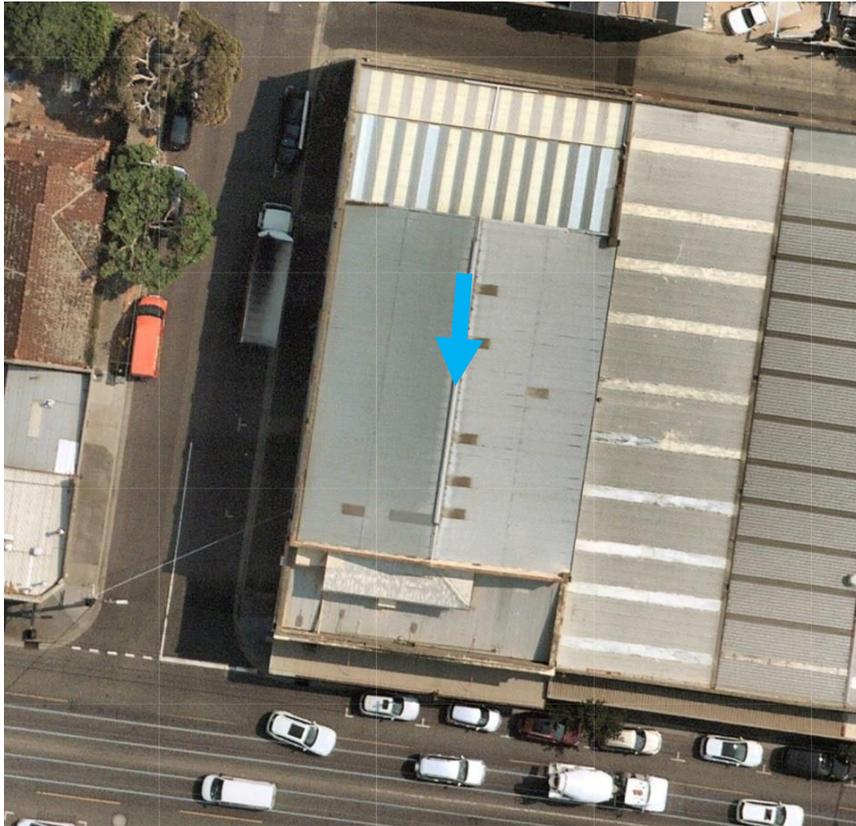


Figure 6 Recent aerial photograph of former Burnley Theatre
Source: Nearmap December 2019



Figure 7 Former Burnley Theatre, Swan Street



Figure 8 Rear (left) and west (right) elevations of the former Burnley Theatre

3.3.3 Former Richmond Cinema

118. The former Richmond Cinema at 311-317 Bridge Road, Richmond, is currently included as a contributory place in HO310, the Bridge Road Precinct, Richmond (Figure 9).

119. According to the Theatres Review:

The Richmond Cinema was erected in 1888 as the Richmond Skating Rink... A change of ownership a year later saw it renamed to the Victorian Crystal Palace and converted to a 'promenade concert room' and place of general entertainment... From c.1900-16 it operated as Crystal Palace Skating Rink, and was converted to a picture theatre in 1917. The conversion was designed by architects John Stevens Gawler (1885-1978) and Walter Drummond (1890-1930)... Operated by the Hoyts chain of theatres from 1917, it was variously known as The Cinema, Richmond; the Richmond Cinema; and Hoyts Richmond Cinema with a vast capacity of 2406 seats. It ceased operating in 1958...⁴⁴

120. The property is located on the north side of Bridge Road and the north boundary of the precinct does not extend for the full depth of the property, or building, meaning that HO310 cuts through the approximate middle of the property. The recommendation of the Theatres Review is to replace the existing heritage precinct control with a site specific (individual) Heritage Overlay control (HO504) which covers the whole of the property and includes internal controls. This would also elevate the significance of the place from contributory to individually significant.

⁴⁴ Theatres Review report, Appendix D, citation for 'Richmond Cinema'.

121. The principal issue identified in Submission 4 to the Amendment includes the proposed internal controls. The submission also suggests that the significant internal elements could be protected through a site-specific incorporated plan which identifies exempt works to the interior.
122. Submissions 10 and 11 generally support the application of internal controls to this, and the other, theatres.

Comment/response

123. The proposed internal control over this building is commented on above at Section 2.1.2, where the control is questioned and not supported.
124. However, the proposal to place the entirety of this place, including the exterior of the building and its associated land, under heritage controls is supported. The 1898 MMBW plan reproduced below indicates that the 1888 skating rink was not located on Bridge Road, and was set back some distance from the road (Figure 11). In fact a substantial part of this earlier building is currently outside the heritage precinct boundary.
125. The place citation from the Theatres Review also refers to this property as a 'picture palace', which is assumed to refer to the 1888 component of the property. The front section to Bridge Road was added later, during or after conversion to cinema use. It is evident in the 1945 aerial image at Figure 12; the front of the building is also illustrated in a c.1944 image reproduced in the place citation. This part of the building is much modified, as is acknowledged in the citation which states that 'The principal facade and single storey volume to Bridge Road has been highly modified'.
126. Returning to the significance, elevating this building to the grading of individually significant to the precinct is generally supported here on the basis of the early date of the 1888 component and the historical significance as largely documented in the place citation. While the exterior of the 1888 building has also been modified, the overall original form of this substantial building is still evident. This includes two gabled volumes, with the south volume being higher than the north volume, and brick buttressing to side elevations. The elevations, excluding that on the east side, have also been overpainted.
127. Extending the precinct boundary to include the whole of the property, including the 1888 component, is therefore appropriate, as the current precinct extent is an anomaly which should be remedied and is not conducive to managing and protecting the heritage significance and values of the place.
128. The proposed site-specific individual Heritage Overlay control is not supported, particularly given the latter is not required if internal controls are not applied.
129. At present, the HO310, the Bridge Road Precinct does not include any individual Heritage Overlay places, save for the adjoining HO230, Richmond Police Station (to which external paint controls apply). There are also numerous other places graded individually significant to the precinct which do not have an individual Heritage Overlay. The approach recommended here for the Richmond Cinema is consistent with this.
130. As recommended above at Section 2.1.3, the citation and statement of significance for the HO310 precinct is recommended to be updated with additional information relating to the former Richmond Cinema; and the place citation from the Theatres Review is also recommended to be amended and included in the Yarra Planning Scheme as a 'Reference Document'. The proposed use of an incorporated plan is commented on separately below at Section 3.6.

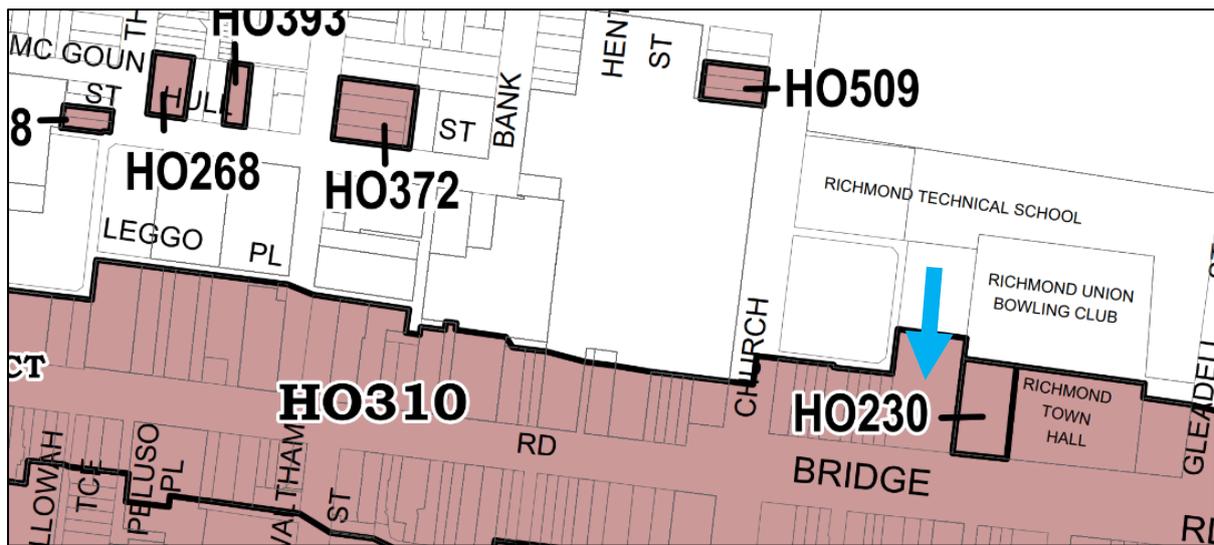


Figure 9 Extract from the current Yarra Heritage Overlay Map, showing the eastern end of HO310, with the former Richmond Cinema site indicated
 Source: Planning Schemes Online

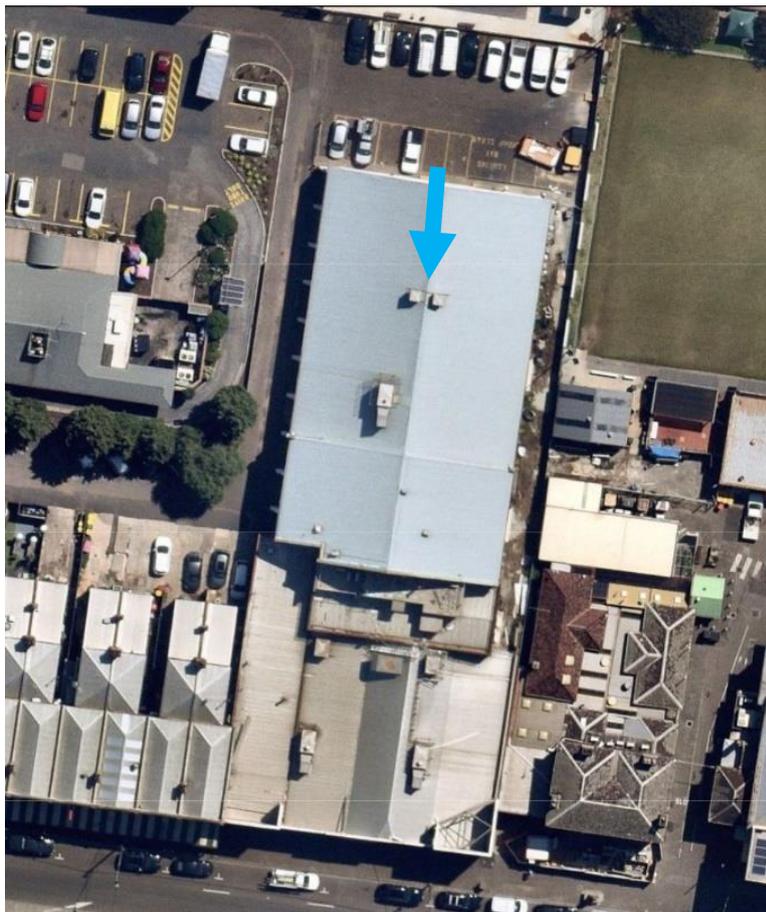


Figure 10 Recent aerial photograph of former Richmond Cinema
 Source: Nearmap December 2017

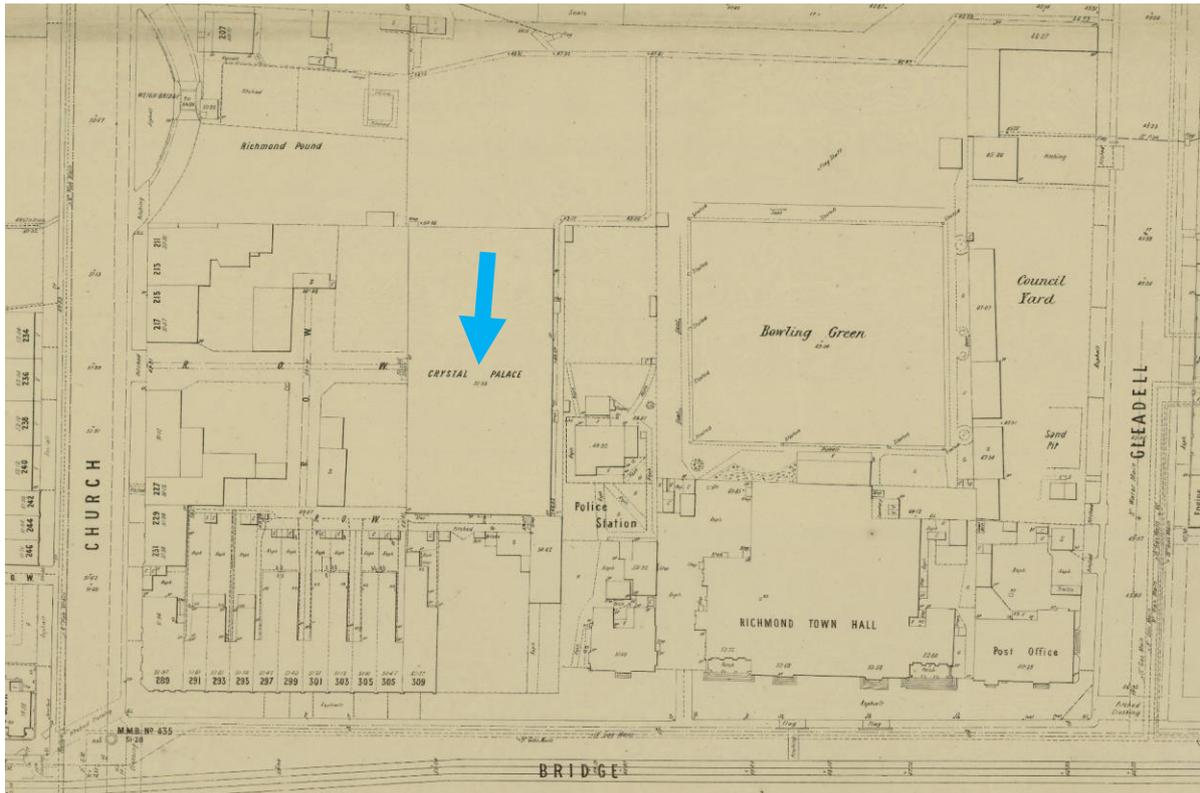


Figure 11 1898 MMBW Detail Plan no. 1053, with Crystal Palace indicated
 Source: State Library of Victoria



Figure 12 1945 aerial image with the 1888 component indicated
 Source: <http://1945.melbourne/>



Figure 13 Former Richmond Cinema, Bridge Road



Figure 14 Rear (north) and side (west) elevations of former Richmond Cinema; approximately the rear half of the building and associated land area is currently excluded from the HO310 precinct

3.4 Queens Parade trees

131. The Amendment proposes to modify/increase the extent of HO93, identified in the Schedule to the Heritage Overlay as 'Street Trees' on Queens Parade, between Alexandra Parade and Delbridge Street, Clifton Hill/North Fitzroy. Tree controls apply under this Heritage Overlay, with the current mapped extent shown at Figure 16.
132. The proposed change is intended to correct an apparent anomaly in the existing HO93 mapping, to capture previously unprotected street trees and related elements through including all of the road reserve and associated landscape infrastructure on both sides (north and south) of Queens Parade, between Alexandra Parade and Delbridge Street. Figure 16 identifies the current narrow linear extent of HO93, with the Amendment proposing to widen this extent.
133. The heritage study/report which supported this aspect of the Amendment is:
- *Heritage Overlay Study Queens Parade, Fitzroy North*, John Patrick Landscape Architects (November 2018)
134. While not specifically subject to peer review here, this report includes a detailed description of HO93, encompassing existing vegetation and hard landscape elements including the medians and their borders, and kerbs and channels; recommendations on conservation of the vegetation and hard landscape elements; an overview of the Heritage Overlay 'anomaly' in terms of its current extent; and recommended revisions and additions to the place citation for HO93.
135. The earlier citation which supported the original Heritage Overlay extent dates from 1998, and is included in the *City of Yarra Heritage Review: Landscape Citations*, Allom Lovell & Associates and John Patrick Pty Ltd. The landscape citations are in Volume 4 of the *City of Yarra Heritage Review*. All four volumes of the latter review are policy 'References' at Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay.
136. The Amendment proposes to include the revised citation as a 'Reference Document' in the Yarra Planning Scheme.
137. The recommended revised citation includes updated and additional information and text under 'Description' and 'Remnant Fabric' (including vegetation and hard landscape elements); 'Potential Threats'; 'Management Steps'; and the 'Statement of Significance'. While the new citation does not include a reassessment or reappraisal of the heritage values of HO93, it does include increased emphasis on what it calls the 'man made' fabric (hard landscape elements), including adding these to the name of the 'Heritage Place' or the 'Site' in the citation, which currently refers only to 'Street Trees'; and adding reference to these elements in the 'Statement of Significance'.
138. The Queens Parade trees report states the following in relation to what should be included in HO93:
- [The] remnant heritage fabric intended to be protected by Heritage Overlay HO93...extends from the southern edge (frontage) of neighbouring property boundaries on the northern side of Queens Parade service lanes to the northern site boundaries (frontage) of neighbouring properties on the southern side of Queens Parade service lanes, from the origin of Queens Parade at Alexandra Parade to the intersection of Queens Parade with Delbridge and Wellington Streets, North Fitzroy. The area between adjacent site frontages and the nature strips, ie. the location of footpaths, is included in the area intended to be protected as it is likely that roots of the outer row of avenue trees extend into this area.
- The Heritage Overlay is intended to encompass the nature strips, the trees within them, the extent of the root zones of these trees, and the outer basalt curbs and drainage channels on both sides of Queens Parade (adjacent to the service lanes).

The medians which divide the central traffic lanes from the service lanes are also intended to be encompassed, along with the uncut basalt rock borders and basalt pitcher drainage channels adjacent to these medians.⁴⁵

139. Submission 6 states that the changes to HO93 'do not go far enough' in protecting the elm boulevard, which is 'more extensive than identified'. HO93 should also include Napier Reserve and the substation. Further, the HO93 statement of significance does not distinguish between the nineteenth century and interwar plantings. Further, the submission also states that Turkey Oak is not a suitable replacement species.

Comment/response

140. The recommended use of Turkey Oak as (it is understood) a replacement planting for London Plane is not commented on here, as I do not have expertise in this area.

141. Before addressing the other issues raised in Submission 6, the following is noted.

142. Neither the 1998 citation, nor the revised 2018 citation, include a history of the Queens Parade plantings. This is also reflected in the statement of significance, which does not refer to the historical value of HO93. The absence of a history means that it is difficult to respond, at least fully, to some of the issues raised in Submission 6, including there being a lack of distinction between nineteenth century and interwar plantings, and any relation between the plantings on Queens Parade and those in Napier Reserve. More historical information is therefore recommended to be included in the 2018 citation. This can in part be obtained from several other Yarra sources which include some relevant history, as follows.

143. With reference to the original 1998 heritage study, Volume 1 of the four volume *City of Yarra Heritage Review* (as noted, the landscape citations are included in Volume 4), includes a thematic history of the municipality. The following extract from the history gives some context to the historical plantings on Queens Parade:

In an attempt to beautify the district further parks were created and roads, such as Victoria and Queens Parade, were planted as boulevards. This followed the English tradition that 'properly understood, a boulevard is to the inland town what the promenade is to the seaside resort'. The trees preferred were the elm, 'the best of all trees for avenues in the southern half of England'.⁴⁶

144. Queens Parade, including its general history, is also referred to elsewhere in the 1998 heritage study.

145. Adjoining HO93 to the east is the Queens Parade Precinct North Fitzroy/Clifton Hill, HO330. This precinct includes buildings and development to either side of the road, as well as the entirety of the road to the east of HO93, and street trees. The most recent citation for HO330 refers to historical plantings and hard landscape elements in Queens Parade:

Landscaped sections of Queen's Parade evolved in the 19th century and after WW1, with grassed median strips planted with planes and elms at the west end (see HO93).

146. And:

[Queens Parade is] one of Melbourne's early surveyed boulevards (1853) and one of the few associated with the prominent surveyor Robert Hoddle, [it is] enhanced

⁴⁵ Queens Parade trees report, p.16.

⁴⁶ *City of Yarra Heritage Review*, Thematic History, Volume 1, Allom Lovell & Associates, p.100.

by mature street trees (elms) and extensive beautification in the inter-war period in the form of plane trees and rockeries.⁴⁷

147. Returning to Submission 6, Napier Reserve with its associated substation, is the small triangular park on the south side of Queens Parade, near the junction with Alexandra Parade. Regarding its inclusion in HO93, as suggested in the submission, the *Heritage Overlay Study Queens Parade, Fitzroy North* (November 2018) is focused on the linear extent of HO93, and the plantings to the Parade. While not necessarily explained in the report, the scope of the study appears to have been on the road reserve and not on any adjoining landscapes or areas of public plantings. This focus is also assumed to have reflected the important historical status of Queens Parade, as reflected in its 'beautification' from the nineteenth century. There may be merit in including Napier Reserve in HO93, but more research is required to demonstrate that the establishment and landscaping of this small park is related to the extensive historical landscaping of Queens Parade.
148. Regarding the issue of HO93 not going 'far enough' in protecting the more extensive 'elm boulevard', again further information is required here, to clarify what has not been captured in the revised HO93. It is also the case that the adjoining Queens Parade Precinct, HO330, includes elm plantings and that these are recognised in that heritage precinct citation as identified above. However, tree controls do not apply in this precinct.
149. On the issue of the HO93 statement of significance not distinguishing between nineteenth century and interwar plantings, it is agreed that this additional information would be helpful in the citation and is recommended to be included. It would shed light on the earliest of the plantings, which would also be the more historically significant. Attributing a general date to the hard landscaping works, where this information is available in historical records and photographs, would also be helpful.
150. Regarding the boundary of HO93, the eastern end as shown in the exhibited map (Figure 15) extends into the western end of the adjoining HO330 precinct. This differs to what is shown in the current Heritage Overlay map as downloaded from Planning Schemes Online (Figure 16). Council has clarified that HO93 does in fact extend to Delbridge Street, and this is also reflected in the 'Heritage Place' name/description for HO93 in the current Schedule to the Heritage Overlay:

Queens Parade, between Alexandra Parade & Delbridge Street Clifton Hill/North Fitzroy

⁴⁷ City of Yarra Review of Heritage Overlay Areas [Appendix 7 includes Statements of Significance], Graeme Butler and Associates 2007, updated 2013, pp. 119-123.

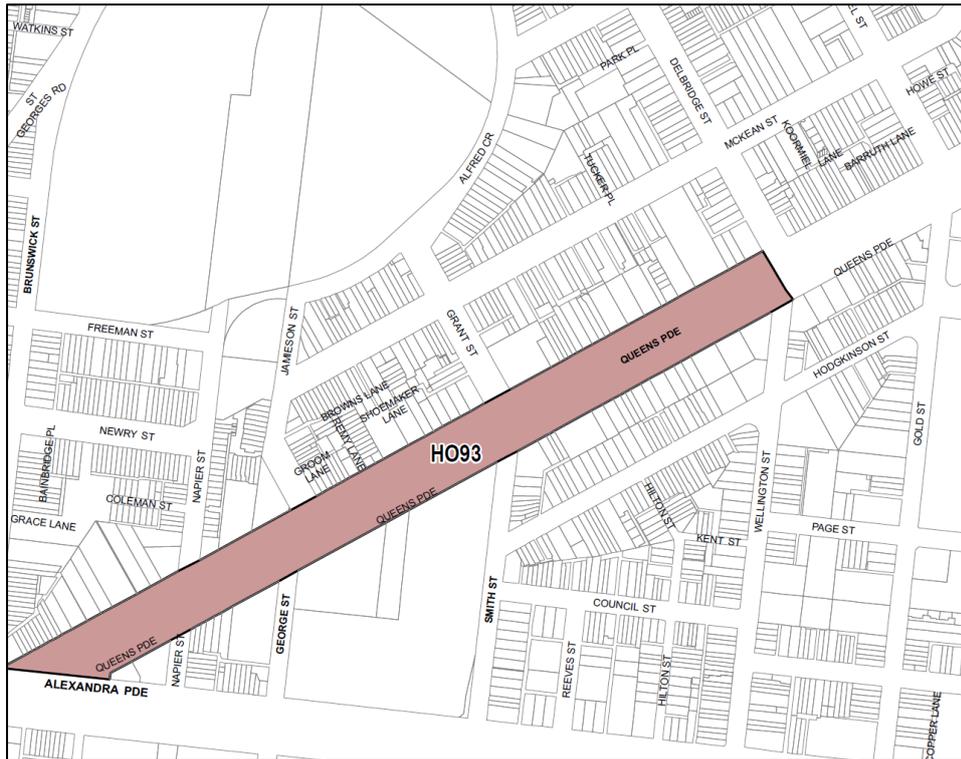


Figure 15 The exhibited version of HO93; note Delbridge Street intersection at east end (right side of map)
 Source: <https://www.yarracity.vic.gov.au/the-area/planning-for-yarras-future/yarra-planning-scheme-and-amendments/current-amendments/amendment-c245-heritage-studies-and-fix-up>

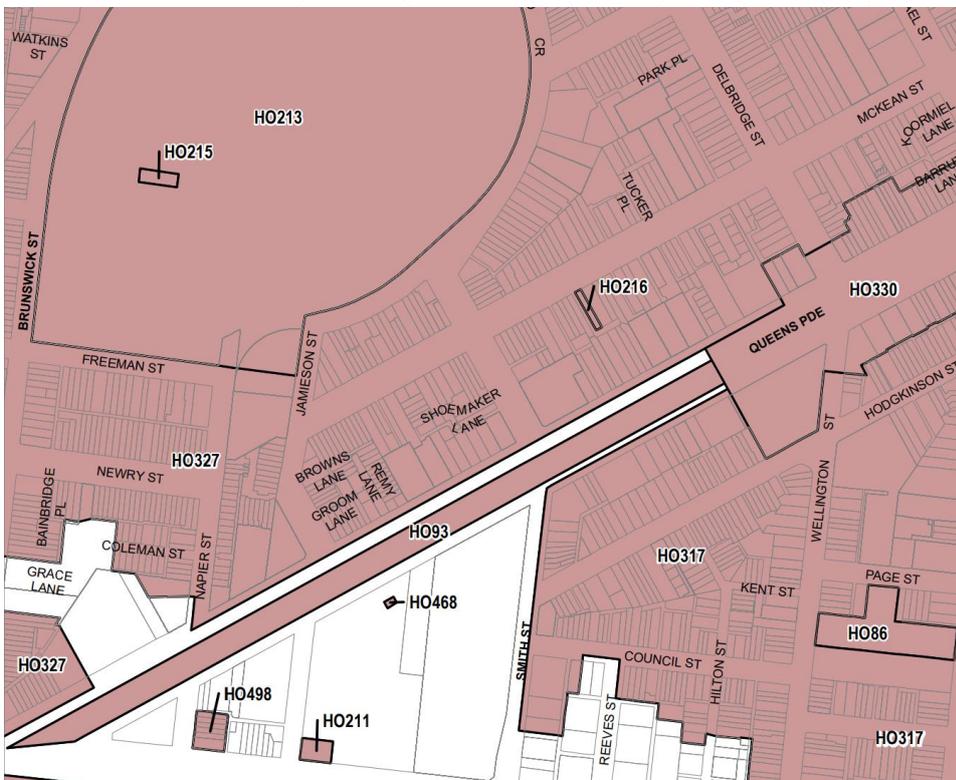


Figure 16 Extract from the current Yarra Heritage Overlay Map, showing the linear form and extent of HO93 (diagonal alignment at centre of map)
 Source: Planning Schemes Online



Figure 17 Recent aerial photo showing the subject area/extent of Queens Parade (on the diagonal); Alexandra Parade intersects at bottom left, while Delbridge Street intersects at top right
Source: Nearmap February 2020



Figure 18 Queens Parade, looking east



Figure 19 Detail of hard landscaping to median

3.5 202-206 Church Street, Richmond

151. The property at 202-206 Church Street, Richmond, also known as Halls Buildings, is recommended for individual inclusion in the Heritage Overlay, to the extent of the title boundaries. The recommendation is included in the *Victoria Street and Bridge Road Built Form Review: Heritage Assessments*, GJM Heritage (14 June 2018). The place citation is also included at Attachment D to the report.

152. The address comprises three adjoining two-storey rendered masonry commercial buildings in a terrace row, constructed in 1886. The buildings, especially the first-floor facades and parapets, retain classical Boom style details.

153. Submissions 7, 8 and 9 to the Amendment object to the proposed Heritage Overlay control. The principal issues identified include:

- The context/surroundings of the site are undergoing significant change and development.
- There are mainly contemporary buildings in the neighbourhood.
- The building has diminished integrity including the loss of original shopfronts, verandahs, and changes to the building plans as shown in the 1897 MMBW plan included in the place citation.
- The facade is of poor quality, with very thin rendering in poor condition.

Comment/response

154. The content and analysis included in the place citation is generally agreed with. This includes the physical description and overview of the integrity of the building/row; and the assessment against heritage criteria including the statement of significance, as supported by the comparative analysis. On that basis, the proposed inclusion of 202-206 Church Street, Richmond in the Heritage Overlay is supported.

155. Regarding the submissions, it is recognised that the Church Street context for the historic row is changing and that contemporary buildings surround and adjoin the site and/or are under construction. This includes, it is understood, some substantial developments. However, as a proposed site-specific Heritage Overlay, the heritage place at 202-206 Church Street does not rely on an historic context for its significance. It is not included in a heritage precinct. The row is recognisably of nineteenth century origin and will continue to present as such into the future. It will also continue, as per the statement of significance, to be 'illustrative of the historical development that occurred along a major, early commercial thoroughfare [Church Street] in the City of Yarra, particularly in the 'boom' period of the 1880s'.⁴⁸

156. On the issue of the 'diminished integrity' of the row, changes made to the building, including modifications to the shopfronts, removal of verandahs, and other changes to the rears of the three buildings, are acknowledged in the place citation. While it is preferable that such changes had not occurred, they are within a range which is not uncommon with historic buildings including commercial buildings of this type. This includes changes to the shopfronts and the absence of verandahs or awnings over the street. Importantly, the first-floor facades are substantially intact and, despite the works to the shopfronts, these have retained their commercial use and assist with demonstrating that this is an historic row of commercial buildings.

157. The quality or condition of the original render to the exterior of the building is not commented on here.

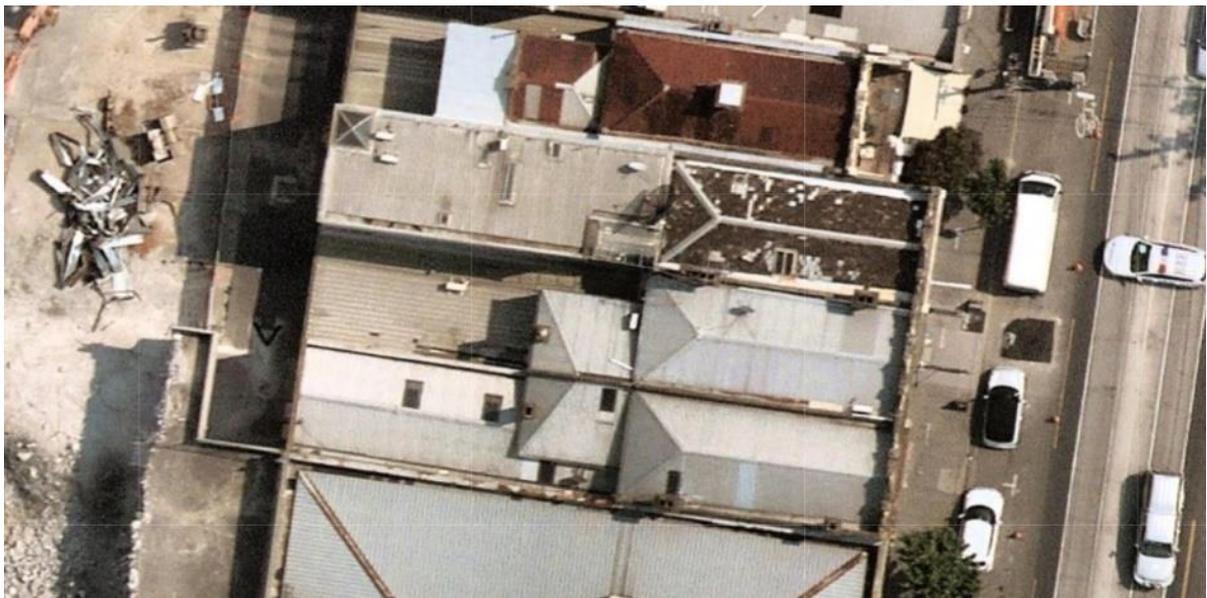


Figure 20 202-206 Church Street, Richmond (three hipped roof buildings at centre image)
Source: December 2019

48 Victoria Street/Bridge Road Review report, Appendix D, citation for '202-206 Church Street, Richmond'.



Figure 21 202-206 Church Street



Figure 22 202-206 Church Street, viewed from the south on Church Street

3.6 Suggested use of an incorporated plan

158. Three submissions, nos 4, 10 and 11, suggest that incorporated plans could be prepared and used in relation to the theatres, if internal controls are proposed. To paraphrase the intent of these suggestions:

- A schedule or list of the most significant internal parts or elements of each individual theatre could be compiled
- The incorporated plan could then clearly identify these significant elements, in order to ensure their protection during future works
- The incorporated plan could also identify works or alterations which could occur to the interiors, which would not impact on the significant elements and could be undertaken without the need for Council approval (permit exempt works)

159. The VPP Practice Note anticipates the use of incorporated plans to 'identify' permit exempt works:

Clause 43.01-3 of the Heritage Overlay allows an incorporated plan to be prepared to identify works to a heritage place that are exempt from the need for a planning permit. To do so, the plan must be specified in the schedule to the overlay and must also be listed in the schedule to Clause 72.04.

160. Without going to this matter in detail, it is acknowledged that incorporated plans can be useful documents and helpful guides in the management of heritage places. In addition to interiors, they can be used to identify external elements of a heritage place which can be demolished or modified on large or complex heritage sites. They can also be used at operating industrial or manufacturing heritage places, to permit exempt works which support the ongoing industrial processes. Further, Yarra already has an incorporated document which provides for a range of permit exemptions which is generally applicable across the municipality's Heritage Overlay.⁴⁹ Permit exemptions are also regularly granted for the places on the Victorian Heritage Register.

161. It is also my view that the preparation and implementation of an incorporated plan for a site-specific (individual) Heritage Overlay should only occur where the significance of the heritage place, and in this instance the specific theatre interiors, justify it. As expressed here, the proposed internal controls over the theatres are not supported, and in that context, an incorporated plan should not be necessary.

⁴⁹ Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014.