

Planning and Environment Act 1987

Panel Report

**Yarra Planning Scheme Amendment C245
Heritage Overlay and Zone Fix Up**

26 May 2020

How will this report be used?

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

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

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

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

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

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Yarra Planning Scheme Amendment C245

Heritage Overlay and Zone Fix Up

26 May 2020



John Roney, Chair

Contents

	Page
1 Introduction.....	1
1.1 The Amendment.....	1
1.2 Background.....	5
1.3 Procedural issues.....	6
1.4 Summary of issues raised in submissions	12
1.5 The Panel’s approach	13
2 Planning context	14
2.1 Planning policy framework.....	14
2.2 Other relevant planning strategies and policies	16
2.3 Planning scheme provisions	20
2.4 Amendment VC148	20
2.5 Ministerial Directions and Practice Notes.....	21
2.6 Discussion and conclusion.....	21
3 Former Austral Theatre	22
3.1 What are the issues?	22
3.2 Internal controls	23
3.3 Site specific Heritage Overlay.....	29
3.4 Extent of Heritage boundary	30
3.5 Statement of significance	31
4 Former Burnley Theatre	36
4.1 What are the issues?	36
4.2 Internal controls	37
4.3 Statement of significance	40
5 Former Richmond Theatre.....	44
5.1 What are the issues?	44
5.2 Internal controls	45
5.3 Site specific Heritage Overlay.....	48
5.4 Extent of Heritage boundary	49
5.5 Statement of significance	51
6 Hall’s Buildings, 202-206 Church Street, Richmond	57
6.1 The issues	57
6.2 Evidence and submissions.....	58
6.3 Discussion	60
6.4 Conclusions and recommendations	61
7 Queens Parade Road Reserve.....	62
7.1 The issues	62
7.2 Evidence and submissions.....	62

7.3	Discussion	64
7.4	Conclusions.....	65
8	St Brigid’s Catholic Church	66
8.1	The issues	66
8.2	Evidence and submissions	66
8.3	Discussion	69
8.4	Conclusions and recommendations	70
9	51 Langridge Street / 14 Glasgow Street, Collingwood	71
9.1	The issues	71
9.2	Evidence and Submissions.....	71
9.3	Discussion	73
9.4	Conclusions and recommendations	73
10	Form and content of the Amendment	74
10.1	General drafting issues.....	74
10.2	Final form of Clause 21.11 - Reference documents	76
10.3	Final form of Clause 22.02 - Development guidelines for sites subject to the Heritage Overlay	78
10.4	Final form of schedule to Clause 43.01 - Heritage Overlay.....	79
10.5	Final form of schedule to Clause 72.04 - Documents incorporated in this planning scheme.....	80
10.6	Final form of Incorporated Documents.....	80
Appendix A Submitters to the Amendment		
Appendix B Parties to the Panel Hearing		
Appendix C Document list		
Appendix D Panel preferred versions of clauses and documents		
D1	Panel preferred version of Clause 21.11	
D2	Panel preferred version of Clause 22.02	
D3	Panel preferred version of schedule to Clause 43.01	
D4	Panel preferred version of schedule to Clause 72.04	
D5	Panel preferred version of Reference document	
D6	Panel preferred version of Incorporated documents	

List of Tables

	Page
Table 1 Land affected by the Amendment	2

List of Figures

	Page
Figure 1 The Johnston Street facade to the former Austral Theatre	22
Figure 2 Heritage Overlay map showing extent of the HO324 Johnston Street Precinct, with former Austral Theatre shaded blue	30
Figure 3 The Swan Street facade to the former Burnley Theatre	36
Figure 4 The Bridge Road facade to the former Richmond Theatre	44
Figure 5 Heritage Overlay map showing extent of HO310 Bridge Road Precinct, with former Richmond Theatre in blue outline, Richmond Police Station (yellow arrow) and Town Hall (blue arrow)	50
Figure 6 202-206 Church Street, Richmond	57
Figure 7 Extent of HO327 North Fitzroy Precinct shown in pink and boundary of St Brigid's Church complex shown by blue dotted line	66
Figure 8 Existing HO109 and HO420 showing 14 Glasgow Street (blue dotted line). The red arrow indicates the section of the 1937 William Peatt building that appears to be within 14 Glasgow Street.....	72

Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Council	Yarra City Council
CZ1	Commercial 1 Zone
CZ2	Commercial 2 Zone
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
GJM Heritage review	Victoria Street and Bridge Road Built Form Review: Heritage Assessments, GJM Heritage (2018)
HO	Heritage Overlay
MMBW	Melbourne and Metropolitan Board of Works
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
PPF	Planning Policy Framework
PPN	Planning Practice Note
Theatres Study	Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017)
VPP	Victoria Planning Provisions

Overview

Amendment summary

The Amendment	Yarra Planning Scheme Amendment C245
Common name	Heritage Overlay and Zone Fix Up
Brief description	The Amendment proposes to update and correct a wide range of Heritage Overlay provisions and maps, implement recent heritage studies and correct zone mapping anomalies
Subject land	The Amendment affects a large number of separate land parcels in Abbotsford, Alphington, Collingwood, Cremorne, Fitzroy, Fitzroy North and Richmond
Planning Authority	Yarra City Council
Authorisation	21 December 2018
Exhibition	18 July to 19 August 2019
Submissions	Number of Submissions: 11 (including 2 late submissions)

Panel process

The Panel	John Roney, Chair
Project Officer	Chris Brennan, Planning Panels Victoria
Directions Hearing	12 February 2020 at Planning Panels Victoria 25 February 2020 at Richmond Town Hall
Panel Hearing	22, 23 and 24 April 2020 by video conference
Site inspections	Unaccompanied 18 and 28 April 2020
Appearances	Refer Appendix B
Citation	Yarra PSA C245 [2020] PPV
Date of this Report	26 May 2020

Executive summary

Yarra Planning Scheme Amendment C245 (the Amendment) seeks to update and correct a wide range of Heritage Overlay provisions and maps. It implements recent heritage studies and corrects anomalies in the Heritage Overlay and related provisions. It also corrects zone mapping anomalies.

The Amendment applies to 72 sites in Abbotsford, Alphington, Collingwood, Cremorne, Fitzroy, Fitzroy North and Richmond.

The COVID-19 pandemic created challenges with respect to the conduct of this Panel Hearing. Due to a variety of restrictions relating to social distancing, the usual face-to-face Hearing format was replaced by video conferencing. The health and safety of all parties and the wider community was paramount in the decision of the Panel to vary the usual Hearing process.

The Panel was cognisant of the need to ensure that all parties were provided with appropriate procedural fairness. A variety of steps were put in place to ensure all parties were given a reasonable opportunity to be heard. The Panel thanks Council for its assistance in helping to facilitate the video conference and appreciates the co-operation of all parties in these unusual circumstances.

Initially, nine submissions were received and considered by Council, and all submissions responded to site specific changes. In summary:

- three submissions objected to the proposed internal heritage controls for three former theatres:
 - the former Austral Theatre in Johnston Street, Collingwood
 - the former Burnley Theatre in Swan Street, Richmond
 - the former Richmond Theatre in Bridge Road, Richmond
- a submission from St Brigid's Catholic Church objected to the extension of heritage controls over its site in Nicholson Street, North Fitzroy
- a submission from the Collingwood Historical Society dealt with a wide range of site specific matters
- a submission from the '3068 Group' dealt with the proposed extension to the Heritage Overlay in Queens Parade
- three submissions objected to the Heritage Overlay proposed for 202-206 Church Street, Richmond.

Two late submissions were referred by Council to the Panel. These submissions objected to the proposed deletion of the internal controls to the former Richmond Theatre and the former Burnley Theatre.

This Report deals with the issues in the following chapters:

- Planning context
- Former Austral Theatre
- Former Burnley Theatre
- Former Richmond Theatre
- Hall's Buildings, 202-206 Church Street, Richmond
- Queens Parade Road Reserve
- St Brigid's Catholic Church

- 51 Langridge Street and 14 Glasgow Street, Collingwood
- Form and content of the Amendment.

For the reasons set out in the report, the Panel concludes that the Amendment is generally supported by, and implements, the relevant sections of the Planning Policy Framework. The Amendment is generally well founded and strategically justified, although there are several elements that the Panel does not support. The Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the report.

With respect to each of the key issues, the Panel concludes:

Former Austral Theatre

- The application of internal heritage controls would be inconsistent with PPN01.
- The interior of the building has been extensively modified and features have been removed to such an extent that the building does not display the required 'special interior of high significance' to justify internal heritage controls.
- The evidence presented on behalf of Council and the owner of the building is compelling and consistent.
- The few remaining heritage features within the building do not warrant the application of selective protection.
- The recommendations in the Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017) with respect to the application of internal heritage controls for the former Austral theatre are not supported.
- The Panel accepts that the heritage significance of the former theatre is appropriately protected by the current controls in place.
- The proposed site specific Heritage Overlay (HO499) is not appropriate.
- The former Austral Theatre should remain within the Johnston Street Precinct (HO324).
- The boundary of the Johnston Street Precinct Heritage Overlay (HO324) should be extended over the entire site at 200-202 Johnston Street, Collingwood (former Austral Theatre).
- The former Austral Theatre should remain an 'individually significant' place within the Johnston Street Precinct (HO324).
- The existing Statements of Significance for HO324 should not be modified at this time. This applies to the Statements for the precinct as a whole and the site specific statement for the former Austral Theatre.
- Any changes to the Statements of Significance should only proceed following a more considered perspective of the heritage significance of the place and through a separate public process.

Former Burnley Theatre

- The application of internal heritage controls would be inconsistent with PPN01.
- The interior of the building has been extensively modified and features have been removed to such an extent that the building does not display the required 'special interior of high significance' to justify internal heritage controls.
- The evidence presented on behalf of Council and the owner of the building is compelling and consistent.

- The few remaining heritage features within the building do not warrant the application of selective protection.
- The recommendations in the Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017) with respect to the application of internal heritage controls for the former Burnley theatre are not supported.
- The Panel accepts that the heritage significance of the former Burnley theatre is appropriately protected by the current controls in place.
- The existing Statement of Significance for the former Burnley Theatre (HO286) should not be modified at this time.
- Any changes to the Statement of Significance should only proceed following a more considered perspective of the heritage significance of the place and through a separate public process.

Former Richmond Theatre

- The application of internal heritage controls would be inconsistent with PPN01.
- The interior of the building has been extensively modified and features have been removed to such an extent that the building does not display the required 'special interior of high significance' to justify internal heritage controls.
- The evidence presented on behalf of Council and the owner of the building is compelling and consistent.
- The few remaining heritage features within the building do not warrant the application of selective protection.
- The recommendations in the Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017) with respect to the application of internal heritage controls for the former Richmond Theatre are not supported.
- The Panel accepts that the heritage significance of the former Richmond Theatre is appropriately protected by the current controls in place.
- The proposed site specific Heritage Overlay (HO504) is not appropriate.
- The former Richmond Theatre should remain within the Bridge Road Precinct (HO310).
- The boundary of the Bridge Road Precinct Heritage Overlay (HO310) should be extended over the entire site at 311-317 Bridge Road, Richmond (former Richmond Theatre).
- The former Richmond Theatre should remain a 'contributory' place within the Bridge Road Precinct (HO310).
- It is not necessary or appropriate to prepare a site specific Statement of Significance for the former Richmond Theatre.
- The proposed changes to the Statement of Significance for the Bridge Road Precinct (HO310) recommended by Ms Brady are not supported.
- The Statement of Significance for the Bridge Road Precinct (HO310) as updated in the Victoria Street and Bridge Road Precinct Review, GJM Heritage (2018) provides a sound basis to manage the heritage significance of the place.

Hall's Buildings, 202-206 Church Street, Richmond

- The Victoria Street and Bridge Road Built Form Review, GJM Heritage, 2018 provides an appropriate strategic basis for the application of heritage controls at 202-206 Church Street, Richmond.

- It is appropriate to apply HO526 to the properties at 202-206 Church Street, Richmond as exhibited.
- The exhibited grading of the buildings as 'individually significant' is appropriate.
- The Statement of Significance included in the Victoria Street and Bridge Road Built Form Review, GJM Heritage, 2018 should be included as an Incorporated Document and referred to in the schedule to Clause 43.01 and the schedule to Clause 72.04.

Queens Parade Road Reserve

- The proposed changes to the mapping of HO93 should proceed as exhibited.
- The exhibited Statement of Significance is satisfactory.
- Council should consider a future planning scheme amendment for the site that addresses a range of unresolved anomalies and gaps in the heritage controls for this place.

St Brigid's Catholic Church

- All of the land within the St Brigid's Catholic Church complex should be included within HO327.
- The City of Yarra Database of Heritage Significant Areas, July 2019 (as exhibited) should be modified with respect to the buildings at:
 - 378C Nicholson Street - renamed St Brigid's Roman Catholic School and hall
 - 27 Alexandra Parade (St Brigid's former convent) – a new listing and included as a contributory place
 - 20 York Street (St Brigid's School) – a new listing and included as a contributory place.
- The Statement of Significance for the Heritage Precinct HO327 should not be modified at this time.
- Any change to the Statement of Significance should be made following a broader review of the heritage status of the St Brigid's complex as part of a separate planning scheme amendment process.

51 Langridge Street / 14 Glasgow Street, Collingwood

- The proposed changes to HO109 should not proceed at this time.
- Further investigations into the heritage significance, boundary and address of the William Peatt Boot Factory are required.
- Consideration should be given to combining HO109 and HO420 into a single Heritage Overlay that deals with the whole of the site.
- The results of these further investigations should form part of a separate planning scheme amendment.

Form and content of the Amendment

- A number of changes to the form and content of the exhibited documents are necessary in order to ensure consistency with the recommendations of this report and the requirements in Clause 43.01-5 of the planning scheme. These are detailed in Chapter 10.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Yarra Planning Scheme Amendment C245 be adopted as exhibited subject to the following:

Former Austral Theatre

- 1. Abandon the application of internal heritage controls to 200-202 Johnston Street, Collingwood (former Austral Theatre).**
- 2. Abandon HO499 as a site specific Heritage Overlay to 200-202 Johnston Street, Collingwood (the former Austral Theatre).**
- 3. Delete HO499 from the schedule to Clause 43.01.**
- 4. Delete HO499 from the City of Yarra Database of Heritage Significant Areas, July 2019.**
- 5. Extend the boundary of HO324 over the entire site at 200-202 Johnston Street, Collingwood (former Austral Theatre).**
- 6. Abandon the proposed Statement of Significance for the former Austral Theatre.**

Former Burnley Theatre

- 7. Abandon the application of internal heritage controls to 365-377 Swan Street, Richmond (former Burnley Theatre).**
- 8. Amend HO286 in the schedule to Clause 43.01 under the heading 'Internal alteration controls apply?' to delete the word 'Yes' and replace with 'No'.**
- 9. Abandon the proposed Statement of Significance for the former Burnley Theatre.**

Former Richmond Theatre

- 10. Abandon the application of internal heritage controls to 311-317 Bridge Road, Richmond (former Richmond Theatre).**
- 11. Abandon HO504 as a site specific Heritage Overlay to 311-317 Bridge Road, Richmond (the former Richmond Theatre).**
- 12. Delete HO504 from the schedule to Clause 43.01.**
- 13. Delete HO504 from the City of Yarra Database of Heritage Significant Areas, July 2019.**
- 14. Extend the boundary of HO310 over the entire site at 311-317 Bridge Road, Richmond (former Richmond Theatre).**
- 15. Abandon the proposed site specific Statement of Significance for the former Richmond Theatre.**
- 16. Apply the version of the Statement of Significance for the Bridge Road Precinct (HO310) as shown in the Panel preferred version in Appendix D5.**

Hall's Buildings, 202-206 Church Street, Richmond

- 17. Amend HO526 in the schedule to Clause 43.01 to include the Statement of Significance as an Incorporated document in accordance with the Panel preferred version of the schedule in Appendix D3.**
- 18. Amend the schedule to Clause 72.04 to include the Statement of Significance for HO526 as an Incorporated Document in accordance with the Panel preferred version of the schedule in Appendix D4.**

19. **Include the Statement of Significance for HO526 in the Panel preferred version of the Incorporated document as shown in Appendix D6.**

St Brigid's Catholic Church

20. **Amend the City of Yarra Database of Heritage Significant Areas, July 2019 for HO327 as shown in the Panel preferred version in Appendix D6.**

51 Langridge Street / 14 Glasgow Street, Collingwood

21. **Abandon the proposed changes to HO109 relating to the extent of the Heritage Overlay.**
22. **Abandon the proposed address for HO109 in the schedule to Clause 43.01 and retain it as 55 Langridge Street, Collingwood.**
23. **Abandon the proposed address for HO109 in the City of Yarra Database of Heritage Significant Areas, July 2019 and retain it as 55 Langridge Street, Collingwood.**
24. **Complete further investigations into the appropriate boundary, address and heritage significance of the William Peatt Boot Factory and consider consolidating HO109 and HO420 into a single Heritage Overlay with a single Statement of Significance. The results of that work should inform a separate planning scheme amendment.**

Form and content of the Amendment

25. **Modify Clause 21.11 in accordance with the Panel preferred version in Appendix D1.**
26. **Modify the Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020) in accordance with the Panel preferred version in Appendix D5.**
27. **Modify clause 22.02 in accordance with the Panel preferred version in Appendix D2.**
28. **Modify the schedule to Clause 43.01 in accordance with the Panel preferred version in Appendix D3.**
29. **Modify the schedule to Clause 72.04 in accordance with the Panel preferred version in Appendix D4.**
30. **Include the Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Incorporated Document (May 2020) as shown in the Panel preferred version in Appendix D6.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The Amendment updates and corrects a wide range of Heritage Overlay provisions and maps. It implements recent heritage studies and corrects anomalies in the Heritage Overlay and related provisions. It also corrects zone mapping anomalies.

More specifically, the exhibited Amendment:

- Amends Clause 21.11 ‘Reference Documents’ to include the following new reference documents under the heading ‘Heritage’:
 - Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017)
 - Victoria Street and Bridge Road Built Form Review: Heritage Assessment, GJM (2018)
 - Collingwood Mixed Use Pocket, Heritage Analysis & Recommendations, GJM Heritage (2018)
 - Heritage Citation: 18-22 Derby Street, Collingwood, GJM Heritage (2018)
 - Heritage Citation: 33-45 Derby Street, Collingwood, GJM Heritage (2018)
 - Heritage Citation: Queens Parade, Fitzroy North Street Trees, John Patrick Landscape Architects Pty Ltd (2018)
- Amends Clause 22.02 ‘Development Guidelines for Sites Subject to the Heritage Overlay’ by:
 - Changing the title of the Incorporated document referred to in Clause 22.02-3 and Clause 22.02-5.1 from “*City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8 (as updated from time to time)*” to “*City of Yarra Database of Heritage Significant Areas, July 2019¹*”.
 - including the following studies as references in Clause 22.02-8:
 - Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017)
 - Victoria Street and Bridge Road Built Form Review: Heritage Assessment, GJM (2018)
 - Collingwood Mixed Use Pocket, Heritage Analysis & Recommendations, GJM Heritage (2018)
 - Heritage Citation: 18-22 Derby Street, Collingwood, GJM Heritage (2018)
 - Heritage Citation: 33-45 Derby Street, Collingwood, GJM Heritage (2018)
 - Heritage Citation: Queens Parade, Fitzroy North Street Trees, John Patrick Landscape Architects Pty Ltd (2018)
- Amends the Schedule to Clause 43.01 – Heritage Overlay to delete existing heritage overlays, correct previous formatting errors and apply the Heritage Overlay to the following sites:
 - 200-202 Johnston Street, Collingwood – Austral Theatre (former) (HO499)
 - 311-317 Bridge Road, Richmond – Richmond Cinema (former) (HO504)
 - 637-639 Bridge Road, Richmond (HO525)

¹ The Explanatory Report referred to this document in various places as ‘September 2018’. Council clarified that was a typographical error and it should be ‘July 2019’. The exhibited document was dated July 2019.

- 202-206 Church Street Richmond – Hall’s Building (HO526)
- 32 and 34 Thomas Street, Richmond (HO527)
- 635 Bridge Road, Richmond – Boland’s Shop and Residence (HO528)
- 529-533 Bridge Road, Richmond – Royal Oak Hotel (HO529)
- 597-599 Bridge Road, Richmond – Whipps Terrace (HO530)
- 534-534A Bridge Road, Richmond – Flour Mill & Grain Store Complex (Former) (HO531)
- 325-333 Bridge Road, Richmond – Richmond Town Hall (HO532)
- Amends the schedule to Clause 72.04 - Documents Incorporated in this Planning Scheme to:
 - change the ‘Name of document’ listed in Clause 1 from ‘Appendix 8 - City of Yarra Review of Heritage Overlay Areas, Graeme Butler and Associates (2007), revised February 2018’ to ‘City of Yarra Database of Heritage Significant Areas, July 2019’
 - amend the existing incorporated document ‘Appendix 8 - City of Yarra Review of Heritage Overlay Areas, Graeme Butler and Associates (2007), revised February 2018’, to:
 - Change the title to ‘City of Yarra Database of Heritage Significant Areas, July 2019’
 - Include new addresses and gradings
 - Correct grading errors
 - Remove incorrect listings and gradings
- Amends Zone Maps 2, 5, 6, 7, and 8 to correct mapping anomalies on properties that are in two zones and align them with property boundaries
- Amends Heritage Overlay Maps 1, 2, 4, 6, 7, 8, and 9 to correct mapping errors.

(ii) The subject land

The Amendment applies to numerous sites in Abbotsford, Alphington, Collingwood, Cremorne, Fitzroy, Fitzroy North and Richmond.

The Amendment applies to 72 areas summarised in Attachment A to Council’s Part A submission.

Table 1 Land affected by the Amendment
(from Council Part A submission, Attachment A)

Address		Action required
Changes identified in the Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017)		
1	200-202 Johnston Street, Collingwood	Replace existing heritage overlay with a site specific heritage overlay that includes internal heritage protection controls
2	311-317 Bridge Road, Richmond	Replace existing heritage overlay with a site specific heritage overlay that includes internal heritage protection controls
3	365-377 Swan Street, Richmond	Add internal heritage protection controls to the existing heritage overlay
Changes identified in the Victoria Street & Bridge Road Built Form Review: Heritage Assessment, GJM Heritage (2018)		
4	77 Bridge Road, Richmond	Grade as ‘not contributory’ to the heritage of the area
5	33 Judd Street, Richmond	Grade as ‘not contributory’ to the heritage of the area

	Address	Action required
6	655 Victoria Street, Abbotsford	Extend heritage overlay to include the entire property
7	21-23 Lithgow Street, Abbotsford	Remove property from the Database of Heritage Significant Areas
8	637-639 Bridge Road, Richmond	Replace existing heritage overlay with a site specific heritage overlay
9	202-206 Church Street Richmond	Remove interim heritage overlay and replace with site specific heritage overlay
10	32-34 Thomas Street, Richmond	Remove interim heritage overlay and replace with site specific heritage overlay
11	635 Bridge Road, Richmond	Replace existing heritage overlay with a site specific heritage overlay
12	529-533 Bridge Road, Richmond	Replace existing heritage overlay with a site specific heritage overlay
13	597-599 Bridge Road, Richmond	Replace existing heritage overlay with a site specific heritage overlay
14	534-534A Bridge Road, Richmond	Replace existing heritage overlay with a site specific heritage overlay
15	325-333 Bridge Road, Richmond	Replace existing heritage overlay with a site specific heritage overlay
Changes identified in Collingwood Mixed Use Pocket, Heritage Analysis & Recommendations, GJM (2018)		
16	18-22 Derby Street, Collingwood	Extend existing heritage overlay over the entire property
17	33-45 Derby Street, Collingwood	Extend existing heritage overlay over the entire property
Yarra Planning Scheme Anomalies		
18	Queens Parade Trees	Extend existing heritage overlay over the trees and road reserve
19	120 Campbell Street, Collingwood	Grade as 'not contributory' to the heritage of the area
20	1-3 & 5-9 Gordon Street, Cremorne	Include existing heritage overlay
21	131 Miller Street, Fitzroy North	Grade as 'contributory' to the heritage of the area
22	14 Risley Street, Richmond	Include existing heritage overlay
23	155 Westgarth Street & 158 Cecil Street, Fitzroy	Extend existing heritage overlay over the entire properties
24	160 Gold Street, 1 & 1A South Terrace, Clifton Hill	Grade as 'not contributory' to the heritage of the area
25	20 Grattan Place, Richmond	Remove property from the Database of Heritage Significant Areas
26	20 Jessie Street, Cremorne	Remove the heritage overlay from the property
27	236A Lennox Street, Richmond	Remove property from the Database of Heritage Significant Areas
28	24-30 Waterloo, 83-91 Rokeby & 23-29 Robert, Collingwood	Grade as 'not contributory' to the heritage of the area
29	25 Little George Street, Fitzroy	Remove property from the Database of Heritage Significant Areas
30	26 Bromham Place, Richmond	Include existing heritage overlay
31	15-27 Barrow Place, Burnley	Grade as 'not contributory' to the heritage of the area

	Address	Action required
32	32 Hodgson Street, Fitzroy	Remove property from the Database of Heritage Significant Areas
33	38-42 York Street, North Fitzroy	Remove property from the Database of Heritage Significant Areas
34	4 Eddy Court, Abbotsford	Grade as 'not contributory' to the heritage of the area
35	415-419 Fitzroy Street, Fitzroy	Correct address in the Database of Heritage Significant Areas from 62 Rose Street, Fitzroy to 415-419 Fitzroy Street, Fitzroy
36	37-45 Kerr Street, Fitzroy	Grade as 'not contributory' to the heritage of the area
37	49-53 Lucerne Crescent, Alphington	Extend existing heritage overlay to cover 53 Lucerne Crescent and remove existing heritage overlay from 49 Lucerne Crescent
38	55 Park Street, Abbotsford	Grade as 'not contributory' to the heritage of the area
39	85 Cremorne Street, Cremorne	Include existing heritage overlay
40	86 Richmond Terrace, Richmond	Grade as 'not contributory' to the heritage of the area
41	Collingwood College Dolls House, Collingwood	Correct address in the Database of Heritage Significant Areas and correct mapping of existing heritage overlay
42	Park Keepers Cottage, Burnley Park	Grade as 'individually significant' to the heritage over the area
43	77-79 Burnley Street, Richmond	Remove expired interim heritage controls to the site
44	378 Nicholson Street, Fitzroy North (St Brigid's Roman Catholic Presbytery)	Extend existing heritage overlay to include entire property
45	181 Langridge Street, Abbotsford	Remove the heritage overlay from the property
46	239-247 Johnston Street, Fitzroy	Grade as 'not contributory' to the heritage of the area
47	11 Waverley Street, Richmond	Grade as 'not contributory' to the heritage of the area
48	19 Cambridge Street, Collingwood	Extend existing heritage overlay to include entire property
49	18 Peel Street, Collingwood	Grade as 'not contributory' to the heritage of the area
50	120 Cambridge Street, Collingwood	Extend existing heritage overlay to include entire property
51	61-63 Oxford Street, Collingwood	Extend existing heritage overlay to include entire property
52	37 Oxford Street, Collingwood	Extend existing heritage overlay to include entire property
53	31 Bell Street, Richmond & 204 Coppin Street, Richmond	Extend existing heritage overlay to include entire property of 204 Coppin Street and correct the zone mapping for both properties
54	133 Keele Street, Collingwood	Grade as 'not contributory' to the heritage of the area
55	4-6 Derby Street, Collingwood	Grade as 'not contributory' to the heritage of the area
56	7 Langridge Street, Collingwood	Grade as 'not contributory' to the heritage of the area
57	11 Gleadell Street, Richmond	Correct address to 11 Gleadell Street, Richmond in the Database of Heritage Significant Areas
58	6 Stawell Street, Richmond	Remove expired interim heritage overlay and extend existing heritage overlay to cover the entire property
59	113-115 & 113A-115A Bridge Road, Richmond	Grade 113 as 'contributory' to the heritage of the area

Address	Action required
60 61-75 Langridge Street & 14 Glasgow Street, Collingwood	Remove existing heritage overlay from 14 Glasgow Street and correct address of 61-75 Langridge Street in the Database of Heritage Significant Areas
61 261-263 Highett Street, Richmond	Change mapping to existing extend heritage overlays and zone to include entire properties as Neighbourhood Residential Zone
62 22 Best Street, Fitzroy North	Change mapping to include entire property in Neighbourhood Residential Zone
63 522-530 Napier Street, Fitzroy North	Change mapping to include entire property in Mixed Use Zone
64 314-316 Bridge Road, Richmond	Change mapping to include entire property in Commercial 1 Zone
65 4-6 Waltham Street, Richmond	Change mapping to include entire property in Neighbourhood Residential Zone
66 95-103 Johnston Street, Fitzroy	Change mapping to include entire property in Commercial 1 Zone
67 7 Tait Street, Fitzroy North	Change mapping to include entire property in Neighbourhood Residential Zone
68 197 Lennox Street, Richmond	Change mapping to include entire property in Neighbourhood Residential Zone
69 22 Falconer Street, Fitzroy North	Change mapping to include entire property in General Residential Zone
70 24 Falconer Street, Fitzroy North	Change mapping to include entire property in Public Use Zone
71 84 Johnston Street, Fitzroy	Change mapping to include entire property in Commercial 1 Zone
72 34-44 Cromwell Street, Collingwood	Change mapping to include entire property in Commercial 2 Zone

1.2 Background

The Explanatory Report accompanying the Amendment states:

The Amendment is in response to the research conducted in a 'Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017)'. The study found that there were several theatres or former theatres in the City of Yarra that did not have adequate heritage protection.

The study found 17 of the 38 investigated sites had been demolished. This Amendment is required to implement controls to 3 theatre sites to provide heritage protection.

In addition, a heritage study was recently completed to assess heritage protection in areas proposed for new Design and Development Overlays (Amendments C248 and C249). The Victoria Street and Bridge Road Built Form Review: Heritage Assessments, GJM Heritage (2018), recommend further controls and increased protection for 12 properties within Abbotsford and Richmond.

A similar assessment of heritage protection was conducted in Collingwood South for the proposal of a new Design and Development Overlay. The Collingwood Mixed-Use Pocket, Heritage Analysis & Recommendations, GJM Heritage (2018) was prepared to inform this Amendment and extend Heritage Overlays to include previously unprotected significant places.

Moreover, separate heritage advice on the Queens Parade, Fitzroy North Heritage Overlay was prepared by John Patrick Landscape Architects Pty Ltd (2018) to increase the protection of a proportion of street trees along Queens Parade. This Amendment

will correct an apparent anomaly in the mapping HO93 to include these previously unprotected street trees identified in The City of Yarra Heritage Review Landscape Citation (1998).

In addition to implementing the recommendations from these studies, the Amendment corrects a range of errors in the Heritage Overlay and zoning anomalies which arose from recent public queries and investigations. Correcting these will ensure better planning outcomes and consistency within the Yarra Planning Scheme.

1.3 Procedural issues

1.3.1 Declaration

At the Directions Hearing on 12 February 2020, the Panel declared that the Chair was a member of the Panel appointed to hear submissions regarding Amendment C191 to the Yarra Planning Scheme which deals with the Swan Street Activity Centre. The Chair noted that the Hearing for Amendment C191 commenced in December 2019, however it was adjourned and was not scheduled to recommence until late July 2020. No parties made comment regarding this declaration.

1.3.2 Council resolution at meeting held 26 November 2019

At the Directions Hearing on 12 February 2020, the Richmond Church Lands Trust (the owner of the former Richmond Theatre at 311-317 Bridge Road, Richmond) sought clarification of the resolution of Council at its meeting on 26 November 2019. The exhibited Amendment proposes internal heritage controls for this site, however the Council resolution on 26 November 2019 stated (amongst other things):

advise the Panel that Council intends to abandon the proposal to apply internal alteration controls for the following properties:

- HO286 – Former Burnley Theatre, 365 -377 Swan Street Richmond
- HO504 – Former Richmond Theatre, 311-317 Bridge Road, Richmond.

At the Directions Hearing, Council confirmed that the Amendment had not been split into separate parts and that no part of the Amendment had been abandoned.

The Panel understands the Council resolution to mean that the Council officers (and representatives) were authorised to present submissions to the Panel to indicate that Council no longer wished to pursue the internal heritage controls for these two theatres as originally exhibited. This is consistent with other parts of the Council resolution with respect to other controls that it foreshadowed would not be pursued (relating to HO109 in Langridge and Glasgow Street, Collingwood).

The Panel does not read the resolution as meaning that it has already abandoned these parts of the Amendment pursuant to Section 23 (1) (c) of the *Planning and Environment Act 1987*. Rather, it has flagged an intention to abandon those controls at some future date. This opportunity could occur following receipt of the Panel report and as part of the adoption of the Amendment prior to the submission of the Amendment to the Minister for Planning for approval.

In this context, the Panel is required to consider the exhibited Amendment and all submissions made in response to it. This includes submissions from Council and to its preferred position having regard to the submissions.

The Panel has received submissions to the Amendment regarding support for and against the internal controls to the three former theatres. It has considered the exhibited Amendment and all submissions regarding this matter.

1.3.3 Request for adjournment

At the Directions Hearing on 12 February 2020 the Hearing was anticipated to proceed on 11, 12 and 13 March 2020.

At the Directions Hearing, Council advised it had received two late submissions regarding the Amendment.

The first of these submissions was from Mr Nott (Submission 10). It was dated 5 February 2020 and was formally referred to the Panel by Council on 7 February 2020. Mr Nott completed a Request to be Heard Form and indicated that he intended to present a submission to the Panel Hearing.

The second of these submissions was from Mr Wight (Submission 11). It was dated 7 February 2020 and Council advised the Panel at the Directions Hearing that it was formally referring the submission to the Panel. Mr Wight indicated in his submission that he did not request to be heard at the Panel Hearing.

Copies of these late submissions were made available to all parties by Council.

Submissions 10 and 11 both deal with similar issues and object to the part of the Council resolution on 26 November 2019 referred to in section 1.3.2 above.

Ms Vilagosh of Norton Rose Fulbright, on behalf of JB and EC Drill (owners of the former Burnley Theatre), submitted a Request to be Heard Form without knowledge of the late submissions. At the Directions Hearing, she advised that as a result of these late submissions, the time requested to make a submission at the Hearing (10 minutes) was unlikely to be sufficient. Ms Vilagosh indicated that her client may need to also call expert evidence.

Ms Eastoe of Best Hooper, on behalf of Richmond Church Lands Trust (owners of the former Richmond Theatre) did not submit a Request to be Heard Form, however at the Directions Hearing, she indicated that as a result of the late submissions her client may want to make a submission at the Hearing, which could also include the calling of expert evidence.

Ms Vilagosh and Ms Eastoe both advised the Panel that prior to their knowledge of these late submissions, their clients were of the view that Council supported abandonment of the proposed internal heritage controls for these properties and that there were no other submissions opposing that approach.

The Panel provided opportunity for these parties to consider their position and advise the Panel by 14 February 2020 regarding the amount of time they required to present their submission and the details of any expert witnesses they might call.

On 13 February 2020, the Panel received correspondence from Ms Brezzi of Norton Rose Fulbright on behalf of the owners of the former Burnley Theatre (Document 1). The letter requested additional time for their client to prepare their case and sought an adjournment of the Hearing, at least with respect to their client's case, to no earlier than May 2020.

On 14 February 2020, the Panel received correspondence from Ms Eastoe (Document 4) confirming that the Richmond Church Lands Trust requested to be heard at the Panel Hearing.

She noted support for the adjournment of the Hearing to no earlier than May 2020 as referred to in Document 1.

The Panel also received correspondence from Council and other parties with respect to the possible adjournment of the Hearing.

The timing of the late submissions resulted in unusual circumstances for the owners of the former Burnley and Richmond Theatres and the Panel accepted that there was a reasonable case for these parties to have additional time to prepare their submissions, including the arrangement of appropriate expert witnesses.

The Panel wrote to all parties on 17 and 20 February 2020 regarding possible alternative Hearing dates.

A further Directions Hearing was held on 25 February 2020 at the Richmond Town Hall. At this Directions Hearing it was agreed that the Hearing would be held on 22, 23 and 24 April 2020.

1.3.4 Hearing format

On 13 March 2020 the Panel wrote to all parties regarding the potential impact of Novel Coronavirus 2019 (COVID-19) on Planning Panels (Document 15). The letter noted:

Please be aware that the Panel may reschedule, postpone or cancel face to face scheduled hearings at short notice if there is a known risk to people attending from COVID-19 or on the advice of Victorian health authorities and the Victorian State Government.

Scheduled and new hearings may be arranged through video or phone conference where practicable.

On 26 March 2020 the Panel wrote to all parties advising that as a result of COVID-19 there would be no face-to face Hearing and canvassed various alternative options.

The Panel noted an initial preference for the Hearing to proceed ‘on the papers’, although the letter also flagged the possibility for part or all of the Hearing to be completed via a video conference. Parties were asked to comment on these approaches.

The Collingwood Historical Society, Mr Wight and Mr Nott were supportive of a Hearing conducted ‘on the papers’.

The following parties indicated that they were supportive of the Hearing conducted through a combination of ‘on the papers’ and video conferencing to allow for questions from the Panel and cross examination of witnesses, if necessary:

- Council
- Mr De Luca (former Austral theatre)
- JB and EC Drill (former Burnley theatre)
- Richmond Church Lands Trust (former Richmond theatre).

Mr Mydaras indicated that for “*health and safety*” reasons he thought that the Hearing should be postponed for “*at least six months*”.

After carefully reviewing all feedback, including reasons for progressing or adjourning the Hearing, the Panel wrote to all parties on 6 April 2020 to confirm that the Hearing would proceed as scheduled through video conferencing for the following reasons:

- The overwhelming majority of parties were supportive of the Hearing proceeding in some form.
- The health and safety issues expressed by the single party who requested an adjournment were able to be satisfied by the use of video conferencing as there would be no face to face contact between parties.
- Section 167 of the *Planning and Environment Act 1987* enables a Panel to regulate its own proceedings.
- Video conferencing has the capability to conduct the Hearing in public while affording natural justice and procedural fairness to all parties.
- A combination of submissions and expert evidence presented ‘on the papers’ and via video conferencing would provide all parties with a reasonable opportunity to be heard.
- There are only seven parties to the matter, including Council, which is a relatively small number.
- Planning Panels Victoria had already scheduled video conferences for various matters.

The Panel advised that any party who did not wish to participate in the video conferencing format could submit a further written submission for consideration by the Panel. Directions regarding that process, including providing opportunities for questions to be put in writing to expert witnesses, were detailed in multiple Directions.

Mr Wight was the only party who made a submission to the Hearing ‘on the papers’. All questions to expert witnesses were put in person during the video conference.

Mr Mydaras was the only party who initially thought that the Hearing should be adjourned. The Panel notes that Mr Mydaras did not object to the Hearing proceeding in the format outlined by the Panel by letter on 6 April 2020 and he presented and participated extensively at the Hearing.

Council offered to help facilitate the video conferencing process using the Skype platform.

The Panel was cognisant that the use of video conferencing in a Panel Hearing is a relatively new concept. To help facilitate a smooth process, the Panel suggested that it would be helpful if Council could facilitate a ‘group test run’ of the technology with all parties a day or two prior to the Hearing commencing. This was held on 17 April 2020 and it was a very brief and informal ‘virtual meeting’ to enable all parties to experience the relevant platform, ask questions and clarify operational protocols. A written set of protocols was circulated before the test run and discussed at that meeting. Details regarding the process of uploading submissions and other documents were also discussed at that meeting.

The Panel requested Council provide reasonable assistance to all parties to help them access and participate in the video conference process. The Panel thanks Council (and in particular its representatives from Maddocks) for assisting all parties with the technology throughout the Hearing. The Panel is very appreciative of the effort and patience demonstrated by Maddocks, which ensured the Hearing process proceeded effectively and smoothly.

The Panel also acknowledges the assistance of Mr Chris Brennan, Project Officer from Planning Panels Victoria, for his extensive assistance with a variety of administrative tasks associated with using the video conferencing format and other related matters.

Prior to the Hearing, a notice was published on the Council web site advising that the Hearing would proceed using a video conferencing format. The notice confirmed that the Hearing was open to the public and invited anyone wanting to observe proceedings to contact Mr Brennan at Planning Panels Victoria to arrange for a link to the Hearing.

The original Directions issued by the Panel on 28 February 2020 were later updated by a new set of 28 Directions issued on 6 April 2020. These included extensive Directions regarding the conduct of the Hearing having regard to the change in format.

As usual, the Panel maintained a Document List of all documents presented at the Hearing. Each document was given a document number and parties were advised of the numbers assigned to each document.

The Panel acknowledges that the COVID-19 pandemic created challenges with respect to the conduct of this Panel Hearing. The health and safety of all parties and the wider community was paramount in the decision of the Panel to vary the usual Hearing process. The Panel was also cognisant of the need to ensure that all parties were provided with appropriate procedural fairness. The Panel is satisfied that the Hearing provided all parties with a reasonable opportunity to be heard and appreciates the co-operation of all parties in these unusual circumstances.

1.3.5 Site inspections

On 28 February 2020 the Panel wrote to all parties regarding the process for an accompanied internal site inspection of three specified properties (the three former theatre sites). An accompanied site inspection was scheduled for 17 April 2020. On 26 March 2020 the Panel wrote to all parties advising that as a result of the public health issues associated with COVID-19, the internal site inspections scheduled for 17 April could not proceed. Instead, the Panel suggested that a video of the relevant internal features of each site could be prepared by a representative of each of the former theatres. The Panel invited comment from parties with respect to this approach.

The following parties were supportive of a video recording of the internal features in lieu of an accompanied inspection:

- Council
- JB and EC Drill (former Burnley theatre)
- Richmond Church Land Trust (former Richmond theatre).

On the other hand, Rigby Cooke Lawyers on behalf of Mr De Luca (former Austral theatre) submitted that:

... it is crucial for the Panel to conduct an inspection of some kind before the commencement of the hearing and in the present difficult circumstances, we would suggest an unaccompanied site inspection (provided of course, that it is still lawful on the day it is proposed to be conducted).”

...

“The suggestion that a representative of each former theatre site provide a video of “relevant internal features” is problematic. In relation to the Austral theatre site, there are little to no relevant internal features remaining, given the extent of deterioration / alteration of the internal areas of the building. We are of the view that an inspection is

necessary to appreciate the extremely dilapidated state of the internal areas ‘as a whole’.²

The Panel notes that Mr Wight expressed some concerns with “*the potential for bias*” in what was filmed and stated that if a video was to be used to replace a site inspection that the Panel should carefully manage the process.

The Panel considered all of the comments with respect to the conduct of an internal inspection of the three former theatres and concluded that a video recording of each site completed by the relevant owner of each site was appropriate for the following reasons:

- All parties agreed that it was inappropriate for an accompanied site inspection due to the public health risks associated with the coronavirus.
- A video recording was a reasonable and practical alternative to an accompanied site inspection.
- Council and the majority of the former theatre owners agreed that a video recording was a suitable alternative to an accompanied site inspection.
- The Panel had concerns that an unaccompanied internal site inspection could lead to issues of concern regarding natural justice and transparency as other parties would not have access to what the Panel saw.
- A video recording would ensure that all parties are on the ‘same footing’.
- A video recording of all three former theatres ensured a consistent approach.
- The concerns raised by Rigby Cooke Lawyers on behalf of Mr De Luca with respect to the condition of the former Austral theatre could be adequately expressed on video.

The Panel considered that concerns regarding what was filmed in each building could also be adequately addressed through Directions.

As directed by the Panel, Council and the relevant owners of each theatre (or their representatives) agreed on a ‘list’ of the relevant internal features to be filmed for each theatre. This included input from other interested parties and the final list was circulated to all parties (Document 31).

The video of each theatre was comprehensive enough to give the Panel a thorough view of all of the main parts of the theatre and in particular any elements that were referred to in any relevant citation or heritage report.

Each video included captions or file names to explain the location of each scene and a simple floor plan sufficient to help the Panel understand the internal layout of each former theatre against the video footage.

The video of each theatre was circulated to all parties before the commencement of the Hearing (Documents 46, 47 and 48).

The Panel is satisfied that the videos provided an adequate representation of the internal characteristics of each of the former theatres.

In addition to the videos, the Panel completed unaccompanied inspections of the external appearance of multiple sites referred to in the Amendment, including the three former theatres.

² Document 18

1.4 Summary of issues raised in submissions

Initially, nine submissions were received and considered by Council, and all submissions responded to site specific changes.

- Three submissions objected to the proposed internal heritage controls for three former theatres:
 - the former Austral Theatre in Johnston Street, Collingwood
 - the former Burnley Theatre in Swan Street, Richmond
 - the former Richmond Theatre in Bridge Road, Richmond
- A submission from St Brigid’s Catholic Church objected to the extension of heritage controls over its site in Nicholson Street, North Fitzroy
- A submission from the Collingwood Historical Society dealt with a wide range of site specific matters
- A submission from the ‘3068 Group’ dealt with the proposed extension to the Heritage Overlay in Queens Parade
- Three submissions objected to the Heritage Overlay proposed for 202-206 Church Street, Richmond.

As noted in section 1.3.3, two late submissions (Mr Nott and Mr Wight) were referred by Council to the Panel. These submissions objected to the proposed deletion of the internal controls to the former Richmond Theatre and the former Burnley Theatre.

Mr Wight initially did not seek to be heard at the Hearing. On 7 April 2020 Mr Wight wrote to the Panel to request leave to make a further written submission to the Panel. In this request, Mr Wight said:

- initially he thought he would have been out of Victoria and unable to participate in the Hearing
- he was wanting to make a further submission ‘on the papers’
- he did not seek to present his submission at the Hearing
- he did not intend to call any expert witness or seek to ask questions of any expert witness
- he wanted the opportunity to view the video conference, although he did not intend to watch all parts of the Hearing.

The Panel agreed to Mr Wight’s request and notes that he observed the Panel Hearing at various times.

At the commencement of the Hearing, Mr O’Farrell queried Mr Wight’s submission (Document 49) because he said it contained material purported to be written by another person (Mr Storey) who was “*foreign to this Amendment*” and that portion of the submission should not be accepted as expert evidence. Mr Connor QC and Ms Eastoe supported Mr O’Farrell’s concerns. Mr Wight responded that Mr Storey had assisted him in preparing his submission, but that it was not expert evidence.

The Panel agrees that the portion of Wight’s submission in Document 49 attributed to Mr Storey is not expert evidence for the purposes of this Panel Hearing. Mr Wight did not seek to call any expert witness and the material presented does not meet the standard processes for the preparation and circulation of expert evidence. Mr Storey was not called at the Hearing and his opinions were not subject to cross examination.

That said, the Panel is prepared to accept the submission from Mr Wight, including the material prepared by Mr Storey. The Panel is, however, not able to give Mr Storey's material the same weight as expert evidence. It is open to any party to submit whatever information it sees fit to the Panel. It is up to the Panel to determine what weight to give that information based on a variety of factors.

1.5 The Panel's approach

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

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

This Report deals with the issues under the following headings:

- Planning context
- Former Austral Theatre
- Former Burnley Theatre
- Former Richmond Theatre
- Hall's Buildings 202-206 Church Street, Richmond
- Queens Parade Road Reserve
- St Brigid's Catholic Church
- 51 Langridge Street and 14 Glasgow Street, Collingwood
- Form and content of the Amendment.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the Act by:

- conserving and enhancing those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- facilitating development in accordance with the other objectives
- balancing the present and future interests of all Victorians
- providing for the fair, orderly, economic and sustainable use, and development of land
- providing for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.

Clause 9 (Plan Melbourne)

Plan Melbourne and the goals outlined are supported through the Amendment by correcting anomalies in order to improve the planning process.

Clause 15 (Built Environment and Heritage)

Clause 15 aims to create built environments that respond and are appropriate with the neighbourhood and landscape. It emphasises the importance of conserving places identified as having heritage significance. Council submitted that the Amendment supports this clause by correcting errors and providing better protection of heritage places.

Clause 15.03-1 (Heritage conservation) outlines strategies to protect both built and cultural heritage. Council submitted that the Amendment will improve heritage protection in the planning scheme and help implement the following strategies:

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

Clause 16 (Housing)

Clause 16 incorporates strategies which encourage appropriate housing provision for new housing to meet community needs.

Clause 16.01-1R (Integrated housing - Metropolitan Melbourne) includes a Strategy - Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.

Council submitted that heritage protection in the City of Yarra is generally consistent with providing housing to meet projected demand in locations which are suitable and have the capacity for increased densities. It said the Amendment will help achieve the right balance between protecting valued heritage and providing housing.

Clause 17 (Economic Development)

Council submitted the Amendment is consistent with overall objectives to strengthen and diversify the local economy. It said the recent City of Yarra draft Spatial Economic and Employment Strategy identifies strategies and opportunities for growth which are integrated with objectives such as heritage protection.

Local Planning Policy Framework (including MSS)

Council submitted that the Amendment both supports and is consistent with clauses of the Local Planning Policy Framework. Specifically including:

Clause 21.03 (Vision)

Clause 21.03 notes under 'Built form' that *"Yarra's historic fabric which demonstrates the development of metropolitan Melbourne will be internationally recognised."*

Clause 21.04 (Land Use—Accommodation and Housing)

This clause states:

Yarra will continue to accommodate its share of the housing growth of the inner Melbourne Metropolitan region. However, in order to protect the valued character, and particularly its heritage places, the majority of new development will be accommodated on strategic redevelopment sites. These sites are generally located in, abutting, or close to activity centres, or in locations that offer good access to services and transport.

Council submitted the Amendment proposes to apply the Heritage Overlay and associated provisions to fill some gaps in heritage protection in residential and mixed-use areas.

Clause 21.05-1 (Heritage)

This clause includes the following objective and strategies:

- Objective 14 - To protect and enhance Yarra's heritage places
- Strategy 14.1 - Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage
- Strategy 14.2 - Support the restoration of heritage places
- Strategy 14.3: Protect the heritage skyline of heritage precincts
- Strategy 14.6 - Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.

Council submitted that the Amendment will help to implement these objectives and strategies by correcting anomalies and strengthening the Heritage Overlay and related provisions.

Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay)

Clause 22.02 contains the policy basis for considering development applications for sites which are subject to the Heritage Overlay. It includes the following relevant objectives:

- To conserve Yarra's natural and cultural heritage
- To conserve the historic fabric and maintain the integrity of places of cultural heritage significance
- To retain significant view lines to, and vistas of, heritage places
- To preserve the scale and pattern of streetscapes in heritage places
- To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places
- To ensure the adaptation of heritage places is consistent with the principles of good conservation practice
- To ensure that additions and new works to a heritage place respect the significance of the place
- To encourage the retention of 'individually significant' and 'contributory' heritage places
- To protect archaeological sites of cultural heritage significance.

Clause 22.02-3 provides the policy in relation to levels of significance for heritage places. It notes:

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, revised December 2018'. Council submitted that the Amendment will correct and adjust the heritage grading relating to sites identified in the Incorporated Document. It said that a revised Incorporated Document will improve the application of Clause 22.02.

2.2 Other relevant planning strategies and policies

(i) Yarra Heritage Strategy

On 12 November 2019, Council adopted the Heritage Strategy 2019- 2030 (Heritage Strategy).

The Heritage Strategy defines the City's future strategic approach to the management of heritage in the municipality. It defines key priorities that are important for developing and promoting a greater understanding of heritage within the community and recommends key actions and measures intended to achieve better protection and management of the City's heritage places and assets.

(ii) Incorporated Documents

The Planning Scheme includes two important Incorporated Documents listed in the Schedule to Clause 72.04 that deal with heritage related issues.

The first of these is the 'City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, revised December 2018'. This document lists each individual property covered by the schedule to the Heritage Overlay. It is arranged in table format and identifies the place type (such as shop or residence), street address, City of Yarra property number, significance grading and date range.

The Amendment proposes to change the title of the document and make specific changes in accordance with the heritage projects and studies which are the subject of the exhibited Amendment.

The second Incorporated Document is the 'Incorporated Plan under the provisions of Clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014'. The Amendment does not propose any changes to this document.

(iii) Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017)

In 2015, Council identified that there were gaps in protection for a number of significant heritage theatres in the City of Yarra, after community concern with a proposed development of the Lyric Theatre (247 Johnston Street, Fitzroy – currently being redeveloped).

As a result, Context Pty Ltd was engaged in June 2015 to conduct a study of theatres in the City of Yarra to assess the existing properties and recommend potential controls.

Context identified 38 places which it considered warranted investigation. Of these 38 places:

- 17 had been demolished
- 15 did not require further protection (controls were sufficient)
- three could no longer be located
- three former theatres were considered to have inadequate protection and insufficient controls for the level of significance.

The three former theatres were:

- 200-202 Johnston Street, Fitzroy - Austral Theatre (former)
- 365 Swan Street, Richmond - Burnley Theatre (former)
- 311-317 Bridge Road, Richmond - Richmond Cinema (former).

The former Austral and Richmond Theatres are currently subject to precinct-based Heritage Overlays (HO234 – Johnston Street Precinct and HO310 – Bridge Road Precinct, respectively). The former Burnley Theatre is currently subject to its own site specific Heritage Overlay (HO286).

The exhibited Amendment proposes to:

- apply individual Heritage Overlay controls to the former Austral and Richmond Theatres, both of which were exhibited to include internal controls
- add internal controls to the existing individual Heritage Overlay for the former Burnley Theatre.

The Panel considers the Thematic Study of Theatres in the City of Yarra in detail in later chapters of this report.

(iv) Victoria Street and Bridge Road Built Form Review: Heritage Assessment, GJM Heritage (2018)

In June 2018, Council sought interim heritage planning controls for a number of places in the Victoria Street and Bridge Road activity centres. These were requested on an interim basis through Amendment C251.

These initiatives were part of the work occurring across all major activity centres in Yarra. Council submitted that this was in response to community concerns about the extent of development and the need for better planning provisions and heritage protection.

GJM Heritage consultants were engaged by Council to prepare the Victoria Street and Bridge Road Built Form Review: Heritage Assessment. The assessment recommended further protections and included recommendations for 12 places, being:

- 2 places changed from 'individually significant' to 'not contributory', because they have been redeveloped
- 1 place removed from the Heritage Overlay mapping to correct an error
- 1 mapping correction to extend the Heritage Overlay over an entire significant place
- 6 places recommended to be transferred from a precinct Heritage Overlay to an individual Heritage Overlay control
- 2 places (32 and 34 Thomas Street, Richmond and 202-206 Church Street, Richmond) were proposed for the introduction of new Heritage Overlays.

The Amendment makes changes to these heritage places in accordance with the recommendations of the GJM Heritage review. Specific property details are provided in section 1.1 above.

The Panel considers the Victoria Street and Bridge Road Built Form Review: Heritage Assessment (2018) in later chapters of this report.

(v) Collingwood Mixed Use Pocket, Heritage Assessment and Recommendations, GJM Heritage (2018)

The Collingwood Mixed Use Pocket, Heritage Assessment and Recommendations report forms part of a suite of analysis that considers the Fitzroy and Collingwood 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'.

Council submitted that the 'Collingwood Mixed Use Pocket' was 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.

It said the purpose of this assessment was 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.

The analysis within the Collingwood Mixed Use Pocket report considered:

- the suitability of the extent of the Heritage Overlay for places and precincts within the Collingwood Mixed Use Pocket
- the heritage grading of each property within the Heritage Overlay

- the currency of the existing Statements of Significance for places and/or precincts to ensure they provide adequate guidance for the management of important heritage features
- places not currently included on the Victorian Heritage Register (VHR) but which may warrant nomination to the VHR
- built form parameters necessary to appropriately manage increased mixed-use development within the context of the heritage places and/or precincts.

This GJM report recommended further heritage assessment for 18-22 Derby Street, Collingwood and 33-45 Derby Street, Collingwood.

(vi) Heritage Citation: 18-22 Derby Street, Collingwood, Anthemion Consultancies (2018)

As a result of the Collingwood Mixed Use Pocket, Heritage Assessment & Recommendations, GJM Heritage (2018), further investigation into 18-22 Derby Street, Collingwood was conducted by Anthemion Consultancies.

This further work recommended that the properties be included in an existing Heritage Overlay Precinct (HO102) because they share a linked history to adjoining properties at 10-16 Derby Street and form a visual unit with these properties.

(vii) Heritage Citation: 33-45 Derby Street, Collingwood, GJM Heritage (2018)

In response to the recommendation in the Collingwood Mixed Use Pocket, Heritage Assessment & Recommendations, GJM Heritage (2018), further investigation into 33-45 Derby Street, Collingwood was conducted by GJM Heritage.

This heritage report investigated the potential extension of the Victoria Parade Precinct (HO336) to include 33-45 Derby Street, Collingwood. In summary, it was recommended that these properties be included within an extension of HO336.

(viii) Heritage Citation: Queens Parade, Fitzroy North Street Trees, John Patrick Landscape Architects Pty. Ltd (2018)

John Patrick Architects Pty Ltd was commissioned by Council to provide advice regarding an anomaly in the application of Heritage Overlay HO93 of the Scheme.

The Schedule to Clause 43.01 Heritage Overlay (HO93) of the Scheme indicates that the heritage place to which this overlay applies is 'Queens Parade, between Alexandra Parade and Delbridge Street, Clifton Hill/Fitzroy North, Street Trees'.

The current extent of HO93 is limited to a central corridor in the road reserve, however, the John Patrick review concluded that the Heritage Overlay boundary should include the entire width of the Queens Parade road reserve. On page 16, the report stated:

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.

Council submitted that the Amendment was consistent with the recommendations of the John Patrick study.

The Panel considers the John Patrick study in later chapters of this report.

2.3 Planning scheme provisions

(i) Zones

The Amendment proposes a number of minor zoning changes and are typically applied in circumstances where land is within two different zones. The Amendment generally includes properties within a single zone, such as the:

- Commercial 1 Zone
- Commercial 2 Zone
- Mixed Use Zone
- General Residential Zone
- Neighbourhood Residential Zone
- Public Use Zone.

There were no submissions regarding any of the proposed zoning changes.

(ii) Overlays

Submissions related to issues associated with the application of the Heritage Overlay.

The purpose of the Heritage Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

2.4 Amendment VC148

Amendment VC148 was gazetted on 31 July 2018 and made amendments to the Victoria Planning Provisions (VPP), including the Heritage Overlay at Clause 43.01-5 to include the following requirement:

Statements of Significance

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

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

Amendment C245 was authorised on 21 December 2018, and is therefore outside the 3 month exemption period under dot point number one of Clause 43.01-5.

Where an amendment proposes to include a new heritage place in the schedule to the Heritage Overlay and the exemptions under Clause 43.01-5 are not available, a Statement of Significance is required to be:

- listed in the schedule to clause 43.01 Heritage Overlay (in column 2)
- included as an Incorporated Document at clause 72.04.

Council submitted that currently all of Yarra's Statements of Significance are Reference Documents in the Scheme.

The Panel notes that the exhibited version of Amendment C245 did not propose any of the existing or proposed Statements of Significance to become Incorporated Documents and were not listed in either the schedule to Clause 43.01 or Clause 72.04.

The Panel considers this issue in further detail in later chapters of this report.

2.5 Ministerial Directions and Practice Notes

Ministerial Directions

Council submitted that the Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes in section 7(5) of the Act.

More particularly, Council submitted the proposed ordinance and map changes have been prepared in accordance with the relevant requirements of the Ministerial Direction.

Council also submitted that the Amendment has been prepared in accordance with other relevant Ministerial directions including:

- Ministerial Direction 9 – Metropolitan Planning Strategy
- Ministerial Direction 11 – Strategic Assessment of Planning Scheme Amendments
- Ministerial Direction 15 – The Planning Scheme Amendment Process.

Planning Practice Notes

Council submitted that the Amendment was consistent with the guidance provided in the following Planning Practice Notes (PPN):

- PPN01: Applying the Heritage Overlay (August 2018) provides guidance about the use of the Heritage Overlay
- PPN13: Incorporated and Background Documents (September 2018) provides guidance on when a document should be incorporated or be a background document to the Scheme.

The Panel provides further discussion regarding these PPN in later chapters of this report.

2.6 Discussion and conclusion

For the reasons set out in the following chapters, the Panel concludes that the Amendment is generally supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is generally well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Former Austral Theatre

3.1 What are the issues?

The former Austral Theatre is located at 200-202 Johnston Street, Collingwood. The land is:

- wholly within the Commercial 2 Zone (C2Z)
- wholly within Design and Development Overlay – Schedule 15 (DDO15)
- partly within a Special Building Overlay (SBO) which applies to a relatively small area at the Sackville Street frontage of the site
- partly within a Heritage Overlay (HO324), a precinct-based overlay which applies to approximately the southern half of the site.

The former Austral Theatre is currently graded as ‘individually significant’ within the Johnston Street Precinct (HO324). External paint controls apply. No internal controls currently apply.

The building is currently used as a carpet warehouse and sales outlet.

The exhibited Amendment proposes to remove the site from HO324 and apply a site specific Heritage Overlay (HO499) to the whole of the site, which includes internal alteration controls. It also proposes to update the Statement of Significance.

Figure 1 The Johnston Street facade to the former Austral Theatre (from Raworth evidence statement)



The issues are:

- whether the internal controls are appropriate
- whether the site should be included in a site specific Heritage Overlay (HO499) or should remain as part of the Johnston street Precinct (HO324)
- whether the boundary of the Heritage Overlay should include the entire site
- whether the Statements of Significance should be modified.

Each of these issues are discussed below.

3.2 Internal controls

(i) Evidence and submissions

Council submitted that the starting point for considering the application of internal alteration controls to places included in the Heritage Overlay is Planning Practice Note 1: Applying the Heritage Overlay (PPN01), which states:

Internal alteration controls over specified buildings can be applied in the schedule by including a 'yes' in the 'Internal Alteration Controls Apply?' column. This provision 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.

Council referred to a variety of previous Panel reports that have dealt with internal controls to heritage buildings, including:

- Heritage Provisions Review Final Report (AC) [2007] PPV 65
- Whitehorse C74 Part 2 (PSA) [2008] PPV 29
- Greater Shepparton C205 (PSA) [2020] PPV 12
- Melbourne C186 (PSA) [2012] PPV 79
- Melbourne C207 (PSA) [2014] PPV 10.

Council submitted that a number of key principles could be derived from these reports in relation to the application of internal alteration controls:

- internal controls should be applied sparingly and on a selective basis
- the threshold for internal controls, that is, 'special interiors of high significance' is of a higher level than that required for listing a place in the Heritage Overlay
- it is appropriate to include internal controls where the interiors contribute to the heritage significance of the place
- comparative analysis may be required, but is not always necessary, to justify the application of internal alteration controls.

Council submitted that the Thematic Study of Theatres in the City of Yarra (2017) by Context (the Theatres Study) provided the strategic justification for the application of internal alteration controls at the former Austral Theatre. The Theatres Study describes the internal fabric of significance in the Austral Theatre as follows:

The former Austral Theatre is historically significant as it demonstrates particular characteristics of the picture palace with the advent of 'talkies'. This includes large open internal spaces to assist view lines to the screen, vaulted ceilings, mezzanine levels and bio boxes over a ground level entry. These picture places generally exhibited a neo-classical and art deco styling reflecting in a sense of the place being a 'cathedral for entertainment' – as a special part of the community sense of place at the time when entertainment was a luxury. (Criterion D)

...

The interior is significant for the layout including the foyer with stairs to the gallery (circle), toilets, and the main auditorium space. The foyer, swag-bellied balustrade, auditorium ceiling, walls and the proscenium are aesthetically significant for their ornate plater detailing incorporating a variety of classical motifs including columns, figures and festoons. The history and use of the building [as] a picture place is best demonstrated by the interior volume, form and interior decorative elements. (Criteria E)

Council called Ms Brady, an experienced heritage expert, to give evidence in respect of the former Austral Theatre. Although Ms Brady concluded that the Theatres Study completed by

Context generally followed a sound methodology, she did not agree with the conclusions and recommendations of the report. She did not believe that the former Austral Theatre warranted internal heritage controls and stated:

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.

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.

The VPP Practice Note, which is referred to in the Theatres Review report, 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”.

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.

In Yarra, this control has rarely been applied, save for HO464. This, again, tends to indicate a high to very high local threshold for internal controls.³

Ms Brady noted that the comparative analysis included in the Theatres Review to assist with assessing – and ranking – the significance of the interiors was generally limited to the surviving theatres under review. The analysis did not go to the local threshold, or to municipal comparisons, for the introduction of internal controls, accepting also that this may have been beyond the scope of the study.

Ms Brady inspected the former Austral Theatre and, whilst she generally agreed with most (but not all) of the description of the interior of the building in the Context report, she said that, in her opinion, the interior did not reach the threshold required to warrant the application of internal controls. She said that the interior had been substantially modified and had undergone extensive adaptation including the removal of several key components such as the stage and proscenium. As a result, she said it was *“difficult to understand the storey of the theatre”*.

Ms Brady noted:

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.⁴

Council took the unusual position of disagreeing with its own expert witness. It said:

Council respectfully disagrees with Ms Brady’s conclusion. While Council understands that some internal fabric has been removed and altered Council submits that, consistent with the Theatres Study:

- the theatre, including its surviving interior, represents one of the only remaining picture palaces in the City of Yarra, satisfying Criterion B

³ Document 33, paras 31-35

⁴ Document 33, para 53

- the theatre retains enough fabric to be representative of neo-classical and art deco styling, satisfying Criterion D
- even with the alteration, the layout of the theatre demonstrates the history and use of the building as a picture place, satisfying Criterion E.⁵

Mr Connor QC on behalf of Mr De Luca, the owner of the former Austral Theatre, submitted that the quality of the interior did not justify internal controls. He said that numerous aspects of the interior emphasised in the Theatres Study are either no longer in evidence, suffer from a low degree of intactness or lack any interest altogether. In particular he said:

- the interior of this building has, as Ms Brady stated in evidence, been “chopped up” to such an extent that it is “difficult to understand what’s going on” with this interior
- the stage and proscenium – the focus and key element of any theatre, is no longer in evidence
- the area formerly occupied by the stage includes offices at ground associated with the retail / warehousing operation and a discrete residential apartment which has been developed above
- it is unclear whether the footprint of the bio box is present and any fixtures and fittings associated with film equipment and the like are long gone
- the so-called ‘swag bellied’ balcony with plaster festoon decoration is no longer apparent, having been damaged significantly by the warehousing operation
- the ceiling in the auditorium space appears far less intact today and the photographs of 2004 show chandeliers that are no longer evident on site
- the ceiling to the auditorium space was originally decorated with strapping and moulded wreaths, though they were of a simple and conventional character
- the wall and ceiling plaster decoration is not intact, and is in poor condition
- the entry foyer is more intact but features a relatively simple, conventional decorative scheme to the ceiling, like a ceiling decoration that might be found in a residential dwelling from the period
- the original foyer floor is no longer in evidence as a ramp allowing disabled access has been built
- the upper level balcony or seating area now contains additional offices which in substantial part subdivide that area and give rise to the absence of ‘legibility’ alluded to by Ms Brady in her evidence
- all original auditorium seating has been removed
- the ‘interior landscapes’ referred to in 1921 as a distinctive feature, are no longer present
- the internal stairs are intact but are plain in character
- the toilets may be intact in terms of plan but appear to have had many of their original fittings replaced and to have been of little decorative interest to begin with.

Mr Connor said that Council’s argument for internal controls is not supported by the weight of the evidence before the Panel, nor by a proper application of PPN01.

Mr Connor called Mr Raworth, an experienced heritage expert, to give evidence. Mr Raworth said:

⁵ Document 52

While it can be agreed that the former Austral Theatre is of some minor degree of local historic and aesthetic interest, the primary aesthetic significance relates to the Johnston Street facade and its contribution to the adjacent streetscape, not to the interior. The interior appears to have originally been of a relatively plain, conventional design in terms of layout and plasterwork, and has since been so heavily comprised that it no longer fully communicates the experience of a 1920s picture house in the manner of other examples of more intact and more aesthetically sophisticated cinemas. Internal spaces such as the 'foyer with stairs to the gallery (circle), toilets, and the main auditorium space' were universal to all picture theatres, and do not make the place aesthetically significant in and of themselves. The stage and proscenium are key elements to theatre planning, which are now gone from the subject building. The quality of the interior decoration in terms of elaborateness, inventiveness and materials is a key consideration in assessments of the internal significance, and in the subject building they are of a relatively simple, unremarkable character. The remaining original internal fabric lacks flamboyance. The absence of any detailed reportage or illustrations of the building in the architectural or local press is indicative of the building's conventional, unremarkable character. If the building was the work of a notable architect, it may reasonably be expected their identity would have been reported or attributed.

On the basis of this analysis, I do not believe the interiors of the former Austral Theatre are intact or significant to a sufficient degree to warrant the application of internal controls in the Yarra Planning Scheme.⁶

Mr Raworth said that while the building interior was in poor condition, it was more salient to the current analysis that it has, as a whole, a low degree of intactness and is of little significance. He concluded that:

... having regard for the low degree of intactness and undistinguished character of the interiors, there seems little substance to the overstated claims of significance for the interior found in Council's study, nor for the proposed internal control.

It also seems to me from experience across a broad range of related planning matters that there is a case to be made against the proposed Heritage Overlay listing of the interior in terms of concepts such as standard practice in the application of the Heritage Overlay and in particular having regard for the high bar established by the practice note in relation to the application of internal controls. The proposed control does not accord with standard and accepted practice in the application of the Heritage Overlay in relation to the interior to this building, which is incomplete, in poor condition, and in my view, unimpressive as an exemplar of its type.⁷

During his evidence in chief and under cross-examination, Mr Raworth clarified that the 'simple' or 'modest' design of the interiors was not fatal to the assessment of the interiors. He stated that it was the combination of the modest design and the incomplete fabric of the interior that was also in such poor condition which together meant that, in his opinion, the interiors do not meet the required level of significance to justify internal controls. He said that a 'simple' interior that was 'complete' could have been 'special'.

Ms Cummings, on behalf of the Collingwood Historical Society, acknowledged that internal heritage controls have been used sparingly in the City of Yarra. She said that these types of controls are well used in some other municipalities and should be used more widely in Yarra where appropriate.

Ms Cummings submitted that:

- the building and its interior are of architectural significance and was of a high level of social importance to the local community in the Depression of the 1920s and 1930s

⁶ Document 37, paras 36-37

⁷ Document 37, para 46-47

- the ‘simple’ design was consistent with the context of a working-class suburb like Collingwood
- the site is of local significance and is not “*about state-wide significance or high art*”
- the extent to which the building has been compromised by changes to the interior is a reason to protect what remains.

Ms Cummings submitted that the decorative ceilings of the foyer, the balcony and the decorated high ceiling of the auditorium, even if not fully intact, should be a priority for protection. She suggested that to facilitate the daily running of a business in a building with internal heritage controls, a mechanism may be needed for undertaking minor interior works that do not impact on the heritage fabric. Alternatively, those elements which are to be preserved could be itemised.

Mr Nott echoed the submission of the Collingwood Historical Society. He said he knew the building well and had shopped there for many years. In his view, the foyer, balcony and the ceiling of the main auditorium were all partially intact. He said that the layout of the existing spaces had changed little from the building’s days as a cinema and then as a roller skating rink and it was not difficult to distinguish the component parts which were functional in its original use.

Mr Nott supported the application of internal heritage controls and provided a marked up drawing shows the parts of the former theatre that could be protected by internal heritage controls whilst still allowing for adaptive re-use.

Mr Wight submitted that while the interior was not fully intact, it retained “*features of considerable significance worthy of protection at the local level*”. These features include:

- the foyer ceilings
- stairs to the balcony
- the balcony balustrade
- auditorium ceiling and space.

Mr Wight submitted that the controls should also be accompanied by an incorporated plan, which would provide for exemption of day to day minor changes that do not impact on the significant elements of the place.

Mr Nott asked Ms Brady and Mr Raworth about the idea of selectively prescribing features of the interior within an incorporated document. Both experts acknowledged that this was technically possible, however for the reasons expressed in their evidence they did not believe it was justified or appropriate in this circumstance.

(ii) Discussion

The Panel accepts that the starting point for the assessment of internal heritage controls is PPN01. As acknowledged by Council and both of the expert witnesses, this generally places a ‘high bar’ for the application of internal heritage controls for a building. The Panel agrees with Council’s submission that:

- internal controls should be applied sparingly and on a selective basis
- the threshold for internal controls, that is, ‘special interiors of high significance’ is of a higher level than that required for listing a place in the Heritage Overlay
- it is appropriate to include internal controls where the interiors contribute to the heritage significance of the place

- comparative analysis may be required, but is not always necessary, to justify the application of internal alteration controls.

The Panel does not accept that the Theatres Study provides appropriate justification for the inclusion of internal heritage controls for the former Austral Theatre. It has reviewed the report in detail and prefers the expert evidence of both Ms Brady and Mr Raworth.

Although the Theatres Study provides some interesting information about the early history of the theatres, the Panel does not agree with the conclusions and recommendations resulting from the report with respect to the implementation of internal heritage controls for the former Austral Theatre.

The Panel heard no expert evidence in support of the proposed internal controls.

The Panel found the evidence of Ms Brady and Mr Raworth compelling. They both agreed that the interior of the building did not reach the required threshold to justify interior controls. They both noted that the interior had been extensively modified and debased over time. Both experts concluded that the interiors of the former theatre are neither intact nor significant to a sufficient degree to warrant the application of internal controls. In short, the building does not display a 'special interior of high significance'.

The Panel considered the submissions of the Collingwood Historical Society, Mr Nott and Mr Wight with respect to potentially listing selected parts of the interior of the former theatre to ensure that those features are protected.

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.

The Panel does not believe that the remaining features within the building warrant the application of selective protection. The features that do remain are marginal and do not present sufficient coherence to meaningfully explain the former use. The Panel agrees with Ms Brady that it is extremely difficult to determine the whole story of the building from the remaining fragments of its past and they do not warrant protection through the application of internal heritage controls.

The Panel accepts that the heritage significance of the former theatre is appropriately protected by the current controls in place.

(iii) Conclusions and recommendations

The Panel concludes:

- The application of internal heritage controls would be inconsistent with PPN01.
- The interior of the building has been extensively modified and features have been removed to such an extent that the building does not display the required 'special interior of high significance' to justify internal heritage controls.
- The evidence presented on behalf of Council and the owner of the building is compelling and consistent.
- The few remaining heritage features within the building do not warrant the application of selective protection.

- The recommendations in the Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017) with respect to the application of internal heritage controls for the former Austral theatre are not supported.
- The Panel accepts that the heritage significance of the former theatre is appropriately protected by the current controls in place.

The Panel recommends:

- 1. Abandon the application of internal heritage controls to 200-202 Johnston Street, Collingwood (former Austral Theatre).**

3.3 Site specific Heritage Overlay

(i) Evidence and submissions

Council submitted that the basis for the proposed site specific Heritage Overlay (HO499) was the Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017). That report outlined three possible approaches to applying selective controls (in this case, internal alternation controls) to places within heritage precincts. These approaches included:

- excluding the place from the precinct and applying a new individual Heritage Overlay number to the site
- retaining the place within the precinct as a place which is 'Significant to the Precinct' and amend the schedule to Clause 43.01 to specify that internal controls only relate to a specific address within the precinct
- retain the place within the precinct and through an Incorporated Plan apply the selective control to only a specified place within the precinct.

The report recommended that the first of these options should be applied to the former Austral Theatre site. It recommended this because the site sat within a large and well established heritage precinct and retaining the site within the precinct could lead to confusion and potential additional work for Council in resolving concerns from other property owners.

Mr Connor submitted that if no internal heritage controls are applied to the former Austral Theatre then there is no need for HO499. He submitted that the existing heritage precinct (HO324) was sufficient.

He said the local historic and aesthetic significance of the former theatre as outlined in the existing Statement of Significance is primarily linked to its Johnston Street façade and its contribution to the adjacent streetscape.

Mr Connor submitted that the site is adequately protected by the existing controls and can remain an 'individually significant' place within the Johnston Street Precinct.

Ms Brady and Mr Raworth agreed that proposed HO499 was not necessary or appropriate.

(ii) Discussion

The Panel agrees that the application of HO499 as an individual Heritage Overlay to the former Austral Theatre is predicated on the assumption that internal heritage controls should apply to the site. As the Panel has already concluded that internal heritage controls should not apply to the site, it follows that an individual Heritage Overlay should not be applied to the site.

The Panel agrees that the site should remain within the existing heritage precinct HO324.

(iii) Conclusions and recommendations

The Panel concludes:

- That the proposed site specific Heritage Overlay (HO499) is not appropriate.
- The former Austral Theatre should remain within the Johnston Street Precinct (HO324).

The Panel recommends:

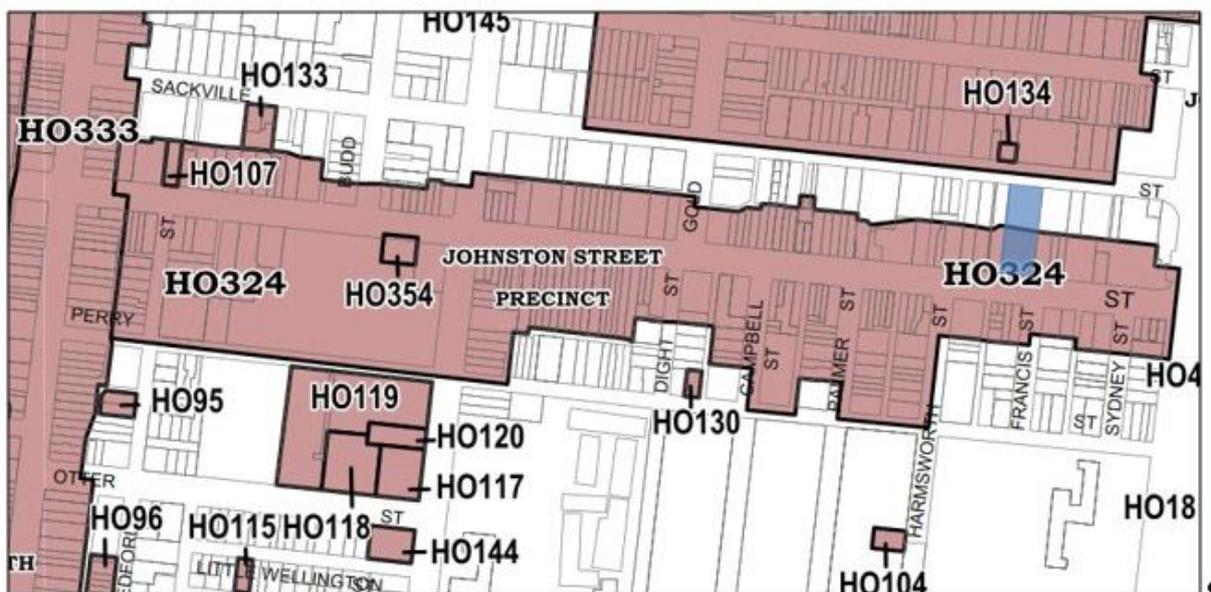
2. Abandon HO499 as a site specific Heritage Overlay to 200-202 Johnston Street, Collingwood (the former Austral Theatre).
3. Delete HO499 from the schedule to Clause 43.01.
4. Delete HO499 from the City of Yarra Database of Heritage Significant Areas, July 2019.

3.4 Extent of Heritage boundary

(i) Evidence and submissions

The current extent of HO324 does not include the entire site at 200-202 Johnston Street, Collingwood. Only the southern or front portion of the site is covered by the overlay.

Figure 2 Heritage Overlay map showing extent of the HO324 Johnston Street Precinct, with former Austral Theatre shaded blue (from Raworth evidence statement)



The Theatres Study recommended the application of the site specific HO499 across the whole of the former Austral Theatre site.

Although Ms Brady did not support the application of HO499 to the site, she recommended that the precinct boundary of HO324 be extended to the whole of the property.

Mr Raworth also supported the extension of the precinct boundary across the whole of the site.

Council submitted that while Ms Brady and Mr Raworth's recommendations related to the precinct rather than site specific Heritage Overlay, their approach was consistent with the approach taken by Panels following PPN01. That is, it is generally appropriate to extend the Heritage Overlay to the boundaries of the site.

Council submitted that if the Panel recommended that the Austral Theatre site should remain within the Johnston Street Precinct (HO324), then the precinct boundary should be extended to include the whole of the Austral Theatre site.

Mr Connor, on behalf of the landowner, submitted that Mr De Luca did not object to the footprint of the Heritage Overlay Precinct (HO324) being amended to include the whole of the Austral Theatre site. He noted that:

This minor change to the footprint of HO324 does not attract the mandatory specification requirement identified at clause 43.01-5. It is submitted that the term 'heritage place' as it appears in that clause is a reference to the heritage place identified in the schedule to the overlay. In this case, this is the precinct overlay known as HO324. It is understood that this heritage place was in the schedule to the overlay well before the commencement of Amendment VC148.⁸

(ii) Discussion

The Panel agrees it is appropriate to include the entire property at 200-202 Johnston Street, Collingwood within the existing Heritage Overlay.

The site 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 is not conducive to managing and protecting the heritage significance and values of the place and it should be remedied.

The Panel notes that all parties supported this action.

The Panel also accepts that the change to the boundary does not necessitate the mandatory specification requirement at Clause 43.01-5 for the reasons outlined by Mr Connor.

(iii) Conclusions and recommendations

The Panel concludes:

- The boundary of the Johnston Street Precinct Heritage Overlay (HO324) should be extended over the entire site at 200-202 Johnston Street, Collingwood (former Austral Theatre).

The Panel recommends:

- 5. Extend the boundary of HO324 over the entire site at 200-202 Johnston Street, Collingwood (former Austral Theatre).**

3.5 Statement of significance

(i) Evidence and submissions

The existing Statement of Significance for the Johnston Street Precinct (HO324) is within a Reference Document listed in Clause 21.11.

⁸ Document 58, para 57

The former Austral Theatre site is also included as an ‘individually significant’ place within the Johnston Street Precinct and has a site specific Statement of Significance. This is also within a Reference Document listed in Clause 21.11.

Council submitted that the Amendment does not propose to change the ‘individually significant’ grading of the site.

The Amendment proposes to individually list the site within the Heritage Overlay and the site would become ‘individually significant’ to the site specific HO499, rather than HO324 precinct.

Council submitted that the current ‘individually significant’ grading of the Austral Theatre is appropriate.

Ms Brady supported the ‘individually significant’ grading despite not supporting the site specific HO499. She noted, however that the HO324 citation should be amended to include further detail on the Austral Theatre.

Although Mr Raworth disputed the significance of the interiors, he did not dispute the current grading of the Austral Theatre in his evidence statement.

Council acknowledged that the exhibited Statement of Significance for the proposed HO499 was not proposed to be included as an Incorporated Document. It could not adequately explain to the Panel why this was the case. During the Hearing, Council agreed that, in accordance with the requirements of Clause 43.01-5, a Statement of Significance for a new heritage place (HO499) is required to be an Incorporated Document.

During the Hearing, Council submitted various iterations of a revised Statement of Significance for HO499. In its closing submission (Document 62) Council submitted its final version in Attachment 4 to Document 62. This Statement of Significance was modified to remove features of the interior of the building that no longer exist and was proposed to be an Incorporated Document within the planning scheme.

Council submitted that if the Panel recommended against internal controls and HO499 for the former Austral Theatre, then the version of the Statement of Significance in Attachment 4 to Document 62 could be modified in numerous places to delete references to the interior of the building. This was articulated in Document 62 at paragraph 60 as follows:

Under ‘What is significant’, deleting the words ‘including the interior foyer and auditorium’.

Under ‘Why is it significant’, deleting:

- the words ‘and one of four with surviving interiors’ in relation to Criterion B;
- the second sentence in the paragraph referring to Criterion D; and
- the second, third and fourth sentences in the paragraph referring to Criterion E.

Council submitted that in these circumstances, it would also be necessary to:

- replace the current site specific Statement of Significance and identify it as a separate ‘Reference Document’ at clauses 21.11 and 22.02 (instead of as an Incorporated Document)
- update the Statement of Significance for the Johnston Street Precinct (HO324) in accordance with recommended changes suggested by Ms Brady.

Ms Brady noted that the citation for HO324 Johnston Street Precinct is included in the City of Yarra Review of Heritage Overlay Areas (Graeme Butler and Associates 2007, updated 2013). She said the citation made various references to the former Austral Theatre site, for example:

- under 'What is significant?' the citation refers to the theatre as a 'recreational site' and one of the 'significant buildings' in the precinct
- under 'Why is it significant?' it refers to a 'former theatre' (understood to be the Austral Theatre).

Ms Brady recommended that some of the information from the Theatres Study completed by Context should be added to the section of the citation under the heading 'What is significant?' where it addresses twentieth century development in the precinct. The additional words suggested by Ms Brady are underlined in the following extract from the citation.

...

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 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.⁹

Ms Brady was not asked by Council to prepare a modified Statement of Significance for the site on the basis that internal controls were not implemented.

Mr Raworth agreed that the former Austral Theatre is currently identified as individually significant within an existing heritage precinct. He said that the existing Statement of Significance notes the building's historic significance as a former theatre and the aesthetic of the Johnston Street frontage. In his opinion, the existing Statement of Significance and external heritage control adequately captured the significance of the place. He noted that the citation was in a contemporary format and was relatively recently prepared. Although he noted that some aspects could be improved slightly, he saw no compelling reason to amend the Statement of Significance.

Mr Connor, on behalf of the owner of the former Austral Theatre, submitted that:

- the existing Statements of Significance are adequate and should not be modified
- the proposed modifications to the Statement of Significance exhibited in the Amendment are based on a flawed analysis of the interior of the building (the Theatres Study)
- any modification to the Statements of Significance should be based on detailed analysis and requires careful drafting
- the content of a Statement of Significance is important and requires careful thought and precision to avoid unintended consequences
- Statements of Significance should not be modified 'on the run'
- attempting to amend a Statement of Significance built upon a statement contained in, and derived from, a study that is fundamentally flawed is an exercise that proceeds from a faulty foundation.

⁹ Document 33, para 57

Mr Connor objected strongly to the Council's proposed changes to the Statement of Significance for the site in the event that internal heritage controls were not supported by the Panel (in Document 62 at paragraph 60). He submitted that none of these changes were:

- identified prior to or during the Hearing
- put to Ms Brady for her comment or consideration
- put to Mr Raworth for his comment or consideration.

The Collingwood Historical Society and Mr Nott submitted that the exhibited Statement of Significance should be adopted even if the Panel concluded that internal heritage controls were not appropriate.

(ii) Discussion

The Panel accepts that the site should remain an 'individually significant' place within HO324.

Having already concluded that the site should not be included within a new Heritage Overlay (HO499), the Panel agrees with Council that the requirements of Clause 43.01-5 do not apply.

The Panel has also already concluded that the internal controls are not appropriate. It follows that any reference to the quality of the interior of the building should not be included in any modified Statement of Significance.

Council and Ms Brady have suggested a number of changes to the Statements of Significance. The Panel does not consider that the changes suggested by Council or Ms Brady warrant inclusion in either of the existing Statements of Significance.

The minor change to the precinct citation recommended by Ms Brady offers little utility to the understanding of 'What is significant' when there is also a more detailed 'individually significant' citation that needs to be read in conjunction with the precinct citation.

In addition, the Panel agrees with Mr Raworth that there is no compelling reason to modify the site specific citation for the site. Although perhaps not perfect, the Panel is not persuaded that sufficient justification has been made to warrant a change to the statement.

The Panel shares some of the concerns expressed by Mr Connor and agrees that:

- the changes presented to the Panel appeared to be 'on the run' and require a more considered approach
- the basis of the exhibited changes to the Statement of Significance has been demonstrated to be flawed
- the writing of Statements of Significance are important drafting exercises that should be based on careful consideration of the heritage significance of the place.

The Panel considers that the existing Statements of Significance for the site are adequate and should not be modified at this time. This applies to the overall statement for the precinct and the 'individually significant' citation for the former Austral Theatre.

If Council wish to pursue changes to the Statements of Significance for the former Austral Theatre site then it should do so through a separate process.

(iii) Conclusions and recommendation

The Panel concludes:

- The former Austral Theatre should remain an ‘individually significant’ place within the Johnston Street Precinct (HO324).
- The existing Statements of Significance for HO324 should not be modified at this time. This applies to the Statements for the precinct as a whole and the site specific statement for the former Austral Theatre.
- Any changes to the Statements of Significance should only proceed following a more considered perspective of the heritage significance of the place and through a separate public process.

The Panel recommends:

- 6. Abandon the proposed Statement of Significance for the former Austral Theatre.**

4 Former Burnley Theatre

4.1 What are the issues?

The former Burnley Theatre is located at 365-377 Swan Street, Richmond. The land is within:

- the Commercial 2 Zone (C2Z)
- Design and Development Overlay – Schedule 5 (DDO5)
- Design and Development Overlay – Schedule 17 (DDO17)
- Heritage Overlay (HO286), a site specific Heritage Overlay relating to the Burnley Theatre.

The site is identified as ‘individually significant’ in the City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, revised December 2018 ('the Heritage Database') which is an Incorporated Document at schedule 1 to Clause 72.04 of the Yarra Planning Scheme.

The Statement of Significance for the site is included in Reference Documents listed in Clause 21.11.

The building is currently used as a furniture sales outlet.

The exhibited Amendment proposes to apply internal alteration controls to HO286. It also proposes to update the Statement of Significance.

Figure 3 The Swan Street facade to the former Burnley Theatre
(from Brady evidence statement)



The issues are:

- whether the internal controls are appropriate
- whether the Statements of Significance should be modified.

Each of these issues are discussed below.

4.2 Internal controls

(i) Evidence and submissions

Council submitted that it no longer sought the inclusion of internal heritage controls for the former Burnley Theatre. It said this was consistent with a resolution passed by Council on 26 November 2019 following consideration of submissions made to the exhibited Amendment.

Council noted that the proposed citation for the former Burnley Theatre in the Theatres Study described the following in relation to the internal fabric of significance:

The Burnley Theatre is a fine example of a picture palace and is an interwar cinema with high architectural quality. The Theatre is also significant for its design by the prominent architectural firm Bohringer, Taylor and Johnson who specialised in theatre and cinema design in the interwar period. It demonstrates particular characteristics of the picture place associated with the advent of 'talkies'. This includes large open internal spaces to assist view lines to the screen, vaulted ceilings, mezzanine levels and bio boxes over a ground level entry. These picture places generally exhibited a neo-classical and art deco styling reflecting in a sense of the place being a 'cathedral for entertainment' - as a special part of the community sense of place at the time when entertainment was a luxury. (Criterion D)

...

The Burnley Theatre is of aesthetic significance of its highly intact interior featuring the foyers and lobbies, auditorium, gallery, proscenium and balconies. Attributes also include the decorative plasterwork to walls and ceilings, and the ornate and subtle colours of an early, if not original colour scheme. (Criterion E).

Ms Brady again gave evidence on behalf of Council. She conducted an inspection of the former Burnley Theatre and noted that at that time the interior was more intact than the other two theatres the subject of the Amendment.

Having regard to the high threshold required to justify internal controls as set out in PPN01, Ms Brady concluded that internal alteration controls were not justified on the former Burnley Theatre site, stating:

... 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 significance examples.¹⁰

Mr Raworth gave evidence for the owners of the former Burnley Theatre. He noted that a significant amount of the internal fabric which was recognised in the citation included in the Theatres Study has now been removed. He observed:

Until recently, the interior of the former theatre had retained various elements of its original decorative program, including the decorated ceiling with oval feature in the

¹⁰ Document 33, para 51

auditorium, the ornate plastered proscenium, stage area and side boxes, albeit with some elements in a deteriorated or incomplete state.

It is understood that water ingress damaged the interior in November 2019. Subsequent inspections and remediation work identified extensive areas of plasterwork in an unsafe condition. Remediation works to make the space safe for occupation have removed much of the internal decorative detailing and associated plasterwork.¹¹

Ms Brady said that the extent of internal changes to the site which were shown in Mr Raworth's evidence had not occurred at the time of her inspection. She said that the recent removal of the features described by Mr Raworth and evident in the video (Document 47) only strengthened her original conclusion that internal heritage controls were not justified.

Mr Raworth made a similar observation. He said his initial inspection of the site occurred in August 2019 and the interior was similar to that presented in the Theatres Study. He said that even back then though, his conclusion was that the interior of the building was not of such a quality to justify application of internal controls. The recent modifications only reinforced his views.

Mr Raworth concluded that:

With the water damage to the subject property and necessary remediation works, the place no longer has a high degree of intactness internally. The works have stripped nearly all of the interior decorative elements, with the exception of the oval dome to the ceiling. The consequence of this is that the interior of the former theatre cannot be argued to meet the threshold for significance warranting internal alteration controls.

...

Having regard to ... the present low degree of intactness and undistinguished character of the interiors, and in particular the auditorium and associated elements, there seems little justification for the proposed internal control.

It also seems to me from experience across a broad range of related planning matters that there is a case to be made against the proposed Heritage Overlay listing of the interior in terms of concepts such as standard practice in the application of the Heritage Overlay.¹²

Council acknowledged and supported the evidence of Ms Brady and Mr Raworth and confirmed it did no longer wished to seek internal heritage controls for the former Burnley Theatre.

Mr O'Farrell, on behalf of the owners of the site, submitted that on the basis of the evidence from both expert witnesses and the position of Council there was no reasonable basis upon which it was open to find that internal controls ought to be adopted for the subject land.

On the other hand, Ms Cummings from the Collingwood Historical Society, submitted that the elaborate ground floor foyer and the balcony appeared to remain intact and consideration should be given to the selective citation and conservation of these elements. She lamented the recent destruction of so many of the internal features of the building as a consequence of the water damage to the place.

Mr Nott acknowledged that the interior of the building had been extensively modified in recent times, however he submitted that the ground and first floor foyers were intact and should be protected. He submitted that:

¹¹ Document 36, paras 18-19

¹² Document 36, paras 33, 38-39

- any proposed designs to the front of the building will need to address the existing heritage controls
- given the whole of the building is ‘individually significant’, then any redevelopment will need to retain the front part of the building which contains both foyers
- from his architectural experience, it would appear to be ‘simple’ to accommodate the ground and first floor foyers in any new design
- with sensitive adaption the existing foyers and staircase could form part of an attractive entrance to a new internal use, just as the original foyers did for the original theatre
- prescriptive internal controls should be applied so that changes of use and maintenance are not restricted.

Mr Nott provided marked up drawings demonstrating the various parts of the interior that he said should be protected.

The written submission from Mr Wight was consistent with the submissions from Mr Nott and Ms Cummings. He highlighted that the foyer with its decorative walls, pillars and floor and the stairs to the balcony that forms part of that space should be protected. He acknowledged that this would require revised statements of significance reflecting the current condition of the buildings and highlighting their significant features.

Ms Brady and Mr Raworth did not support the specification of any selected elements for heritage protection. Mr Raworth noted that the retention of the front sections of the interior of the building would lose context without the main auditorium.

(ii) Discussion

The extensive modifications to the interior since the preparation of the Theatres Study and the exhibition of the Amendment has substantially diminished whatever heritage significance the interior may have had. Even so, the Panel notes that Ms Brady and Mr Raworth had inspected the site before these changes and had concluded that the interior did not meet the required threshold to warrant heritage controls.

The Panel is convinced that in the current circumstances there is no merit in applying internal heritage controls to the former Burnley Theatre. No evidence was given to support internal heritage controls and the Panel notes that Council does not wish to pursue the matter any further.

That said, the Panel has considered the submissions from the Collingwood Historical Society, Mr Nott and Mr Wight with respect to potentially listing selected parts of the interior of the former theatre to ensure that those features are protected.

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.

The Panel does not believe that the remaining features within the building warrant the application of selective protection. The features that do remain are marginal and do not present sufficient coherence to meaningfully explain the former use. This was confirmed by Ms Brady and Mr Raworth.

The Panel accepts that the heritage significance of the former theatre is appropriately protected by the current controls in place.

(iii) Conclusions and recommendations

The Panel concludes:

- The application of internal heritage controls would be inconsistent with PPN01.
- The interior of the building has been extensively modified and features have been removed to such an extent that the building does not display the required 'special interior of high significance' to justify internal heritage controls.
- The evidence presented on behalf of Council and the owner of the building is compelling and consistent.
- The few remaining heritage features within the building do not warrant the application of selective protection.
- The recommendations in the Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017) with respect to the application of internal heritage controls for the former Burnley theatre are not supported.
- The Panel accepts that the heritage significance of the former theatre is appropriately protected by the current controls in place.

The Panel recommends:

- 7. Abandon the application of internal heritage controls to 365-377 Swan Street, Richmond (former Burnley Theatre).**
- 8. Amend HO286 in the schedule to Clause 43.01 under the heading 'Internal alteration controls apply?' to delete the word 'Yes' and replace with 'No'.**

4.3 Statement of significance

(i) Evidence and submissions

The existing Statement of Significance for HO286 is included in City of Yarra Heritage Review, Volumes 1-4, Allom Lovell and Associates 1998 and is a reference document in Clause 21.11. It includes a summary of the site details, a photograph of the front of the building, brief history, a detailed description of the exterior of the building and a brief paragraph describing the significance of the place as follows:

The former Burnley Theatre is of local social and architectural significance. Until its closure in 1958, the theatre was popular with the residents of Richmond as a social gathering place. The Swan Street facade, although not of individual architectural importance, contributes to the streetscape and is a notable local landmark.

Council submitted various versions of a proposed new Statement of Significance for the site.

The exhibited Amendment included detailed references to the interior of the building and was substantially based on the Theatres Study. It also included the text of the existing citation referred to above, as well as five dot points describing 'additional contributory elements'. These were derived from a report titled Swan Street Built Form Heritage Review (September 2017) prepared by GJM Heritage (a report the subject of a separate planning scheme Amendment, C191 to the Yarra Planning Scheme). The exhibited Statement of Significance was proposed to be included in a new reference document within the scheme.

During the Hearing, Council submitted a modified version of the exhibited Statement of Significance, with references to the interior qualities of the building deleted in accordance with Council's preference to no longer pursue internal heritage controls. This was presented in Document 55 and was proposed to be included as an Incorporated Document within the planning scheme.

In its closing submission (Document 62, Attachment 7), Council further modified this version by:

- correcting the address of the property
- deleting the introductory text derived from the Allom Lovell citation
- relocating the five dot points derived from the GJM Heritage study.

Council submitted that this version of the Statement of Significance should be a 'stand alone' Reference document within the planning scheme.

In her evidence statement, Ms Brady stated that in her opinion no change to the existing Statement of Significance was necessary. In response to questions from Mr O'Farrell, she agreed that some parts of the Allom Lovell Statement of Significance could be improved. For example, she noted in contemporary citations, it would not be accurate to say that this site is of 'local social significance', as that term today means that the current community values that place as a theatre. In her view, it would be more appropriate to describe the site as having local historic significance. She said that in general though, the existing Statement of Significance was adequate and she had not completed a detailed review of the wording.

Mr Raworth also stated in his evidence statement that the exhibited Statement of Significance should be set aside in favour of the existing Statement of Significance.

Mr O'Farrell stated in his submission that the primary position of the owners of the site was to adopt Mr Raworth's evidence that the existing Statement of Significance should prevail. He also submitted an alternative version of the Statement of Significance in the event that the Panel was of a mind to vary the existing statement. In this regard, he noted:

- Council's final version was not exhibited with the Amendment and was not drafted by any heritage experts such as the authors of the Theatres Study or Ms Brady
- Ms Brady has not reviewed Council's version
- Clause 43.01-5 does not require the statement of significance to be an Incorporated Document in the planning scheme because the site is within an existing Heritage Overlay
- any revised Statement of Significance should be within a stand alone reference document.

During the Hearing, Mr Raworth was asked by Mr O'Farrell to review the version presented by Council in Document 55 and Mr Raworth recommended a number of minor changes. These were further refined during the Hearing in response to questions from Mr O'Farrell and the Panel. The final version was presented by Mr O'Farrell in Document 67.

Mr O'Farrell submitted that any revised Statement of Significance should not cite the Theatres Study or the GJM Heritage report as source documents as this would lead to confusion. He said no source documents should be listed.

The similarities and differences of the Statements of Significance prepared by Council and the owners of the former Burnley Theatre can be summarised as follows:

- both describe ‘What is Significant?’ generally the same
- under the heading ‘How is it significant?’ Council added the sentence ‘It also has rarity value as a picture palace’
- under the heading ‘Why is it significant?’:
 - both have the same wording for ‘Criterion A’
 - Council includes additional ‘Criterion B’ (rarity)
 - Council includes additional ‘Criterion D’ (representativeness)
 - they have different wording for Criterion E
- Council include the Theatres Study and the GJM Heritage reports as source documents
- both are proposed to be new reference documents in the planning scheme.

The Collingwood Historical Society submitted that the Statement of Significance should recognise the “*very intact foyer areas*” and submitted words for inclusion to explicitly refer to the foyers, lobbies and balconies. Mr Nott supported this approach.

(ii) Discussion

The Panel notes that the existing Statement of Significance was proposed to be amended based on the GJM Heritage report and the Theatres Study.

With respect to the former Burnley Theatre, the GJM Heritage report deals exclusively with the exterior of the building and proposes very modest change to the Statement of Significance. It essentially retains and expands upon the existing Allom Lovell Statement of Significance, including retaining the comment that the site is of local social significance and it does not attempt to update the format of the statement.

The Panel notes that the GJM Heritage report is the subject of review at the forthcoming Amendment C191 Panel Hearing.

The Theatres Study deals more specifically, although not exclusively, with the interior of the building. The Panel has already accepted that the recommendations in the Theatres Study with respect to the interior of the building are not appropriate. It follows that the references to the interior of the building in the exhibited Statement of Significance should not proceed.

The Panel accepts the evidence from Ms Brady and Mr Raworth that the existing Statement of Significance for the former Burnley Theatre should remain. It has not been persuaded that there is sufficient justification for any changes to the Statement of Significance at this time.

The Panel is concerned that the various changes to the Statement of Significance suggested during the Hearing have been made ‘on the run’. Consistent with its position on the former Austral Theatre, it considers that any changes to the Statement of Significance should be based on more thorough and comprehensive assessments and with the input of heritage experts. The Panel notes that Ms Brady and the authors of the Theatres Study and the GJM Heritage report did not provide any direct input into Council’s final version.

The Panel considers that the exhibited Statement of Significance was focussed around ensuring the internal heritage controls were appropriately supported by an updated citation. It appears to the Panel that Council has attempted to try and ‘salvage’ something from the wreckage of the exhibited version of the Statement of Significance. In doing so, Council’s final

version of the Statement of Significance is without a clear overarching foundation and it is difficult to transparently see how the Statement of Significance has been derived.

The Panel also considers further thought is required beyond the brief observations provided by Mr Raworth during the Hearing.

The suggestion by Mr O'Farrell that a revised Statement of Significance should not include any reference to a source document is testament to the lack of proper strategic foundation for a modified Statement of Significance.

The Panel accepts that there may be benefit in updating the existing Statement of Significance at some point in the future, however it does not support the changes expressed at this time.

The Panel was confused with the approach of Council to initially include the Statement of Significance as a reference document, then during the Hearing seek to have it included as an Incorporated Document. It ultimately agreed it should be a reference document. The Panel notes that this confusion was not confined to this particular site and further comment about the form of the Amendment is made in a later chapter to this report.

(iii) Conclusions and recommendation

The Panel concludes:

- The existing Statement of Significance for the former Burnley Theatre (HO286) should not be modified at this time.
- Any changes to the Statement of Significance should only proceed following a more considered perspective of the heritage significance of the place and through a separate public process.

The Panel recommends:

9. Abandon the proposed Statement of Significance for the former Burnley Theatre.

5 Former Richmond Theatre

5.1 What are the issues?

The former Richmond Theatre is located at 311-317 Bridge Road, Richmond. The land is:

- within the Commercial 1 Zone (C1Z)
- within Design and Development Overlay – Schedule 21 (DDO21)
- partly within a Heritage Overlay (HO310), a precinct-based overlay which applies to approximately the southern half of the site.

The former Richmond Theatre is currently graded as ‘contributory’ within the Bridge Road Precinct (HO310).

The site is used as a ‘BBQ’s Galore’ retail premises. BBQ’s Galore was the sole tenant of the subject site for many years, however, the building has recently been split into two tenancies.

The exhibited Amendment proposes to remove the site from HO310 and apply a site specific Heritage Overlay (HO504) to the whole of the site, which includes internal alteration controls. It also proposes to upgrade the grading of the building from ‘contributory’ to ‘individually significant’ and update the Statement of Significance.

The Panel notes that various reports refer to the site as the former Richmond Theatre or the former Richmond Cinema. The Panel has adopted the term ‘Theatre’ for consistency with the other two former theatres.

Figure 4 The Bridge Road facade to the former Richmond Theatre
(from Beeston evidence statement)



The issues are:

- whether the internal controls are appropriate
- whether the site should be included in a site specific Heritage Overlay (HO504) or should remain as part of the Bridge Road Precinct (HO310)
- whether the boundary of the heritage overlay should include the entire site
- whether the Statements of Significance should be modified.

Each of these issues are discussed below.

5.2 Internal controls

(i) Evidence and submissions

Council submitted that it no longer sought the inclusion of internal heritage controls for the former Richmond Theatre. It said this was consistent with a resolution passed by Council on 26 November 2019 following consideration of submissions made to the exhibited Amendment.

Council noted that the Theatres Study described the following in relation to the internal fabric of significance:

... 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

...

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.¹³

Ms Brady was again called by Council to give evidence. She was not provided with access to the building and so was required to base the recommendations in her statement on the descriptions of the interiors in the Theatres Study.

Ms Brady found that, in her opinion, internal alteration controls were not justified predominately due to the extent of modification which has occurred to the interior. She noted:

In reading these descriptions [in the Theatres Study], there is an acknowledgement 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 1917.¹⁴

Mr Beeston, an experienced heritage expert, gave evidence for the owners of the former Richmond Theatre. His evidence was extremely detailed and he completed investigations beyond the scope of the original Theatres Study. His evidence was based on detailed internal and external inspections of the site. Several parties acknowledged the extensive research completed by Mr Beeston.

Mr Beeston noted that there were four distinctive phases to the development of the site:

- Phase 1: the site was established as a roller skating rink (1888 – 1916)
- Phase 2: the roller skating rink was converted to a cinema (1916 – 1926)

¹³ Thematic Study of Theatres in the City of Yarra, Context Pty Ltd, (2017), Appendix D

¹⁴ Document 33, para 49

- Phase 3: the site was redeveloped as a theatre (Hoyts Richmond Cinema) (1926 – circa 1960)
- Phase 4: Post Cinema Phase, (circa 1960 – present).

Mr Beeston said that the development of the site was complex and consisted of interrelated building fabric dating from the various phases of construction. He said the most distinctive spaces and elements from the main phases of the building (roller skating rink, conversion to a cinema, construction of a theatre) have largely been removed or demolished.

Mr Beeston concluded that:

Currently the front (south) part of the site is included within the Bridge Road precinct overlay (HO310) as a contributory place while the northern half is not. From our review, the front part of the site is the least intact section of the earlier phases of construction. The extant street façade was extensively rebuilt or remodelled during the 20th century and the exuberant façade designed by notable architects Gawler & Drummond, removed. This included the wide recessed entrance and canopy, wall and floor tiles, elaborate parapet, signage, and flanking walls. In 1964 the building was repurposed to accommodate substantial car showrooms, which operated from the site for at least ten years. It is not clear when the façade was altered but presumably was initially ‘opened up’ to some degree to allow the place to function as a car showroom. By 1981 the current format had been established. The extant façade consists of large showroom windows and a contemporary parapet roof, and is no longer suggestive of an Interwar period picture theatre.

All theatre spaces and building fabric dating from the cinema phase have been almost entirely demolished from the front part of the site. This includes the former lobby, vestibule, foyer, ticket box, decorative linings and mouldings, maple and copper doors, fittings and fixtures. The only heritage fabric of interest is a small remnant section of ceramic floor tiles indicating the location of the former lobby, as well as the roof form of the lobby which most likely survives. From our review, there is little/if any intact section dating to the cinema phase on the front part of the site that would warrant heritage protection.

The earliest remnants (although not intact) are located on the north half of the site. The metal roof framing sections and tie rods date from the skating rink/19th century phase of the site, however the integrity of the original fabric has been compromised by modifications and the design of the roller skating rink is no longer discernible.

The brick walls, lattice ceiling and balcony balustrade date from the cinema phase of the site, however the space is no longer recognisable as being part of a cinema building. The remnant sections are merely fragments of a place whose original purpose is not necessarily clear.

The Practice Note states that applying internal alterations controls ‘should be applied sparingly and on a selective basis to special interiors of high significance.’ From our review, the north half of the site consists of series of fragments from two different phases that are no longer legible. The front part of the site is the least intact section and contains little/if any heritage fabric, worthy of protection.

While there are remnant historic elements from the two main phases of development - phase 1 (1888-1916) and phase 3 (1926-58), with the remnant parts from phase 1 being re-used/modified in phase 3 - the building lacks sufficient cohesiveness to either of these key phases so that either phase’s original design is not readily discernible or able to be interpreted. As such, the building does not warrant an individual heritage overlay with internal controls.¹⁵

¹⁵ Document 35, page 29

Council acknowledged and supported the evidence of Ms Brady and Mr Beeston and confirmed it did no longer wished to seek internal heritage controls for the former Richmond Theatre.

Ms Eastoe, on behalf of the owners of the site, submitted there was no justification for the application of internal controls on the basis that:

- Council expressed that it no longer wanted to pursue internal controls for the site
- expert evidence from Ms Brady and Mr Beeston was consistent that internal controls should not apply to the site
- there is no expert evidence supporting the application of internal controls
- the application of internal controls would be inconsistent with PPN01.

On the other hand, Ms Cummings, on behalf of the Collingwood Historical Society supported the application of internal heritage controls. Ms Cummings acknowledged that the building had undergone significant change, however, she submitted that the trussed ceiling should be protected.

Mr Wight also submitted that the “*remarkable lattice covered trussed roof and space*” should be protected.

Mr Nott submitted that the recent internal building works carried out have concealed about three quarters of the original curved steel framed lattice ceiling and tie rods at the rear half of the building. He said about one quarter of the extent of the original ceiling is visible in the warehouse component at the rear.

Mr Nott submitted that it was important to retain remnant heritage features of the existing building, including the curved lattice ceiling, and the recent works show that adaptive reuse can occur without impacting on the viability of the site. He provided a marked up drawing illustrating the outline of the existing lattice ceiling and timber roof structure of the former cinema and roller skating rink that should be protected by internal heritage controls.

For the reasons outlined in their evidence statements, Ms Brady and Mr Beeston though it was inappropriate to retain the features shown by Mr Nott via internal heritage controls.

(ii) Discussion

The Panel agrees with Council that internal heritage controls should not be applied to the former Richmond Theatre.

The Panel found the expert evidence of Ms Brady and Mr Beeston compelling. The extensive modifications to the interior of the building has diminished the heritage significance of the place to such an extent that it does not meet the required threshold to warrant internal heritage controls.

The Panel is convinced that there is no merit in applying internal heritage controls to the former Richmond Theatre. No evidence was given to support internal heritage controls and the Panel notes that Council does not wish to pursue the matter any further.

That said, the Panel has considered the submissions from the Collingwood Historical Society, Mr Nott and Mr Wight with respect to potentially listing selected parts of the interior of the former theatre to ensure that those features are protected.

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.

The Panel does not believe that any of the remaining features within the building warrant the application of selective protection. The features that do remain are marginal and do not present sufficient coherence to meaningfully explain the former use. This was confirmed by Ms Brady and Mr Beeston.

The Panel accepts that the heritage significance of the former theatre is appropriately protected by the current controls in place.

(iii) Conclusions and recommendation

The Panel concludes:

- The application of internal heritage controls would be inconsistent with PPN01.
- The interior of the building has been extensively modified and features have been removed to such an extent that the building does not display the required 'special interior of high significance' to justify internal heritage controls.
- The evidence presented on behalf of Council and the owner of the building is compelling and consistent.
- The few remaining heritage features within the building do not warrant the application of selective protection.
- The recommendations in the Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017) with respect to the application of internal heritage controls for the former Richmond Theatre are not supported.
- The Panel accepts that the heritage significance of the former Richmond Theatre is appropriately protected by the current controls in place.

The Panel recommends:

- 10. Abandon the application of internal heritage controls to 311-317 Bridge Road, Richmond (former Richmond Theatre).**

5.3 Site specific Heritage Overlay

(i) Evidence and submissions

Council submitted that the basis for the proposed site specific Heritage Overlay (HO504) was the Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017). That report outlined three possible approaches to applying selective controls (in this case, internal alteration controls) to places within heritage precincts. These approaches included:

- excluding the place from the precinct and applying a new individual Heritage Overlay number to the site
- retaining the place within the precinct as a place which is 'Significant to the Precinct' and amend the schedule to clause 43.01 to specify that internal controls only relate to a specific address within the precinct
- retain the place within the precinct and through an Incorporated Plan apply the selective control to only a specified place within the precinct.

The report recommended that the first of these options should be applied to the former Richmond Theatre site. It recommended this because the site sat within a large and well established heritage precinct and retaining the site within the precinct could lead to confusion and potential additional work for Council in resolving concerns from other property owners.

Council submitted that if no internal heritage controls were applied to the former Richmond Theatre then there was no need for HO504. Council submitted that the existing heritage precinct (HO310) was sufficient.

Ms Brady and Mr Beeston agreed that proposed HO504 was not necessary or appropriate. Ms Brady said that even if the site was upgraded from 'contributory' to 'individually significant' then that should not trigger the need for a site specific Heritage Overlay. She said that there were many examples in Bridge Road where individually significant buildings were within the Bridge Road precinct overlay.

Ms Eastoe, on behalf of the owners of the site, agreed that the site should remain within the existing Bridge Road Precinct and not be included within a site specific Heritage Overlay.

(ii) Discussion

The Panel agrees that the application of HO504 as an individual Heritage Overlay to the former Richmond Theatre is predicated on the assumption that internal heritage controls should apply to the site. As the Panel has already concluded that internal heritage controls should not apply to the site, it follows that an individual Heritage Overlay should not be applied to the site.

The Panel agrees that the site should remain within the existing heritage precinct HO310.

(iii) Conclusions and recommendations

The Panel concludes:

- That the proposed site specific Heritage Overlay (HO504) is not appropriate.
- The former Richmond Theatre should remain within the Bridge Road Precinct (HO310).

The Panel recommends:

- 11. Abandon HO504 as a site specific Heritage Overlay to 311-317 Bridge Road, Richmond (the former Richmond Theatre).**
- 12. Delete HO504 from the schedule to Clause 43.01.**
- 13. Delete HO504 from the City of Yarra Database of Heritage Significant Areas, July 2019.**

5.4 Extent of Heritage boundary

(i) Evidence and submissions

The current extent of HO310 does not include the entire site at 311-317 Bridge Road, Richmond. Only the southern or front portion of the site is covered by the overlay.

Figure 5 Heritage Overlay map showing extent of HO310 Bridge Road Precinct, with former Richmond Theatre in blue outline, Richmond Police Station (yellow arrow) and Town Hall (blue arrow) (from Beeston evidence statement).



The Theatres Study recommended the application of the site specific HO504 across the whole of the former Richmond Theatre site.

Council submitted that although it no longer sought to apply a site specific Heritage Overlay, it was appropriate to extend the boundary of HO310 to cover the whole of the former Richmond Theatre site. It said this was consistent with the guidance provided in PPN01 that states it is generally appropriate to extend a Heritage Overlay to the boundaries of a site.

Although Ms Brady did not support the application of HO504 to the site, she recommended that the precinct boundary of HO310 be extended to the whole of the property. Ms Brady stated:

... 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 ... indicates that the 1888 skating rink was not located on Bridge Road, and was set back some distance from the road. In fact a substantial part of this earlier building is currently outside the heritage precinct boundary.

...

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 the protecting the heritage significance and values of the place.¹⁶

Under cross examination, Mr Beeston confirmed the current extent of HO310 is an anomaly.

Ms Eastoe, on behalf of the landowner, submitted that *“our client’s submission is that it is desirable in this instance to maintain the status quo”*. She submitted this was because the former Richmond Theatre:

- forms part of a broader series of adjoining properties owned by her client
- should remain as a ‘contributory’ building and therefore the extension of the Heritage Overlay boundary is not warranted.

¹⁶ Document 33, paras 124 and 127

(ii) Discussion

The Panel agrees it is appropriate to include the entire property at 311-317 Bridge Road, Richmond within the existing Heritage Overlay (HO310).

The Panel agrees that having approximately half of the site excluded from the heritage precinct is not consistent with PPN01. It is particularly unsatisfactory that the portion of the site currently excluded from the Heritage Overlay includes parts of the oldest remnants of the site. This is an anomaly that clearly needs correcting.

The Panel does not accept the position of the owners of the site. Instead, the Panel prefers the more traditional and widely accepted approach adopted in PPN01 and believes that this ensures a more logical and appropriate way to manage the future heritage values of the site.

Consistent with the approach adopted by the Panel with respect to the former Austral Theatre, the Panel also accepts that the change to the boundary does not necessitate the mandatory specification requirement at Clause 43.01-5.

(iii) Conclusions and recommendations

The Panel concludes:

- The boundary of the Bridge Road Precinct Heritage Overlay (HO310) should be extended over the entire site at 311-317 Bridge Road, Richmond (former Richmond Theatre).

The Panel recommends:

- 14. Extend the boundary of HO310 over the entire site at 311-317 Bridge Road, Richmond (former Richmond Theatre).**

5.5 Statement of significance**(i) Evidence and submissions**

The former Richmond Theatre is currently graded as 'contributory' to the Bridge Road Heritage Overlay Precinct (HO310).

Contributory places are defined in Clause 22.04:

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.

The exhibited Amendment proposed to regrade the site to 'individually significant'. Council submitted this was consistent with other parts of the exhibited Amendment that proposed inclusion of the site within a site-specific Heritage Overlay and the application of internal heritage controls.

The Theatres Study found that the former Richmond Theatre meets the threshold for local significance because it meets Criterion A, B, D and E of the Hercon Criteria. The analysis against the relevant sections of the Hercon Criteria is set out as follows:

CRITERION A: Importance to the course or pattern of the City of Yarra's cultural or natural history (historical significance).

The former Richmond (Hoyts) theatre is historically significant as one of several suburban picture palaces in the City of Yarra. Picture palaces were immensely popular in the interwar period as places of entertainment. The Richmond Cinema is historically significant as a converted former ice skating rink. The picture palace and purpose-built theatres built from about 1914 provided entertainment for the working classes where live theatre had traditionally and previously catered for the middle and upper classes. Amongst other places in Yarra, it is historically significant for its role in the popularisation of political messages on anti- conscription by Dr Daniel Mannix, Catholic Archbishop (1913-1936) during World War 1.

CRITERION B: Possession of uncommon, rare or endangered aspects of the City of Yarra's cultural or natural history (rarity).

The former Richmond Cinema is one of only six picture palaces surviving in the City of Yarra and one of four surviving interiors. Others include the San Remo Ballroom (former Jubilee Theatre), Burnley Theatre and the Austral Theatre.

...

CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

The Richmond Cinema (formerly Hoyts) demonstrates particular characteristics of the picture palace associated with the advent of 'talkies'. This includes large open internal spaces to assist view lines to the screen, vaulted ceilings, mezzanine levels and bio boxes over a ground level entry. These picture places generally exhibited a neo-classical and art deco styling reflecting in a sense of the place being a 'cathedral for entertainment' — as a special part of the community sense of place at the time when entertainment was a luxury.

CRITERION E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

The former Richmond Cinema is aesthetically significant for its interior, specifically the main auditorium space and the decorative mezzanine level balcony supported on slender circular steel columns. The auditorium space and metal latticed ceiling, associated with the use as a skating rink, and with decorative plaster panels in a geometric design to the edges of the vaulted ceiling, are aesthetically significant. The history and use of the building as a skating rink and a picture palace is best demonstrated by the interior volume, form and ceiling decoration.

Although Ms Brady did not support a site specific Heritage Overlay or the application of internal heritage controls, she did support the elevation of the grading of the site to 'individually significant'. She gave evidence that:

... elevating this building to the grading of individually significance 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 highly 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.¹⁷

Ms Brady acknowledged that she had not inspected the internal features of the site, however she believed that the 'historical role' of the building warranted its grading to be elevated. She said the historical significance of the place related to long periods of use for entertainment purposes.

Council agreed with the findings of the Theatres Study and Ms Brady that the former Richmond Cinema should be elevated to a grading of 'individually significant'.

¹⁷ Document 33, para 126

In providing evidence at the Hearing, Mr Beeston offered the view that the former Richmond Theatre should not be elevated to ‘individually significant’. In responding to a question from the Panel, he opined that the site could be retained as a ‘contributory’ place in HO310, “*but more likely excised altogether*”.

Mr Beeston said that the extensive changes to the building had made interpretation of the former uses difficult to understand. He said that although the building had an interesting history which perhaps was worthy of being written, this did not mean that the building should be elevated to ‘individual significance’. He said only small parts of each of the former phases of the building remain and that from a heritage perspective the building was of limited ‘contributory’ status and certainly did not warrant any elevation.

Mr Beeston did not specifically turn his mind to the drafting of the Statements of Significance. He said this was because he did not think that an individually significant grading should apply to the site. He said any redrafting would require more time and consideration.

Ms Brady gave evidence that the Statement of Significance for the precinct (HO310) should be updated to reflect the historical information from the Theatres Study. In her evidence statement, Ms Brady recommended updating the existing Statement of Significance contained in the City of Yarra Review of Heritage Overlay Areas by Graeme Butler and Associates (2007). She said that under the heading ‘What is significant?’ the following text should be added (underlined):

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.

Under the heading ‘Why is it significant?’ Ms Brady recommended adding an additional dot point:

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

During the Hearing, Council referred Ms Brady to the updated Statement of Significance for the precinct prepared by GJM Heritage in the Victoria Street and Bridge Road Built Form Review. She said that her recommendations could be relocated into the GJM Statement of Significance. The text relating to ‘What is significant?’ was unchanged, however she suggested that the text for ‘Why is it significant?’ could be modified to say:

The 1888 skating rink, later adapted to the Richmond Cinema, also survives. His was the focus of various forms of entertainment in the precinct for many decades.

Ms Brady said this modified text should be included within the section of the statement dealing with individually significant buildings.

In cross examination, Ms Brady acknowledged that her review of the subject site and its heritage significance was, to a large extent, reliant on the findings of the Theatre Study.

Ms Eastoe on behalf of the Richmond Church Land Trust, submitted that the evidence of Mr Beeston should be preferred over Ms Brady. She said that Mr Beeston had completed a more thorough review of the site and its history and had concluded that the site did not warrant

any elevation of its grading and therefore a site specific Statement of Significance was not necessary or appropriate. Ms Eastoe submitted that if a site specific citation was required then:

... this is a case where the statement of significance for the subject site would benefit from further revision, with the involvement of the landowner and be informed by the work prepared by Mr Beeston.¹⁸

Council submitted that elevating the site to be 'individually significant' within the existing HO310 would necessitate a range of consequential changes to the:

- City of Yarra Database of Heritage Significant Areas (July 2019)
- Statement of Significance to HO310 to include the proposed changes recommended by Ms Brady
- exhibited individual Statement of Significance for the site to:
 - remove references to the interior of the place
 - relocate the Statement of Significance within the section relating to 'individually significant places within precincts'.

In its closing submission, Council provided updated versions of the Statement of Significance for the precinct and the site in a document called Yarra High Streets (Victoria Street and Bridge Road) Statement of Significance: Reference Document (May 2020).

Council submitted that the tracked changes to HO310 reflect the changes recommended by Ms Brady. The changes to the site specific citation were said to:

- utilise the exhibited statement of significance, reflecting the historical research and findings of the Theatres Study
- remove references to the interior of the building, reflecting Council's position on this matter and the opinions of Ms Brady and Mr Beeston in relation to the significance of the interior
- update the statement to reflect information contained in the evidence statement of Mr Beeston.

(ii) Discussion

The Panel does not accept that the grading of the former Richmond Theatre warrants elevation from 'contributory' to 'individually significant'. The Panel has come to this conclusion on the basis of the evidence from Mr Beeston, who presented a very detailed account of the development of the site in his evidence statement. The Panel was impressed with the extent of research and the depth of the assessment presented by Mr Beeston. His conclusion that the site was only just worthy of contributory status was based on a sound and very thorough assessment of the site.

On the other hand, the evidence of Ms Brady was based on a less solid foundation. She acknowledged that she had not been able to inspect the interior of the place and that her conclusion regarding the grading of the building was, in large part, based on the analysis presented in the Theatres Study prepared by Context. The Panel finds this analysis less persuasive than Mr Beeston's.

¹⁸ Document 56, para 30

The Panel agrees with Mr Beeston that the extent of modification to the building and the few remaining remnants of the building's past limit the capacity to understand the history of the site and its heritage significance. The Panel does not accept that the building should be downgraded to 'not contributory'.

Having concluded that the site does not justify a grading of 'individually significant', it follows that it would be inappropriate and unnecessary to require a Statement of Significance for a 'contributory' building. On this basis, the Panel rejects the proposed site specific Statement of Significance for the former Richmond Theatre.

It remains for the Panel to consider the need for any changes to the Statement of Significance for the Bridge Road Precinct (HO310).

The Panel has reviewed the existing Statement of Significance and agrees that the updated version completed by GJM Heritage in the report titled Victoria Street and Bridge Road Precinct Review, 2018 provides a better basis to manage the heritage values of the precinct. The Panel heard no objections to the version prepared by GJM Heritage.

Ms Brady suggested that the current Statement of Significance (and the GJM version) for the precinct could be enhanced through the addition of two minor modifications that lean on the work of the Theatres Study.

Under the heading 'What is significant?', Ms Brady recommended the addition of two sentences that explained the early chronology from Skating Rink to the Richmond Cinema.

The Panel finds these additions of little utility and consider they sit rather incongruently against the remainder of the passage. Ms Brady's additions would mean sites within the precinct that have greater heritage significance than the former Richmond Theatre, would have less description in this passage than the former theatre. It is also unclear that the additions proposed by Ms Brady even refers to the land at 311-317 Bridge Road.

The Panel notes that Ms Brady first recommended these words in her evidence statement as additions to the existing Statement of Significance. It was unclear why she did not reference the updated Statement of Significance prepared by GJM Heritage, which provides a more comprehensive description and assessment than the existing Statement of Significance. Although during the Hearing Ms Brady agreed that the GJM Heritage Statement of Significance could be amended with her additional text, the Panel considers that drafting of the Statement of Significance requires a more considered approach.

The other text recommended by Ms Brady is under the heading 'Why is it significant?'. This relates to a description of the former Richmond Theatre within the context of individually significant buildings. As the Panel has already concluded that the site is not 'individually significant', it follows that it is inappropriate to include any words relating to the former Richmond Theatre within this portion of the Statement of Significance.

Having regard to all of the above, the Panel considers that the Statement of Significance proposed in the GJM Heritage report is satisfactory and does not require the changes recommended by Ms Brady.

(iii) Conclusions and recommendations

The Panel concludes:

- The former Richmond Theatre should remain a ‘contributory’ place within the Bridge Road Precinct (HO310).
- It is not necessary or appropriate to prepare a site specific Statement of Significance for the former Richmond Theatre.
- The proposed changes to the Statement of Significance for the Bridge Road Precinct (HO310) recommended by Ms Brady are not supported.
- The Statement of Significance for the Bridge Road Precinct (HO310) as updated in the Victoria Street and Bridge Road Precinct Review, GJM Heritage (2018) provides a sound basis to manage the heritage significance of the place.

The Panel recommends:

- 15. Abandon the proposed site specific Statement of Significance for the former Richmond Theatre.**
- 16. Apply the version of the Statement of Significance for the Bridge Road Precinct (HO310) as shown in the Panel preferred version in Appendix D5.**

6 Hall's Buildings, 202-206 Church Street, Richmond

6.1 The issues

The properties at 202-206 Church Street, Richmond, consist of three side-by-side two storey Victorian shops and residences.

Figure 6 202-206 Church Street, Richmond
(from Brady evidence statement)



The site is currently affected by an interim Heritage Overlay (HO509).

The Amendment proposes to apply a permanent site-specific Heritage Overlay (HO526) to the whole of the site and apply an 'individually significant' grading to the site.

The Amendment is based on the Victoria Street and Bridge Road Built Form Review, GJM Heritage, 2018 (the GJM Heritage report).

The Amendment also proposes:

- to update the City of Yarra Database of Heritage Significant Areas, July 2019 (an existing Incorporated Document in the planning scheme) to refer to the site
- to include the proposed Statement of Significance as a Reference Document in Clause 21.11.

The issues are:

- Whether the land should be included within HO526
- Whether the site should be graded as 'individually significant'
- Whether the Statement of Significance should be a Reference Document under Clause 21.11 or an Incorporated Document in accordance with Clause 43.01-5.

6.2 Evidence and submissions

Council submitted that the basis for HO526 and the heritage grading of the site was the GJM Heritage report. The citation in the report states:

Hall's Buildings, 202-206 Church Street, Richmond is illustrative of the historical development that occurred along a major, early commercial thoroughfare in the City of Yarra, particularly in the 'boom' period of the 1880s (Criterion A).

Hall's Buildings, 202-206 Street, Richmond is a fine, intact and representative example of a row of Victorian shops and residences. It displays typical features of the Victorian architectural style popular in the 1880s in Richmond and across Melbourne more broadly, including a parapeted façade with repetitive upper floor fenestration, rendered façade and ground floor shopfronts (Criterion D).¹⁹

Ms Brady gave evidence that she completed a peer review of the GJM Heritage report with respect to the Hall's Buildings. She said:

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.²⁰

The owners of 202 Church Street made submissions objecting to the introduction of HO526 (submissions 8 and 9).

The owner of 204 Church Street (Mr Mydaras) made similar objections (Submission 7).

At the Hearing, Mr Mydaras represented himself and the owners of 202 Church Street. Although his written submission at the Hearing indicated that he represented the owners of 206 Church Street, Mr Mydaras confirmed to the Panel that he had no authority to represent the owners of 206 Church Street. The Panel notes that the owners of 206 Church Street did not make a submission to the Amendment and were not a party to the Hearing.

In summary, Mr Mydaras submitted:

- the proposed heritage controls would be a burden on the commercial zoning of the buildings
- the area surrounding the site is undergoing significant change and development and the application of heritage controls would be inappropriate
- there are mainly contemporary buildings in the neighbourhood
- the building does not form part of a heritage streetscape
- three buildings do not make a heritage place
- the buildings are not sufficiently interesting
- the building has diminished integrity including the loss of original shopfronts, verandahs, timber windows, and changes to the building plans as shown in the 1897 MMBW plan included in the place citation
- the façade is of poor quality, with very thin rendering in poor condition.

Mr Mydaras presented numerous photographs of the façade, parapet and the roof of the buildings to demonstrate the quality of the building. He said the buildings had been substantially modified and were in very poor condition and as a result they should not be

¹⁹ GJM Heritage report, Attachment D

²⁰ Document 33, para 154

included in a Heritage Overlay. He pointed to many cracks and the deteriorating condition of the buildings and concluded that they were *“well and truly past their use by date”*.

Mr Mydaras said he could not understand why the adjoining property at 200 Church Street had not been included in the Heritage Overlay. He said that if 200 Church Street was not worthy of inclusion in the Heritage Overlay then his property should also not be included.

In response to the issues raised by Mr Mydaras, Ms Brady said:

- it is recognised that the Church Street context for the historic row is changing
- contemporary buildings surround and adjoin the site and are under construction
- the proposed site-specific Heritage Overlay does not rely on an historic context for its significance and is not included in a heritage precinct
- the row of buildings is recognisably of nineteenth century origin and will continue to present as such into the future
- the buildings are 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
- changes made to the buildings, including modifications to the shopfronts, removal of verandahs, and other changes to the rear of the three buildings, are acknowledged in the place citation
- the changes to the buildings are within a range which is not uncommon with historic buildings including commercial buildings of this type
- 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.

Council acknowledged that a Heritage Overlay will introduce another layer of control for property owners by imposing additional permit triggers and relevant considerations to a future planning permit application. It submitted that this was necessary to ensure those places with the requisite level of heritage value are recognised and appropriately managed within the municipality.

Council submitted that it was a well-recognised and a generally accepted consequence that planning controls set parameters in relation to the use and development potential of land. It noted that all properties in the municipality are subject to zoning controls and most are also subject to overlay controls.

Council submitted that concerns relating to future redevelopment opportunities are immaterial to this stage of the planning process and more appropriately considered at the planning permit stage. It said this approach correctly recognised the importance of prioritising enduring and long term matters such heritage protection and conservation over matters of development potential, building condition, economic matters and planning approvals which are, by contrast, short- term in nature.

Council acknowledged that not all buildings covered by the Amendment are in perfect condition, however, it submitted that the condition of a building does not diminish heritage significance, particularly in the case of the Hall’s Buildings at 202-206 Church Street. It said the identification and protection of heritage places at the Amendment stage allows the structural integrity or condition of buildings to be properly assessed against identified heritage values at the planning permit application stage. This allows for the most appropriate

balancing of competing priorities (in cases where a redevelopment proposal might undermine the heritage significance of a place).

Council submitted the introduction of the Heritage Overlay does not preclude buildings, works or demolition of a property altogether.

Mr Mydaras said that the Hall's Buildings were in a similar situation to properties in Bay Street Brighton. He referred to a Panel Report relating to Bayside Amendment C82 where he said the Panel had recommended that properties at 270-272 Bay Street be removed from a proposed Heritage Overlay.

Council acknowledged that the exhibited Statement of Significance for the proposed HO526 was not proposed to be included as an Incorporated Document. It could not adequately explain to the Panel why this was the case. During the Hearing, Council agreed that, in accordance with the requirements of Clause 43.01-5, a Statement of Significance for a new heritage place (HO526) is required to be an Incorporated Document. No parties commented on this issue.

6.3 Discussion

The Panel accepts that the GJM Heritage report provides sufficient strategic justification to apply the Heritage Overlay to the Hall's Buildings in Church Street, Richmond. The report was peer reviewed by Ms Brady and she agreed that the work was thorough and completed with appropriate rigour.

The Panel agrees with Council that the contemporary and changing environment surrounding the site does not detract from the heritage significance of the place. Indeed, contemporary built form is required to respect the values of heritage buildings.

The Panel also notes that the heritage place at 202-206 Church Street does not rely on an historic context for its significance.

The Panel agrees with Ms Brady that the changes that have been made to the buildings are acknowledged in the place citation and are typical of other historic buildings including commercial buildings of this type.

The Panel does not accept that the imposition of a heritage Overlay will create an unacceptable burden on the owners. As Council explained, the Yarra Planning Scheme has many provisions that restrict or enable land use and development in different circumstances. The Heritage Overlay gives Council the ability to assess certain permit applications in response to the heritage place, including applications to demolish or remove a building.

For the reasons submitted by Council, the Panel also does not agree that the condition of the building is a reason to not apply the Heritage Overlay. The Panel accepts the long-held principle that structural integrity or condition of a building should not be a criterion for assessing heritage significance.

That is not to say that the condition of the Hall's Buildings is irrelevant in the planning system. Such factors are highly relevant at the planning permit stage. However, to consider such matters at this stage of the Amendment process would undermine the 'longer term consideration' of heritage protection.

The Panel has reviewed the Bayside Amendment C82 Panel Report referred to by Mr Mydaras and the Panel considers that the circumstances are not comparable. The Bayside example dealt with the determination of the boundary to a very large heritage precinct in Bay Street, Brighton. The Panel in that case noted that the purpose of that precinct was to identify a broad collection of places that contributed to the significance of the area. As a result of other changes to the Heritage Overlay that the Panel recommended, the properties at 270-272 Bay Street would have been isolated from the rest of the precinct. It was not specified whether these properties were contributory or individually significant, but the report noted that 83 per cent of the buildings in the precinct were contributory. The Panel concluded that the significance of the precinct would not be diminished by the removal of 270-272 Bay Street from the precinct.

The Yarra Amendment C245 does not propose a heritage precinct in Church Street in the same way as Bayside. Instead, it proposes a site specific Heritage Overlay affecting three properties graded as individually significant.

The Panel accepts the heritage assessment of GJM Heritage and Ms Brady that these properties reach the required threshold to warrant a Heritage Overlay.

The Panel also accepts that, in accordance with the assessment in the GJM Heritage report, the buildings should be graded 'individually significant'.

The Panel agrees with Council that the Statement of Significance for HO526 should be included within an Incorporated Document and the relevant parts of the schedules to clauses 43.01 and 72.04 should be amended accordingly.

6.4 Conclusions and recommendations

The Panel concludes:

- The Victoria Street and Bridge Road Built Form Review, GJM Heritage, 2018 provides an appropriate strategic basis for the application of heritage controls at 202-206 Church Street, Richmond
- It is appropriate to apply HO526 to the properties at 202-206 Church Street, Richmond as exhibited.
- The exhibited grading of the buildings as 'individually significant' is appropriate.
- The Statement of Significance included in the Victoria Street and Bridge Road Built Form Review, GJM Heritage, 2018 should be included as an Incorporated Document and referred to in the schedule to Clause 43.01 and the schedule to clause 72.04.

The Panel recommends:

17. Amend HO526 in the schedule to Clause 43.01 to include the Statement of Significance as an Incorporated document in accordance with the Panel preferred version of the schedule in Appendix D3.

18. Amend the schedule to Clause 72.04 to include the Statement of Significance for HO526 as an Incorporated Document in accordance with the Panel preferred version of the schedule in Appendix D4.

19. Include the Statement of Significance for HO526 in the Panel preferred version of the Incorporated document as shown in Appendix D6.

7 Queens Parade Road Reserve

7.1 The issues

The exhibited Amendment proposes to extend the existing HO93 to include previously unprotected street trees and related elements between Alexandra Parade and Delbridge Street. The Amendment also proposes to include the 'Heritage Citation: Queens Parade, Fitzroy North Street Trees, John Patrick Landscape Architects Pty Ltd (2018)' as a reference document in Clause 22.11 and Clause 22.02-8.

The heritage citation updates the existing citation in the City of Yarra Heritage Review completed by Allom Lovell and Associates and John Patrick Landscape Architects Pty Ltd in 1998, which is a reference document in the planning scheme.

The issues are:

- Whether the extent of the HO93 is appropriate
- Whether the Statement of Significance is appropriate.

7.2 Evidence and submissions

Council submitted the proposed changes to HO93 were based on a report prepared by John Patrick Landscape Architects called 'Heritage Overlay Study, Queens Parade, Fitzroy North, November 2018'. The purpose of the report was to address an apparent anomaly in the mapping of HO93.

The description in the existing citation and the schedule to Clause 43.01 states that the heritage place extends along Queens Parade between Alexandra Parade and Delbridge Street, Clifton Hill. The citation refers to a range of features in the road reserve and implies that it affects the full road reserve.

The existing Heritage Overlay map, however, shows HO93 extending only along a central corridor within the Queens Parade road reserve between Alexandra Parade and Delbridge Street. The Amendment proposes to extend HO93 to include the full width of the road reserve along Queens Parade from Alexandra Parade to Delbridge Street. Council submitted that this ensured that the planning scheme map was consistent with the citation.

The report prepared by John Patrick Landscape Architects recommends a number of minor changes to the existing Statement of Significance, but essentially leaves the old format and structure of the existing Statement of Significance. The modifications include clarification of terminology, plant species and additional descriptions of the uncut rock median borders.

The 3068 Group (Inc) submitted:

- HO93 should be extended further to the south-west to include Napier Reserve and an existing substation
- Turkey Oak is not a suitable replacement species for the elm boulevard
- the Statement of Significance does not distinguish between the 19th century planting and the interwar plantings.

Council responded that:

- the submission does not object to the proposed extension to HO93

- the Napier Reserve and the substation was not within the brief of John Patrick Landscape Architects when they reviewed HO93
- the submission seeks an extension to HO93 which is beyond the scope of Amendment C245
- any proposal to include the Napier St Reserve would require further study.

Council submitted that successive replacement of the London Plane component of the avenue tree planting is being undertaken with Turkey Oak. It said this strategy was appropriate for the location as the species is tolerant of site conditions and consistent with a double avenue tree planting of heritage significance. It noted that Turkey Oak was based on the recommendations in the John Patrick report and said no reasons or evidence was provided by the submitter to explain why Turkey Oak was inappropriate.

Ms Brady gave evidence on behalf of Council regarding HO93. She made several observations regarding the John Patrick Landscape Architects (2018) report (although noting that it was “*not specifically subject to peer review*”), including that:

- neither the 1998 citation, nor the revised 2018 citation, include a history of the Queens Parade plantings
- the Statement of Significance does not refer to the historical value of HO93 and it would be improved with the addition of information to help distinguish the earliest plantings and therefore identify the most historically significant plantings
- additional historical research may shed light on any heritage values associated with Napier Reserve
- attributing a general date to the hard landscaping works, where this information is available in historical records and photographs, would also be helpful.

Council noted Ms Brady’s comments, but submitted that the type of historical analysis suggested by Ms Brady was not part of the scope of work for this Amendment. Council was satisfied with the content of the exhibited Statement of Significance and said if further work is recommended to strengthen the citation, this can occur as part of a future study, and is not necessary for the purposes of the Amendment.

Ms Brady also noted that the eastern boundary of HO93 appeared to overlap the western end of the adjoining HO330 precinct. The Panel asked Council to clarify this mapping issue.

Council responded in its closing submission:

- that existing HO93 extends to Delbridge Street, overlapping with HO330 to an extent in the east
- the extent of the overlap can be confirmed using the VicPlan website
- it was unusual for overlays to overlap and it can be challenging to use the VicPlan website to establish the extent of the overlap
- the extent of the overlap between HO93 and HO330 was not proposed to be addressed as part of this Amendment.

Council submitted that the Queens Parade Precinct (HO330) specifically recognises the heritage significance of the Victorian and Edwardian era of residential and commercial development which has occurred on either side of Queens Parade in the precinct. While HO330 covers the Queens Parade road reserve, the overlay is directed towards protecting built form along the road. This differs to the existing and intended updated role of HO93.

The Panel also queried whether the proposed extension of HO93 would overlap with HO327 (North Fitzroy Precinct) to the north and HO317 (Clifton Hill Western Precinct) to the south. Council confirmed that HO327 and HO317 do extend slightly into the Queens Parade service road reserve and therefore overlap with the exhibited extension of HO93.

Council submitted that the minimal extent of overlap between the overlays should be of no concern to the Panel. It said the overlaps occur on the road reserve and the only party that would be affected by the overlap is VicRoads, who is unlikely to be impacted by the overlay controls directed towards matters of built form (ie. HO330, HO327 and HO317).

Council concluded that:

... while the overlap is unusual and to be avoided in the majority of cases, it should not prevent the extension of HO93 to protect the important heritage fabric within the road reserve.

The boundaries of HO330, HO327 and HO317 could be reviewed in the future to exclude the road reserve however Council submits that this is beyond the scope of the Amendment before the Panel.²¹

Council acknowledged that the proposed revised Statement of Significance for HO93 does not comply with the new format prescribed in PPN01. It said a full rewrite of the Statement of Significance was not within the scope of the John Patrick study.

Council submitted that the updated statement of significance is appropriate for inclusion in the Scheme as a reference document, consistent with the exhibited Amendment.

7.3 Discussion

The Panel agrees that it is appropriate to amend the extent of HO93 on the planning scheme map to include the full width of the Queens Parade road reserve from Alexandra Parade to Delbridge Street, Clifton Hill. This makes the Heritage Overlay map consistent with the heritage citation and the significance of the place.

The Panel agrees with Council that any further extension of HO93 into Napier Reserve should only proceed subject to further investigations and this is not part of Amendment C245.

The Panel accepts that the updated Statement of Significance has been prepared having regard to the existing format and with modification sufficient to clarify and confirm a variety of issues. It was not a comprehensive re-write; it was a conservative edit. Within this context, the Panel agrees the updated citation is satisfactory.

The Panel considers, however, that Amendment C245 provided an opportunity for Council to complete a more detailed 'fix-up' to HO93 than what has been proposed. Instead, Council has prepared a very modest set of changes to HO93 that still leaves several gaps and anomalies. This is disappointing and somewhat ironic for an Amendment that was presented as a suite of changes to correct anomalies in the planning scheme.

The Panel was frustrated that the Amendment was not more comprehensive, however, it understands the position of Council and accepts it is a small step along the path towards resolving the heritage issues for this site. The Panel considered recommending abandoning this portion of the Amendment until further work was completed, however it ultimately

²¹ Document 62, para 71-72

concludes that the proposed changes to HO93 should proceed. Although far from perfect, the deficiencies are not fatal.

The Panel would encourage Council to consider these deficiencies in a future planning scheme amendment. These issues include:

- the preparation of the Statement of Significance in the contemporary format consistent with PPN01
- inclusion of additional information regarding the history of the plantings and hard landscaping works within the Statement of Significance
- whether Napier Reserve warrants inclusion in HO93
- the interaction of HO93 with the adjoining heritage precincts (HO317, HO327 and HO330) to remove overlapping heritage boundaries.

7.4 Conclusions

The Panel concludes:

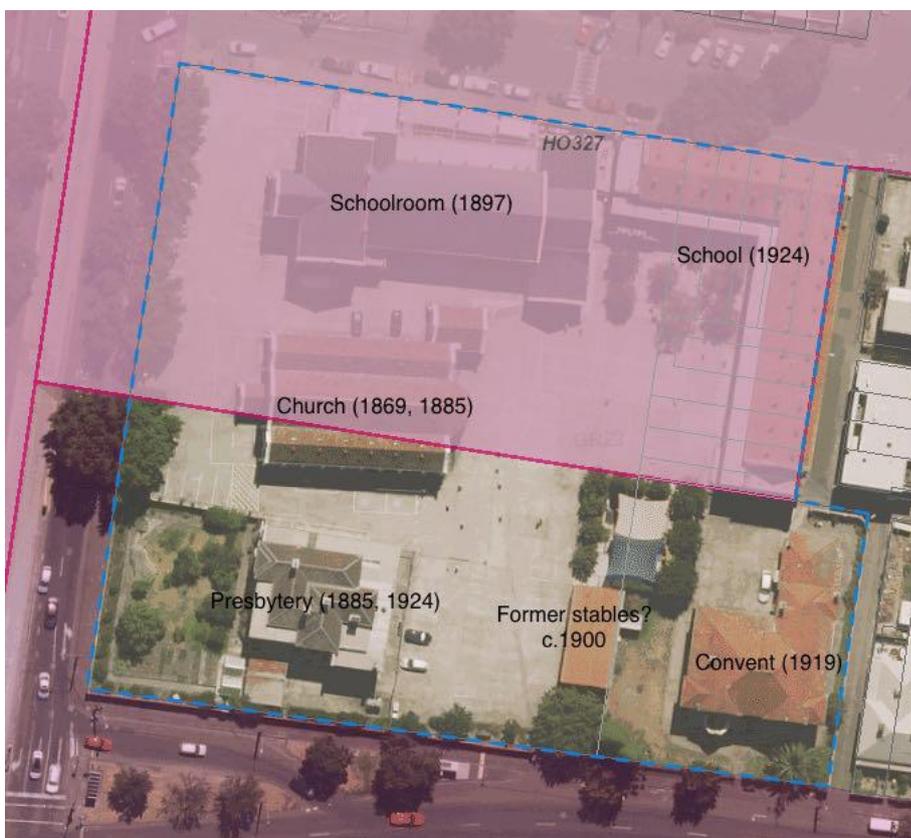
- The proposed changes to the mapping of HO93 should proceed as exhibited.
- The exhibited Statement of Significance is satisfactory.
- Council should consider a future planning scheme amendment for the site that addresses a range of unresolved anomalies and gaps in the heritage controls for this place.

8 St Brigid's Catholic Church

8.1 The issues

The St Brigid's Catholic Church complex at 378 Nicholson Street (including 378, 378A and 378C Nicholson Street), 20 York Street and 27 Alexandra Parade North Fitzroy is currently partly subject to HO327 – North Fitzroy Precinct. The boundary of HO327 currently cuts through the site and excludes part of the church, the presbytery and the former convent at 27 Alexandra Parade as shown below.

Figure 7 Extent of HO327 North Fitzroy Precinct shown in pink and boundary of St Brigid's Church complex shown by blue dotted line
(from Helms evidence statement)



The exhibited Amendment proposes to extend HO327 across the whole of the site. The site was identified as a heritage mapping 'anomaly' for the purposes of the Amendment.

The issues are:

- Whether HO327 should extend across the whole of the site
- Whether the Statement of Significance should be amended
- Whether any other documents require changes.

8.2 Evidence and submissions

Council submitted the proposed changes to HO327 were to correct an obvious anomaly in the mapping of the boundary of HO327.

The Parish Priest of St Brigid’s Catholic Church objected to the exhibited Amendment. He stated that the buildings proposed to be included within the Heritage Overlay were “*of no significant heritage contribution*” and they are:

- “*ordinary red bricks*”
- “*simple architectural design*”
- “*not old for more than 100 years*”.

The submission requested that “*only the present heritage status of the Church and Presbytery be maintained*”.

St Brigid’s Catholic Church did not request to be heard at the Hearing.

The Panel has considered the written submission from the Parish Priest (Submission 2) referred by Council.

Following the close of the exhibition period, Council engaged Mr Helms, an experienced heritage expert, to assess the issues raised in the submission.

Mr Helms prepared a report dated 4 October 2019. A copy of his report was provided to the Panel by Council. Mr Helms also gave evidence at the Hearing which was largely based on his report prepared in 2019. Mr Helms noted:

- St Brigid’s Catholic Church complex occupies a large site in Fitzroy North on the east side of Nicholson Street and includes three properties - 378 Nicholson Street, 20 York Street and 27 Alexandra Parade
- approximately half the site is currently included within HO327, which applies to the North Fitzroy Heritage Precinct
- within the site, HO327 currently applies to:
 - the northern section of 378 Nicholson Street, which contains the 1897 school and hall (the red brick building at the corner of Nicholson and York streets) and most of the church - noting that the boundary of HO327 cuts through the church, excluding most of the south aisle
 - 20 York Street, which contains the 1924 school building
- the church, the Presbytery (at the corner of Nicholson Street and Alexandra Parade), and the former convent at 27 Alexandra Parade are currently excluded on the map overlay from HO327
- of the buildings currently included within HO327, the Incorporated Document²² identifies the ‘schoolroom’ (the 1897 school and hall) and church as ‘Individually Significant’. There is no listing for the 1924 school at 20 York Street
- the presbytery, despite not being included within HO327, is also identified as ‘Individually Significant’ in the Incorporated Document.

Today, the 1897 and 1924 school buildings form part of the Simonds Catholic College.

Mr Helms gave evidence that:

In my opinion St Brigid’s Catholic Church complex is of local heritage significance. As a Parish centre comprising buildings constructed from c.1870 to the 1920s St Brigid’s is comparable to St John’s, Queens Parade, Clifton Hill, which was recently assessed as a place of local significance by the Queens Parade Built Form Heritage Analysis and Recommendations 2017. St Brigid’s is significant for similar reasons:

²² The City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, revised December 2018

- As a large and intact group of religious buildings, including a church, school, presbytery, hall and convent. This group of buildings is illustrative of a large suburban parish, with a place of worship and associated educational and community facilities, established from the late nineteenth century through to the early twentieth century. The convent and school buildings demonstrate the importance of education to the Catholic Church and the major expansion of schools carried out in the early twentieth century (Hercon Criterion A).
- As a fine, intact and representative example of a religious parish centre complex comprised of buildings from the Victorian and Federation periods, which display typical characteristics of a range of styles (Hercon Criterion D), and
- As a landmark grouping of buildings on a prominent site (Hercon Criterion E).

The church itself is of individual significance, as one of the oldest churches in the municipality. Internally, the Fuller organ may be significant along with the architectural details mentioned in the 1978 building citation.

The 'Individually Significant' gradings of the Presbytery and the 1897 school and hall are justified for the reasons set out below:

- The presbytery is historically significant, as evidence of the elevation of St Brigid's to a parish with a resident priest.
- The 1897 school and hall are historically significant, as the oldest church school building on the site and one of the oldest in the municipality.

The 1919 convent and 1924 school are at least of Contributory significance, as part of the church complex. These buildings may be of individual significance, but further comparative analysis is required.²³

Mr Helms concluded that the proposed extension of HO327 over the balance of 378 Nicholson Street was appropriate because:

- the local significance of the complex justifies inclusion in the Heritage Overlay in accordance with PPN01
- it will resolve the anomaly where the current HO327 boundary cuts through the middle of the church and excludes the presbytery, which is currently listed in incorporated document as an Individually Significant place
- it will ensure that all the St Brigid's church buildings are included within the heritage overlay, and this was consistent with PPN01.

Mr Helms also said that as a place of local significance, the St Brigid's Catholic Church complex is worthy of specific recognition in the HO327 precinct Statement of Significance. He said the Statement of Significance in 'Section 'A' North Fitzroy Heritage Overlay Area (South of Holden Street)' under 'What is significant?'; subheading 'Contributory elements, south of Holden St'; subheading 'Contributory elements also include:.'; the following words should be added after dot point six:

St Brigid's Catholic Church Parish complex comprising the church and front fence (comprising the iron and bluestone fence with rendered entry posts immediately in front of the church), presbytery and outbuilding, 1897 school and hall and brick fence to York Street, 1924 school, and convent.²⁴

Mr Helms also said it was desirable to prepare an individual citation for the whole of the St Brigid's complex. This should include further analysis to determine if, for example, specific Heritage Overlay controls are warranted such as interior controls for the church or to identify the significant fences and outbuildings, and whether the convent or 1924 school are of

²³ Document 34, para 49

²⁴ Document 34, para 25

individual significance. He indicated that this was further work beyond the scope of the proposed Amendment.

With respect to Amendment C245, Mr Helms recommended that the Incorporated Document for HO327 be modified as follows:

- 378C Nicholson Street - rename the 'schoolroom' as 'School and hall'
- Insert a new listing for 27 Alexandra Parade – the St Brigid's former convent constructed in 1919 and including the place as 'contributory'
- Insert a new listing for 20 York Street – St Brigid's School constructed in 1924 and including the place as 'contributory'.

In its closing submission, Council submitted an updated extract of the Incorporated Document that included the changes recommended by Mr Helms (Document 62, Attachment 2).

Council confirmed it supported all of the recommendations from Mr Helms.

Council acknowledged Mr Helms' recommendation that work be undertaken to prepare an individual citation for the St Brigid's precinct. It said that this should be subject to a separate study and a separate planning scheme amendment process.

8.3 Discussion

The Panel agrees that the boundary to HO327 should be modified as exhibited to include all of the land within the St Brigid's Catholic Church complex. The evidence from Mr Helms was conclusive that:

- the additional buildings included by the change to the overlay mapping are of heritage significance
- the change to the mapping will correct an obvious anomaly
- it is inappropriate to have a building split by a heritage boundary
- the extension of HO327 to cover the whole site is consistent with good planning practice as recommended in PPN01.

The Panel agrees with Mr Helms that the City of Yarra Database of Heritage Significant Areas, July 2019 (as exhibited) should be modified with respect to the buildings at:

- 27 Alexandra Parade (St Brigid's former convent)
- 378C Nicholson Street (St Brigid's Roman Catholic School and hall)
- 20 York Street (St Brigid's School).

The Panel accepts the updated version of the Incorporated Document provided by Council in Document 62, Attachment 2. These changes will bring the document into line with the existing conditions and correctly identify the key buildings within the complex.

The Panel accepts the proposed gradings for the new entries are appropriate and consistent with the research completed by Mr Helms.

The Panel does not accept that the existing Statement of Significance for the HO327 precinct should be modified at this time. The Panel notes that no changes to the Statement of Significance were exhibited as part of the Amendment and, although the changes are relatively minor, it would be more appropriate to consider any updates as part of a broader review of the St Brigid's complex.

The Panel considers that the existing Statement of Significance is generally satisfactory until such time as a broader review of the heritage significance of the site has been completed.

In this respect, the Panel supports the views of Mr Helms that the St Brigid's complex should be the subject of a more detailed review to determine whether the site should be part of a site specific Heritage Overlay. On the weight of material presented to the Panel, there would at this stage, appear to be a strong prima facie case for a site specific Heritage Overlay. In that event, the site would then have its own Statement of Significance and it may be appropriate at that stage to also update various sections of the precinct's Statement of Significance.

The Panel agrees with Mr Helms and Council that the further work associated with a broader review of the St Brigid's complex goes beyond the scope of this Amendment and should be subject to a separate process.

8.4 Conclusions and recommendation

The Panel concludes:

- All of the land within the St Brigid's Catholic Church complex should be included within HO327.
- The City of Yarra Database of Heritage Significant Areas, July 2019 (as exhibited) should be modified with respect to the buildings at:
 - 378C Nicholson Street - renamed St Brigid's Roman Catholic School and hall
 - 27 Alexandra Parade (St Brigid's former convent) – a new listing and included as a contributory place
 - 20 York Street (St Brigid's School) – a new listing and included as a contributory place.
- The Statement of Significance for the Heritage Precinct HO327 should not be modified at this time.
- Any change to the Statement of Significance should be made following a broader review of the heritage status of the St Brigid's complex as part of a separate planning scheme amendment process.

The Panel recommends:

20. Amend the City of Yarra Database of Heritage Significant Areas, July 2019 for HO327 as shown in the Panel preferred version in Appendix D6.

9 51 Langridge Street / 14 Glasgow Street, Collingwood

9.1 The issues

The exhibited Amendment proposes to:

- remove the existing Heritage Overlay HO109 (55 Langridge Street, Collingwood – Former William Peatt Boot Factory) from land at 14 Glasgow Street, Collingwood
- change the address of HO109 in the schedule to Clause 43.01 (Heritage Overlay) and the Incorporated Document titled City of Yarra Database of Heritage Significant Areas, July 2019, from 55 Langridge Street, Collingwood to 61-75 Langridge Street, Collingwood.

The issue is whether the proposed changes to the extent of HO109 and the address of the site are appropriate.

9.2 Evidence and Submissions

Council submitted it had initially identified the application of HO109 at 14 Glasgow Street as a heritage mapping ‘anomaly’ as it was thought that it applied to a carpark which is understood to be of no heritage value.

The Collingwood Historical Society supported the proposed change of address of HO109 however objected to the proposed removal of 14 Glasgow Street until its heritage significance had been assessed.

Following the close of the exhibition period, Council engaged Mr Helms, an experienced heritage expert, to assess the issues raised in the submission.

Mr Helms prepared a report dated 4 October 2019. A copy of his report was provided to the Panel by Council and it noted that:

- Two separate Heritage Overlays (HO109 and HO420) apply to the former William Peatt Boot Factory complex, which was constructed in stages from 1895 to about 1937
- HO109 applies to sections of the factory constructed in 1906 and about 1937 and although these buildings face Langridge Street, they form part of the property known as 64 Wellington Street and partly 14 Glasgow Street
- The planning scheme and the Statement of Significance refers to HO109 located at 55 Langridge Street
- HO109 appears to have been based on work completed by Allom Lovell and Associates in 1998
- HO420 applies to the 1895 section of the factory, which faces Wellington Street and is part of 64 Wellington Street
- The planning scheme and the Statement of Significance refers to HO420 as 64 Wellington Street
- HO420 appears to have been based on work completed by Lovell Chen in 2012
- Given that the buildings are part of the same complex they should have been assessed as part of the one place in the 2012 study and given a single citation and Heritage Overlay number.

Figure 8 Existing HO109 and HO420 showing 14 Glasgow Street (blue dotted line). The red arrow indicates the section of the 1937 William Peatt building that appears to be within 14 Glasgow Street (from Helms evidence statement)



Mr Helms concluded that:

- the part of 14 Glasgow Street proposed for removal from HO109 contains a car park that has no heritage value but it also includes a small part of the significant c.1937 William Peatt building
- the proposed new address for HO109 in the Heritage Overlay schedule and incorporated document is incorrect
- in accordance with Planning Practice Note 1, there should be a single citation and Heritage Overlay number for the former William Peatt Boot Factory complex
- the proposed changes to HO109 should be removed from Amendment C245 pending a further review, which should include:
 - a desktop review of the two separate citations to make a single citation for the William Peatt Boot Factory
 - a more detailed investigation of the title boundary to determine whether or not the c.1937 William Peatt building is partially within 14 Glasgow Street.

Mr Helms gave similar evidence at the Hearing.

Council accepted Mr Helms' recommendation that it would not be appropriate to remove HO109 from 14 Glasgow Street at this time.

Additionally, Council accepted Mr Helms' conclusion that the proposed new address for the HO109 is incorrect.

Accordingly, Council supported the abandonment of the proposed changes to HO109 from the Amendment pending further study to establish the correct title boundaries of 14 Glasgow Street and the appropriate address of HO109.

9.3 Discussion

The Panel agrees with Council that the proposed changes to HO109 as part of Amendment C245 should not proceed at this time.

The investigations completed by Mr Helms clearly demonstrate the need for further assessment of the William Peatt Boot Factory to determine:

- an appropriate boundary for the heritage place
- a single Heritage Overlay number and associated Statement of Significance for the whole of the complex
- the correct address for the site.

The results of that further investigation should inform a future planning scheme amendment that deals with the site.

9.4 Conclusions and recommendations

The Panel concludes:

- The proposed changes to HO109 should not proceed at this time.
- Further investigations into the heritage significance, boundary and address of the William Peatt Boot Factory are required.
- Consideration should be given to combining HO109 and HO420 into a single Heritage Overlay that deals with the whole of the site.
- The results of these further investigations should form part of a separate planning scheme amendment.

The Panel recommends:

- 21. Abandon the proposed changes to HO109 relating to the extent of the Heritage Overlay.**
- 22. Abandon the proposed address for HO109 in the schedule to Clause 43.01 and retain it as 55 Langridge Street, Collingwood.**
- 23. Abandon the proposed address for HO109 in the City of Yarra Database of Heritage Significant Areas, July 2019 and retain it as 55 Langridge Street, Collingwood.**
- 24. Complete further investigations into the appropriate boundary, address and heritage significance of the William Peatt Boot Factory and consider consolidating HO109 and HO420 into a single Heritage Overlay with a single Statement of Significance. The results of that work should inform a separate planning scheme amendment.**

10 Form and content of the Amendment

10.1 General drafting issues

The Panel was puzzled by some of the drafting in the Amendment. These deficiencies were foreshadowed by DELWP in its letter on 21 December 2018 authorising the preparation of the Amendment. That letter noted:

Amendment C148 recently introduced changes to the Heritage Overlay and the Schedule to Clause 43.01. The Department notes that you should have regard to the Ministerial Direction on the Form and Content of Planning Schemes, in particular the incorporated statement of significances are expressed in the Schedule to Clause 43.01.

It is recommended you liaise with DELWP officers before submitting the schedule to 43.01 and explanatory report for exhibition to ensure the exhibited version is in line with the Ministerial Direction on Form and Content of Planning Schemes.

The essence of Amendment VC148 (insofar as heritage matters) is discussed in Section 2.4 of this report.

Council was unable to satisfactorily explain to the Panel what discussions, if any, had taken place between Council and DELWP prior to the exhibition of the Amendment. In any event, Council conceded that the exhibited Amendment did not comply with the requirements of Amendment VC148.

In its closing submission, Council stated:

While it is unfortunate that the exhibited documents did not comply with VC148, Council notes that the reference to Amendment VC148 in the authorisation letter was a recommendation of the Department, and not a condition of authorisation.²⁵

Whatever the interpretation, it is clear to the Panel that DELWP was flagging an important issue that should have been addressed before the Amendment was exhibited. The Panel does not accept that it was open to Council to exhibit the Amendment without consideration of the matters dealt with in Amendment VC148.

The exhibited version of the Amendment did not include any Statements of Significance as Incorporated documents within the planning scheme. All proposed Statements of Significance were proposed to be included within reference documents listed in clauses 21.11 and 22.02.

At its meeting of 26 November 2019, Council resolved to update a document called 'Yarra High Streets: Statement of Significance' with the addition of the Statements of Significance from Amendment C245. During the Hearing, Council submitted that it was exploring the use of this document as a single source of all Statements of Significance for Yarra's 'High Streets'. To date, this has included Swan Street, Queens Parade, Victoria Street and Bridge Road.

This response, however, did not address the fundamental issue addressed by DELWP in its letter of authorisation as the updated Yarra High Streets document was proposed to be included as a reference document in the planning scheme.

The Panel also expressed concern during the Hearing that a number of the Statements of Significance in the Yarra High Streets document related to properties included in other planning scheme amendments, and many of these had not been finalised.

²⁵ Document 62, para 94

In its Part B submission, Council presented another version of the Yarra High Streets document (Document 55) which was proposed to be an Incorporated Document. The front page of the document states:

This incorporated document contains the Statement of Significance for all Heritage Precincts and Individually Significant Places (where a Statement of Significance has been prepared) within:

- Richmond Conservation Study: undertaken for the City of Richmond, O'Connor, John & Coleman, Roslyn et al. (1985)
- City of Yarra Heritage Review, Allom Lovell & Associates (1998)
- City of Yarra Heritage Review, Allom Lovell & Associates and John Patrick Landscape Architects Pty Ltd (1998)
- City of Yarra Heritage Gaps Study, Anthemion Consultancies (2012)
- Heritage Gap Study, Review of Central Richmond, Context Pty Ltd (2014)
- City of Yarra Review of Heritage Overlay Areas, Graeme Butler & Associates (2007, 2013)
- Thematic Study of Theatres in the City of Yarra, Context Pty. Ltd (2017)
- Victoria Street and Bridge Road Built Form Review Heritage Assessments, GJM Heritage (2018)
- Heritage Citation: Queens Parade, Fitzroy North Street Trees, John Patrick Landscape Architects Pty. Ltd (2018).

Various parties expressed concerns regarding the extent of transformation of the Amendment and the Panel sought clarification from Council as to what was intended.

In its closing submission, Council stated:

Having regard to the comments made by the Panel and parties during the hearing, Council proposes a restructure of its reference and incorporated documents. In summary Council proposes to:

- only incorporate the statements of significance for new heritage places, as this is a mandatory requirement since Amendment VC148 ...
- include the statements of significance for the rest of the properties as separate reference documents to the Scheme ... (clauses 21.11 and 22.02), as it is not mandatory to incorporate these under VC148 ...²⁶

Council also proposed to include properties within these incorporated and reference documents that only related to the properties affected by the Amendment.

The Panel is satisfied with the general approach ultimately proposed by Council, subject to the detailed issues discussed below.

Again, the Panel notes that the extensive confusion and reorganisation of the Statements of Significance could have (and should have) been avoided by more careful consideration of these issues from the beginning of the process.

This chapter includes conclusions and recommendations regarding the final form of various clauses and documents based on the analysis presented in this report. This includes:

- Clause 21.11 – Reference documents
- Clause 22.02 – Development guidelines for sites subject to the Heritage Overlay
- the schedule to Clause 43.01 – Heritage Overlay
- the schedule to Clause 72.04 – Documents incorporated in this planning scheme

²⁶ Document 62, para 112

- the Incorporated documents.

10.2 Final form of Clause 21.11 - Reference documents

In its closing submission, Council submitted that the Statements of Significance for the following places should be included within a new document called Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020):

Precincts:

- HO310 Bridge Road Precinct, Richmond
- HO408 Victoria Street Precinct, Richmond
- HO444 Victoria Street West Precinct, Richmond.

Individually Significant Places

- HO53 Former Savings Bank, 231 Victoria Street, Abbotsford
- HO54 Former National Bank of Australasia, 261 Victoria Street, Abbotsford
- HO55 Shops, 275-277 Victoria Street, Abbotsford
- HO56 Shops, 295 Victoria Street, Abbotsford
- HO57 Shops, 297-301 Victoria Street, Abbotsford
- HO58 Shops, 371-377 Victoria Street, Abbotsford
- HO59 Former East Collingwood Hotel, 385 Victoria Street, Abbotsford
- HO60 Shops, 459-465 Victoria Street, Abbotsford
- HO61 Shops, 511 Victoria Street, Abbotsford
- HO62 Terminus Hotel, Former Bricklayers Arms Hotel, 605 Victoria Street, Abbotsford
- HO63 Former Crusader Plate Building, 651 Victoria Street, Abbotsford
- HO64 Former Handley & Tilley Building, 653-657 Victoria Street, Abbotsford
- HO65 Former Alma Woolworks Complex, 661-663 Victoria Street, Abbotsford
- HO230 Richmond Police Station, 319-323 Bridge Road, Richmond
- HO259 Pelaco Sign, 21-31 Goodwood Street, Richmond
- HO260 Former Gas Inspector's Residences, 7 Gleadell Street, Richmond
- HO289 House, 316 Victoria Street, Richmond
- HO290 Byrne's Arcade Terrace, 318-320 Victoria Street, Richmond
- HO291 Former Simpson's Glove Factory, 488-496 Victoria Street, Richmond
- HO353 Skipping Girl Neon Sign, 651-653 Victoria Street, Abbotsford
- HO416 Quint Café/Former Duke of Albany Hotel, 323-325 Victoria Street, Abbotsford.

Individually Significant Places Within Precincts:

- HO310 Richmond Cinema (former), 311-317 Bridge Road, Richmond
- HO310 Grynberg Drapers Shop and Office, 99-101 Bridge Road, Richmond
- HO310 Shops and residences, 108-112 Bridge Road, Richmond
- HO310 Wustermann's Buildings, Shop and residence, 138-144 Bridge Road, Richmond
- HO310 London Baby Carriage Manufacturers Pty Ltd Factory and show room, 153-161 Bridge Road, Richmond
- HO310 Former Melbourne Savings Bank, 184 Bridge Road, Richmond
- HO310 Shop and Residence, 199-205 Bridge Road, Richmond
- HO310 National Bank of Australasia (former), 231 Bridge Road, Richmond

- HO310 Former Commonwealth Savings Bank of Australia and residence, 267 Bridge Road, Richmond
- HO310 Theobalds Building, 294 Bridge Road, Richmond
- HO310 Shops and residences 381-389 Bridge Road, Richmond.

Council submitted that these Statements of Significance were considered as part of the Victoria Street and Bridge Road Review prepared by GJM Heritage or were considered to geographically form part of that area.

Additionally, Council proposed to include the Statement of Significance for the former Richmond Theatre, which is derived from the Theatres Study, in this reference document.

Council submitted that it was appropriate to include the Statements of Significance for these places within reference documents because all of these sites currently are within existing Heritage Overlays listed in the schedule to Clause 43.01.

Council submitted its preferred version of this reference document in Document 62, Attachment 5.

The Panel generally agrees with Council's approach except, for the reasons outlined in Chapter 5, the changes to Precinct HO310 are not supported. Similarly, the inclusion of the former Richmond Theatre in the 'Individually Significant Places Within Precincts' is not supported.

In its closing submission, Council also submitted that a 'stand-alone' Statement of Significance for the former Burnley Theatre should be included within Clause 22.11. For the reasons already discussed in this report, the Panel does not support that inclusion.

Council acknowledged that there are earlier or superseded versions of the Statements of Significance contained within the Victoria Street and Bridge Road Built Form Review Heritage Assessments, GJM Heritage (2018) and the Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017). Despite this, Council submitted it was still appropriate for these studies to be reference documents in clauses 21.11 and 22.02. Council suggested that, prior to adoption of the Amendment, it may be prudent for 'watermarks' to be inserted over the Statements of Significance in those background studies to avoid any overlap.

On the other hand, parties for the three former theatres submitted that it would be inappropriate to include these background studies as reference documents.

Mr O'Farrell, on behalf of the owners of the former Burnley Theatre submitted that the idea of 'watermarks' over parts of the reports was problematic and procedurally flawed.

Mr Connor QC, on behalf of the owners of the former Austral Theatre, submitted that reference or background documents should only be included in the planning scheme if they assist in understanding the context within which a particular policy or provision has been framed. He said that the primary thesis of the Theatres Study was that interior controls should be applied over three former theatres. Mr Connor submitted that in the event that internal controls were not applied to those theatres it would be contrary to good planning practice and PPN13 to have a background document which explains a policy or control which is not in the planning scheme.

Ms Eastoe, on behalf of the owners of the former Richmond Theatre also submitted similar views. She said that the weight of evidence before the Panel confirmed that the Theatres Study and the GJM Heritage report should not be included as reference documents.

The Panel agrees with the submissions from Mr O'Farrell, Mr Connor and Ms Eastoe that the Theatres Study report and GJM Heritage report should not be included as reference documents in the planning scheme.

Although the Theatres Study report contains some interesting information, its inclusion as a reference document has the potential to cause confusion and would be of little utility. The Panel has already outlined its concerns with respect to the conclusions and recommendations of the Theatres Study in previous chapters. For these reasons, it would be inappropriate to include the Theatres Study as a reference document.

Similarly, as the important parts of the GJM Heritage report have been distilled into the Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020), the Panel sees little utility in also including the GJM Heritage report as a reference document. The inclusion of the GJM report would only cause potential confusion or duplication of material and is unnecessary.

Conclusions

The Panel concludes that the following documents should be deleted from the exhibited version of Clause 21.11:

- Victoria Street and Bridge Road Built Form Review: Heritage Assessment, GJM Heritage (2018)
- Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017).

The Panel concludes that the following document should be added to the exhibited version of Clause 21.11:

- Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020).

These changes are reflected in the Panel preferred version of Clause 21.11 in Appendix D1.

The content of the Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020) should be generally as submitted by Council in Document 62, Attachment 5, but amended in accordance with the Panel preferred version in Appendix D5.

Recommendations:

25. Modify Clause 21.11 in accordance with the Panel preferred version in Appendix D1.

26. Modify the Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020) in accordance with the Panel preferred version in Appendix D5.

10.3 Final form of Clause 22.02 - Development guidelines for sites subject to the Heritage Overlay

The exhibited reference documents in Clause 22.02-8 essentially mirrors the list of exhibited reference documents in Clause 21.11.

It follows that the Panel's conclusions and recommendations regarding Clause 21.11 are applicable to Clause 22.02-8.

Conclusions

The Panel concludes that the following documents should be deleted from the exhibited version of Clause 22.02-8:

- Victoria Street and Bridge Road Built Form Review: Heritage Assessment, GJM Heritage (2018)
- Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017).

The Panel concludes that the following document should be added to the exhibited version of Clause 22.02-8:

- Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020).

These changes are reflected in the Panel preferred version of Clause 22.02 in Appendix D2.

Recommendations:

27. Modify clause 22.02 in accordance with the Panel preferred version in Appendix D2.

10.4 Final form of schedule to Clause 43.01 - Heritage Overlay

In previous chapters, the Panel has already recommended changes with respect to the schedule to Clause 43.01 for the following Heritage Overlays:

- HO109 – leave address as 55 Langridge Street
- HO286 – delete internal controls (replace ‘YES’ with ‘NO’)
- HO499 – former Austral Theatre - delete
- HO504 – former Richmond Theatre – delete.

In its closing submission, Council submitted that the schedule to Clause 43.01 should be amended to specify the Statements of Significance within an Incorporated document for the eight new Heritage Overlays (HO525 to HO532 inclusive). It submitted this was consistent with the requirements of VC148 (Clause 43.01-5).

Council proposed that the Statement of Significance for each new Heritage Overlay would be included within the Yarra High Streets (Victoria Street and Bridge Road) Statement of Significance: Incorporated Document (May 2020).

The Panel accepts Council’s approach with respect to the proposed eight new Heritage Overlays and agrees that this is required in order to comply with Clause 43.01-5.

Conclusion

The Panel concludes that the exhibited version of the schedule to Clause 43.01 should be amended by including reference to the Statement of Significance within an incorporated document for the following Heritage Overlays:

- HO525, Shop and Residence, 637-639 Bridge Road, Richmond
- HO526, Hall’s Buildings, 202-206 Church Street, Richmond
- HO527, Pair of Terrace Houses, 32 and 34 Thomas Street, Richmond
- HO528, James Boland Shop and Residence, 635 Bridge Road, Richmond
- HO529, Royal Oak Hotel, 529-533 Bridge Road, Richmond
- HO530, Whipps Terrace, 597-599 Bridge Road, Richmond
- HO531, Flour Mill and Grain Store Complex (former), 534-534A Bridge Road, Richmond

- HO532, Richmond Town Hall, 325-333 Bridge Road, Richmond.

These changes are in addition to the recommendations regarding the schedule to Clause 43.01 expressed in other chapters of this report.

Recommendation:

- 28. Modify the schedule to Clause 43.01 in accordance with the Panel preferred version in Appendix D3.**

10.5 Final form of schedule to Clause 72.04 - Documents incorporated in this planning scheme

In its closing submission, Council submitted that the schedule to Clause 72.04 should be amended to include the Yarra High Streets (Victoria Street and Bridge Road) Statement of Significance: Incorporated Document (May 2020). This includes the eight new heritage Overlays referred to in the section above (HO525 to HO532 inclusive).

The Panel supports this approach and notes this is consistent with the schedule to Clause 43.01.

In its closing submission, Council also submitted that a ‘stand-alone’ Statement of Significance for the former Austral Theatre should be included as an Incorporated document in the schedule to Clause 72.04. For the reasons already expressed in this report, the Panel does not agree with that inclusion.

Conclusion

The Panel concludes that the following document should be added to the exhibited version of Clause 72.04:

- Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Incorporated Document (May 2020).

Recommendation:

- 29. Modify the schedule to Clause 72.04 in accordance with the Panel preferred version in Appendix D4.**

10.6 Final form of Incorporated Documents

The exhibited Amendment proposed a number of changes to the existing City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, revised December 2018. The first of these was a change to the name of the document to City of Yarra Database of Heritage Significant Areas, July 2019. A number of minor changes to the content of the document were also proposed.

Consistent with the conclusions and recommendations already made in this report, the following changes are recommended to the exhibited City of Yarra Database of Heritage Significant Areas, July 2019:

- HO109, William Peatt Boot Factory (former) – leave address as 55 Langridge Street
- HO327, St Brigid’s Church Complex – modify as shown in the Panel preferred version in Appendix D6
- HO499, former Austral Theatre - delete
- HO504, former Richmond Theatre – delete.

In its closing submission (Document 62, Attachment 3), Council provided its preferred version of the Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Incorporated Document (May 2020). The Panel agrees with this Council version and adopts it as the Panel preferred version in Appendix D6.

Recommendation

- 30. Include the Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Incorporated Document (May 2020) as shown in the Panel preferred version in Appendix D6.**

Appendix A Submitters to the Amendment

No.	Submitter
1	Mr De Luca
2	St Brigid's Catholic Church
3	J, JB and EC Drill
4	Richmond Church Lands Trust
5	Collingwood Historical Society
6	The 3068 Group (Inc)
7	Mr Mydaras
8	Ms Tran
9	Mr Tran
10	Mr Nott
11	Mr Wight

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Yarra City Council	Ms Briana Eastaugh of Maddocks assisted by Ms Zina Teoh, who called expert evidence on: <ul style="list-style-type: none"> - Heritage from Ms Anita Brady of Anita Brady Heritage - Heritage from Mr David Helms of David Helms Heritage Planning
Richmond Church Lands Trust	Ms Lucy Eastoe of Best Hooper Lawyers, who called expert evidence on: <ul style="list-style-type: none"> - Heritage from Mr Roger Beeston of RBA Architects and Conservation Consultants Pty Ltd
JB and EC Drill	Mr Peter O'Farrell of Counsel instructed by Ms Victoria Vilagosh of Norton Rose Fulbright, who called expert evidence on: <ul style="list-style-type: none"> - Heritage from Mr Bryce Raworth of Bryce Raworth Pty Ltd
Mr De Luca	Mr Paul Connor QC assisted by Ms Marissa Chorn instructed by Ms Rhodie Anderson of Rigby Cooke Lawyers, who called evidence on: <ul style="list-style-type: none"> - Heritage from Mr Bryce Raworth of Bryce Raworth Pty Ltd
Collingwood Historical Society	Ms Karen Cummings
Mr Con Mydaras	
Mr Terence Nott	
Ms Irene Tran	Mr Mydaras
Mr Ian Wight	

Appendix C Document list

No.	Date	Description	Provided by
1	17/2/2020	Letter dated 13/2/20 from Tamara Brezzi of Norton Rose Fulbright to Planning Panels Victoria regarding late submissions and adjournment	Chair
2	17/2/2020	Letter dated 14/2/20 from Rigby Cooke Lawyers to Planning Panels Victoria in response to Document 1	Chair
3	17/2/2020	Letter dated 13/2/20 from Terry Montebello of Maddocks to Planning Panels Victoria in response to Document 1	Chair
4	17/2/2020	Letter dated 14/2/20 from Lucy Eastoe of Best Hooper Lawyers to Planning Panels Victoria in response to Document 1	Chair
5	17/2/2020	Letter dated 17/2/20 from Panel Chair to all parties including Documents 1, 2, 3 and 4	Chair
6	19/2/2020	Letter dated 19/2/20 from Lucy Eastoe of Best Hooper Lawyers to Planning Panels Victoria in response to Document 5	Chair
7	19/2/2020	Letter dated 19/2/20 from Tamara Brezzi of Norton Rose Fulbright to Planning Panels Victoria in response to Document 5	Chair
8	19/2/2020	Letter dated 19/2/20 from Briana Eastaugh of Maddocks Lawyers to Planning Panels Victoria in response to Document 5	Chair
9	19/2/2020	Letter dated 19/2/20 from Rigby Cooke Lawyers to Planning Panels Victoria in response to Document 5	Chair
10	20/2/2020	Letter dated 20/2/20 from Panel Chair to all parties regarding second Directions Hearing	Chair
11	21/2/2020	Letter dated 21/2/20 from Rigby Cooke Lawyers to Planning Panels Victoria in response to Document 10	Chair
12	21/2/2020	Email dated 21/2/20 from Lucy Eastoe of Best Hooper Lawyers to Planning Panels Victoria in response to Document 10 and 11	Chair
13	21/2/2020	Email dated 21/2/20 from Planning Panels Victoria to all parties confirming need for second Directions Hearing	Chair
14	28/2/2020	Letter dated 28/2/20 from Panel Chair to all parties regarding Directions, Distribution List and Hearing Timetable	Chair
15	13/3/2020	Letter dated 13/3/20 from Panel Chair to all parties regarding potential impact of Novel Coronavirus 2019 (COVID-19) on Planning Panels	Chair
16	26/3/2020	Letter dated 26/3/20 from Panel Chair to all parties regarding possible alternative arrangements for the conduct of the Hearing	Chair

No.	Date	Description	Provided by
17	31/3/2020	Letter dated 31/3/20 from Terry Montebello of Maddocks to Planning Panels Victoria in response to Document 16	Chair
18	31/3/2020	Letter dated 31/3/20 from Rigby Cooke Lawyers to Planning Panels Victoria in response to Document 16	Chair
19	31/3/2020	Letter dated 31/3/20 from Victoria Vilagosh of Norton Rose Fulbright to Planning Panels Victoria in response to Document 16	Chair
20	31/3/2020	Letter dated 31/3/20 from Lucy Eastoe of Best Hooper to Planning Panels Victoria in response to Document 16	Chair
21	31/3/2020	Email dated 30/3/20 from Karen Cummings of the Collingwood Historical Society to Planning Panels Victoria in response to Document 16	Chair
22	31/3/2020	Email dated 30/3/20 from Con Mydaras to Planning Panels Victoria in response to Document 16	Chair
23	31/3/2020	Email dated 31/3/20 from Ian Wight to Planning Panels Victoria in response to Document 16	Chair
24	6/4/2020	Letter dated 6/4/20 from Panel Chair to all parties providing update on Hearing process and new Directions	Chair
25	6/4/2020	Email dated 6/4/20 from Mr Nott to Planning Panels Victoria in (late) response to Document 16 supporting Hearing proceeding 'on the papers'	Chair
26	7/4/2020	Email dated 7/4/20 from Mr Wight to Planning Panels Victoria seeking late Request to be Heard 'on the papers'	Chair
27	8/4/2020	Email dated 8/4/20 from Planning Panels Victoria to all parties accepting Mr Wight's late RTBH	Chair
28	9/4/2020	Email dated 9/4/20 from Planning Panels Victoria to all parties advising of 'group test run' of video conference platform to be held 17/4/20	Chair
29	9/4/2020	Email dated 9/4/20 from Planning Panels Victoria providing addendum to Document 28.	Chair
30	9/4/2020	Email dated 8/4/20 from Janet Taylor of Collingwood Historical Society to Council requesting features to be videoed in former theatres.	Chair
31	9/4/2020	Email dated 9/4/20 from Council to all parties providing list of features to be videoed in accordance with Direction 8 in Document 24	Chair
32	14/4/2020	Council Part A submission	Council
33	14/4/2020	Expert witness statement from Anita Brady on behalf of Council	Council
34	14/4/2020	Expert witness statement from David Helms on behalf of Council	Council

No.	Date	Description	Provided by
35	14/4/2020	Expert witness statement from Roger Beeston on behalf of Richmond Church Land Trust	Best Hooper
36	14/4/2020	Expert witness statement from Bryce Raworth on behalf of JB and EC Drill	Norton Rose Fulbright
37	14/4/2020	Expert witness statement from Bryce Raworth on behalf of Anthony De Luca	Rigby Cooke
38	15/4/2020	Email dated 15/4/20 from Planning Panels Victoria with attached letter dated 15/4/20 from Maddocks regarding Skype procedures	Chair
39	16/4/2020	Letter dated 16/4/20 from Briana Eastaugh of Maddocks in response to Direction 18	Council
40	16/4/2020	Letter dated 16/4/20 from Rigby Cooke Lawyers in response to Direction 18	Rigby Cooke
41	16/4/2020	Letter dated 16/4/20 from Karen Cummings of the Collingwood Historical Society in response to Direction 18	Ms Cummings
42	16/4/2020	Letter dated 16/4/20 from Norton Rose Fulbright in response to Direction 18	Norton Rose Fulbright
43	16/4/2020	Email dated 16/4/20 from Terence Nott in response to Direction 18	Mr Nott
44	16/4/2020	Email dated 16/4/20 from Best Hooper in response to Direction 18	Best Hooper
45	17/4/2020	Email dated 17/4/20 from Planning Panels Victoria to all parties in accordance with Direction 19	Chair
46	17/4/2020	Letter from Rigby Cooke Lawyers dated 17/4/20 with floor plans and link to videos of internal features of former Austral Theatre	Rigby Cooke
47	17/4/2020	Letter from Norton Rose Fulbright dated 17/4/20 with link to video of internal features of former Burnley Theatre	Norton Rose Fulbright
48	17/4/2020	Email from Best Hooper dated 17/4/20 with floor plan and link to video of former Richmond Theatre	Best Hooper
49	21/4/2020	Submission from Mr Wight	Mr Wight
50	21/4/2020	Photos from Mr Mydaras (forwarded by Maddocks on behalf of Mr Mydaras)	Maddocks/Mr Mydaras
51	21/4/2020	Submission from Mr Mydaras	Mr Mydaras
52	22/4/2020	Council Part B Submission – ‘Electronic Folder’ with Files 1 - 17	Council
53	23/4/2020	Submission from Collingwood Historical Society	Ms Cummings
54	23/4/2020	Submission from Mr Nott	Mr Nott

No.	Date	Description	Provided by
55	23/4/2020	Yarra High Streets: Statements of Significance October 2017 (March 2020) – 23.04.20 update	Council
56	23/4/2020	Submission from Richmond Church Lands Trust	Best Hooper
57	24/4/2020	Submission on behalf of JB and EC Drill	Mr O'Farrell
58	24/4/2020	Submission on behalf of Mr De Luca	Mr Connor QC
59	27/4/2020	Email dated 27/4/20 from Planning Panels Victoria to all parties confirming process regarding Council closing submission and revised drafting of documents	Chair
60	27/4/2020	Revised 'Attachment A' (V2) to Document 57 – including contributory elements under the heading 'Why is it significant?'	Norton Rose Fulbright
61	27/4/2020	Revised 'Attachment A' (V3) to Document 57 – including contributory elements under the heading 'What is significant?'	Norton Rose Fulbright
62	1/5/2020	Council closing submission and associated documents (Files 1-8)	Maddocks
63	4/5/20	Email dated 4/5/20 from Mr Mydaras requesting additional time to respond to Document 62	Mr Mydaras
64	4/5/20	Email responding to all parties regarding Document 63	Planning Panels Victoria
65	7/5/20	Submission from Collingwood Historical Society in response to Document 62	Ms Cummings
66	7/5/20	Submission from Mr Connor QC in response to Document 62	Rigby Cooke
67	7/5/20	Submission from Mr O'Farrell (including attachments) in response to Document 62	Norton Rose Fulbright
68	7/5/20	Submission from Mr Mydaras in response to Document 62	Mr Mydaras
69	7/5/20	Submission from Mr Nott in response to Document 62	Mr Nott
70	8/5/20	Email from Planning Panels Victoria to all parties advising that the reserve drafting day (12/5/20) would not be required.	Planning Panels Victoria

Appendix D Panel preferred versions of clauses and documents

Tracked Added

~~Tracked Deleted~~

D1 Panel preferred version of Clause 21.11

The Panel has shown tracked changes to the exhibited version of Clause 21.11

21.11

Proposed C245yara

REFERENCE DOCUMENTS

General

Council Plan 2005-2009.

Inner Melbourne Action Plan (October 2005).

Yarra City Council Access and Inclusion Policy (November 2004)

City of Yarra Access and Inclusion strategy 2004-2009

Disability Action Plan 2001—2004

Land Use

Yarra Residential Interface Study 2001 (City of Yarra, 2001)

Accommodation and housing

Inner Regional Housing Statement (January 2006)

Retail, entertainment and the arts

Yarra City Council Arts and Cultural Plan, 2005-2009

Inner City Entertainment Precincts Taskforce “A Good Night for All”

Industry, office and commercial

Yarra Economic Development Strategy 2001-2004

Yarra Industrial and Business Land Strategy Review (Hansen Partnerships & Charter, Keck, Cramer, September 2004).

Parks, gardens and public open space

Yarra City Council Recreation Strategy Plan 2003/2008

Built Form**Heritage**

Heritage Citation: 18-22 Derby Street, Collingwood, Anthemion Consultancies (2018)

Heritage Citation: 33-45 Derby Street, Collingwood, GJM Heritage (2018)

Heritage Citation: Queens Parade, Fitzroy North Street Trees, John Patrick Landscape Architects Pty. Ltd. (2018)

Collingwood Mixed Use Pocket, Heritage Assessment & Recommendations, GJM Heritage (2018)

Victoria Street and Bridge Road Built Form Review: Heritage Assessment, GJM Heritage (2018)

Thematic Study of Theatres in the City of Yarra, Context Pty. Ltd. (2017)

Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020)

Swan Street Built Form Study Heritage Assessments & Analysis, October 2017 (GJM Heritage)

Yarra High Streets: Statements of Significance, October 2017 (GJM Heritage)

Heritage Citation: 112-124 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.

Heritage Citation: 20-60 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.

Heritage Gap Study: Review of Johnston Street East, Context Pty Ltd 2016.

Heritage Gap Study: Review of 17 Precincts Stage 2 Report, Context Pty Ltd 2014, revised 2016.

Heritage Review of Predefined Areas In Abbotsford & Collingwood Stage 2 Report, Context Pty Ltd 2015.

Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, Context Pty Ltd 2014.

- City of Yarra Heritage Gaps Study – Smith Street South, Anthemion Consultancies 2014.*
- City of Yarra Heritage Gaps – 233-251 Victoria Street Abbotsford Anthemion Consultancies, 2012.*
- City of Yarra Heritage Gaps Stage Two, Graeme Butler and Associates 2009.*
- City of Yarra Heritage Gaps Stage One, Graeme Butler and Associates 2008.*
- City of Yarra Heritage Gaps Review One 2013 [Appendix A and B includes Statements of Significance] Incorporated Plan under the provisions of clause 43.01 Heritage Overlay - methodology report, Lovell Chen 2014.*
- City of Yarra Heritage Gaps Review Two 2013.*
- City of Yarra Heritage Gaps Study – 233-251 Victoria Street, Abbotsford, Anthemion Consultancies 2012.*
- World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens, Department of Planning and Community Development 2009.*
- City of Yarra Review of Heritage Overlay Areas [Appendix 7 includes Statements of Significance], Graeme Butler and Associates 2007 updated 2013.*
- Yarra Heritage Database 2007 including photos, Allom Lovell and Associates 1998.*
- Development Guidelines for Heritage Places (City of Yarra, 1999).*
- City of Yarra Heritage Review, Volumes 1-4, Allom Lovell and Associates 1998.*
- Protecting Archaeological Sites in Victoria, Heritage Victoria 1998.*
- The Burra Charter. Australian ICOMOS Charter for the Conservation of Places of Cultural Significance, as updated from time to time.*
- Fitzroy Urban Conservation Study Review, Allom Lovell and Associates 1992.*
- Collingwood Conservation Study, Andrew Ward and Associates 1989.*
- Richmond Conservation Study, J and T O'Connor and Coleman and Wright Architects 1985.*
- Carlton, North Carlton and Princes Hill Conservation Study, Nigel Lewis and Associates 1984.*
- City of Northcote Urban Conservation Study, Graeme Butler Architect 1982.*
- South Fitzroy Conservation Study, Jacob Lewis Vines Architects 1979.*
- North Fitzroy Conservation Study, Jacob Lewis Vines Architects 1978.*

Built form character

- Urban Design Guidelines for the Yarra River Corridor (City of Yarra, 1998), as amended April 2004*
- City of Yarra Built Form Review 2003*

Transport

- Yarra Strategic Transport Statement City of Yarra 2006*
- Encouraging and increasing walking strategy, City of Yarra 2005*

Environmental Sustainability

- The Yarra Environment Strategy: Our Sustainable Future (City of Yarra, November 2000).*
- Review of Policies and Controls for the Yarra River Corridor: Punt Road to Burke Road: Consultant Report (Planisphere and Jones & Whitehead, June 2005).*
- Middle Yarra Concept Plan (Dept. of Planning and Urban Growth, Dept. of Conservation and Environment, 1990)*

Lower Yarra (Punt Road to Dights Falls) Concept Plan (Ministry for Planning and Environment, 1986)

Lower Darebin Creek Concept Plan (Darebin Creek Co-ordinating

Committee, 1995) Merri Creek Management Plan (Merri Creek

Management Committee, 1997)

Merri Creek Concept Plan (Draft) (Merri Creek Management

Committee, 1997) Yarra River Corridor Strategy (City of Yarra, 1999)

Yarra Catchment Action Plan (YarraCare, 1996)

Port Phillip and Western Port Regional Catchment Strategy 2004 – 2009 (Port

Phillip and Westernport Catchment Management Authority 2004)

Herring Island Enhancement Plan (Acer Wargon Chapman and EDAW

AUST, 1995) Environmental Guidelines for Major Construction Sites

(Environment Protection Authority, 1996)

Yarra Bend Park Strategy Plan (Parks Victoria, 1998)

Yarra Bend Park Environmental Action Plan (Parks Victoria, April 2000)

Yarra Bend / Fairfield Area: Development Opportunities (Chris Dance Land Design and Fulcrum Town Planners, 1997)

City of Yarra Stormwater Management Plan (AWT, December 2000)

Neighbourhood Plans

Smith / Wellington Streets Mixed Use Precinct Urban Design Framework,

March 2005 Victoria Street Activity Precinct Urban Design Framework,

July 2004;

Victoria Street East Precinct, Richmond, Urban Design Framework prepared for the City of Yarra 16 November 2005 (mgs in association with Jones and Whitehead Pty Ltd)

Structure Plans and Local Area Plans

Johnston Street Local Area Plan, 2015

D2 Panel preferred version of Clause 22.02

The Panel has shown tracked changes to the exhibited version of Clause 22.02

22.02
18/10/2018
C232

DEVELOPMENT GUIDELINES FOR SITES SUBJECT TO THE HERITAGE OVERLAY

This policy applies to all land within a Heritage Overlay.

22.02-1
30/09/2010
C85

Policy Basis

The MSS highlights the importance of heritage to the identity and character of the municipality and one of its objectives is to protect and enhance the City's heritage places.

This policy provides guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance.

22.02-2
30/09/2010
C85

Definitions of Words used in this Policy

- **Adaptation:** modifying a place to suit the existing use or a proposed use.
- **Architectural integrity:** the quality of closely reflecting the architecture of the period in which a building was created.
- **Conservation:** the process of looking after a place so as to retain its cultural significance.
- **Cultural significance:** aesthetic, historic, scientific, social or spiritual value for past, present or future generations.
- **Fabric:** all the physical material of the place including components and fixtures, and can include building interiors.
- **Heritage place:** anything subject to the Heritage Overlay and can include a site, area, land, landscape, tree, building or other work, or group of buildings of heritage significance, and may include components or spaces. When used in the context of a building graded individually significant, the heritage place is initially the individually significant building and then the broader heritage area. When used in the context of a contributory building, the heritage place is the broader heritage area.
- **Maintenance:** the continuous protective care of the fabric and setting of a place. It is distinguished from repair which involves restoration and reconstruction.
- **Preservation:** maintaining the fabric of a place in its existing state and retarding deterioration.
- **Reconstruction:** returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.
- **Restoration:** returning the existing fabric of a place to a known earlier state and is distinguished from reconstruction by no introduction of new material into the fabric (note a permit is only required for works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials).

22.02-3
-/-/-/-/
Proposed C245yara

Levels of Significance

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 Database of Heritage Significant Areas*, July 2019. Details of methodology used to determine levels of significance can be found in *City of Yarra Review of Heritage Overlay Areas 2007* (Graeme Butler and Associates), *City of Yarra Heritage Gaps Review Two 2013*, *City of Yarra Heritage Gaps Study July, 2014 – Smith Street South (Anthemion)*, and *Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, November 2014*.

22.02-4

30/09/2010
CBS

Objectives

- To conserve Yarra's natural and cultural heritage.
- To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.
- To retain significant view lines to, and vistas of, heritage places.
- To preserve the scale and pattern of streetscapes in heritage places.
- To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.
- To ensure the adaptation of heritage places is consistent with the principles of good conservation practice.
- To ensure that additions and new works to a heritage place respect the significance of the place.
- To encourage the retention of 'individually significant' and 'contributory' heritage places.
- To protect archaeological sites of cultural heritage significance.

22.02-5

Proposed C245yara

Policy

It is policy to:

22.02-5.1

Demolition

Full Demolition or Removal of a Building

Generally encourage the retention of a building in a heritage place, unless

- The building is identified as being not contributory.
- The building is identified as a contributory building, and
 - new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, *City of Yarra Database of Heritage Significant Areas, July 2019* and
 - the building does not form part of a group of similar buildings.

Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition.

Encourage the retention of original street furniture and bluestone road or laneway materials and details (where relevant).

An application for demolition is to be accompanied by an application for new development.

Removal of Part of a Heritage Place or Contributory Elements

Encourage the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.

Generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:

- That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).

- For a contributory building:
 - that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or
 - the removal of the part would not adversely affect the contribution of the building to the heritage place.
- For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.

22.02-5.2 Original Location

Encourage the retention of a heritage place or a contributory element to a heritage place in its original location unless:

- The location is not an important component of the cultural significance of the heritage place.
- It can be shown that the relocation is the only reasonable means of ensuring the survival of the heritage place.

22.02-5.3 Reconstruction and Restoration

Encourage restoration of a heritage place or contributory element if evidence exists to support its accuracy.

Encourage the reconstruction of a building or works which previously existed in a heritage place if:

- The reconstruction will enhance the heritage significance of the heritage place
- Evidence exists to support the accuracy of the reconstruction.

Encourage the reconstruction of original or contributory elements where they have been removed. These elements include, but are not limited to, chimneys, fences, verandahs, roofs and roof elements, wall openings and fitting (including windows and doors), shopfronts and other architectural details and features.

22.02-5.4 Painting and Surface Treatments

Encourage the removal of paint from originally unpainted masonry surfaces.

Encourage the retention of historic painted signs.

Discourage the sand blasting of render, masonry or timber surfaces; and the painting of unpainted surfaces.

Encourage paint colours to be consistent with the period of the heritage place.

22.02-5.5 Culturally Significant Trees

Encourage the retention of culturally significant trees in a heritage place unless:

- The trees are to be removed as part of a maintenance program to manage loss of trees due to deterioration caused by old age or disease.
- The trees are causing structural damage to an existing structure and remedial measures (such as root barriers and pruning) cannot be implemented.

Ensure additions and new works respect culturally significant trees (and where possible, significant garden layouts) by siting proposed new development at a distance that ensures the ongoing health of the tree.

22.02-5.6 Subdivision

Support the subdivision of sites which do not detract from the heritage value of the place or contributory element.

Where appropriate, use a building envelope plan to protect the heritage values of the place. The building envelope plans should:

- Reflect the original rhythm of the streetscape.
- Allow sufficient space surrounding the heritage place or contributory element to a heritage place to retain its significance or contribution.

22.02-5.7 New Development, Alterations or Additions**22.02-5.7.1 General**

Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:

- Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.
- Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.
- Be visually recessive and not dominate the heritage place.
- Be distinguishable from the original historic fabric.
- Not remove, cover, damage or change original historic fabric.
- Not obscure views of principle façades.
- Consider the architectural integrity and context of the heritage place or contributory element.

Encourage setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.

Encourage similar façade heights to the adjoining contributory elements in the street. Where there are differing façade heights, the design should adopt the lesser height.

Minimise the visibility of new additions by:

- Locating ground level additions and any higher elements towards the rear of the site.
- Encouraging ground level additions to contributory buildings to be sited within the 'envelope' created by projected sight lines (see Figure 1)
- Encouraging upper level additions to heritage places to be sited within the 'envelope' created by projected sight lines (for Contributory buildings refer to Figure 2 and for Individually significant buildings refer to Figure 3).
- Encouraging additions to individually significant places to, as far as possible, be concealed by existing heritage fabric when viewed from the front street and to read as secondary elements when viewed from any other adjoining street.

Discourage elements which detract from the heritage fabric or are not contemporary with the era of the building such as unroofed or open upper level decks or balconies, reflective glass, glass balustrades and pedestrian entrance canopies.

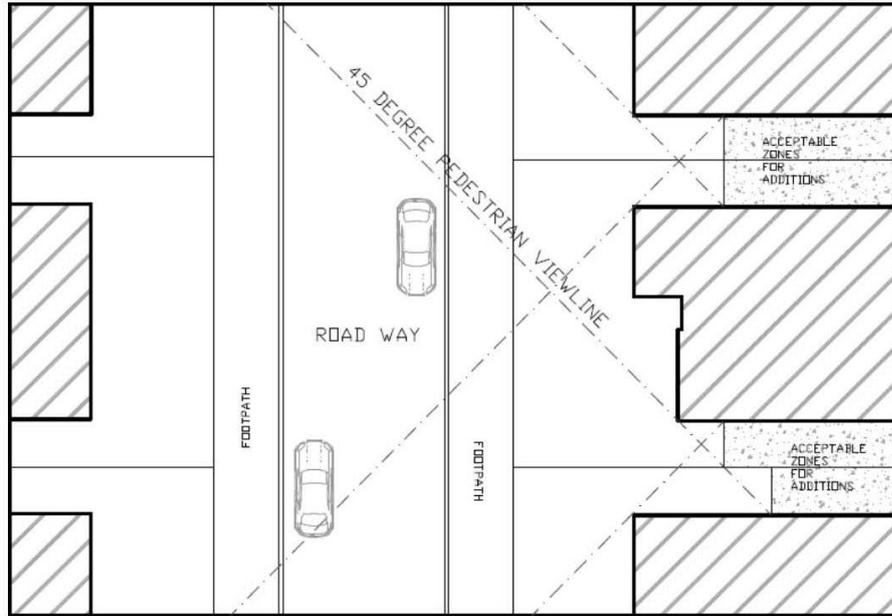


Figure 1 acceptable areas for ground level additions are sited within the area created by drawing a 45 degree view line from the opposite footpath through the front corner of the subject building and the corners of adjacent buildings.

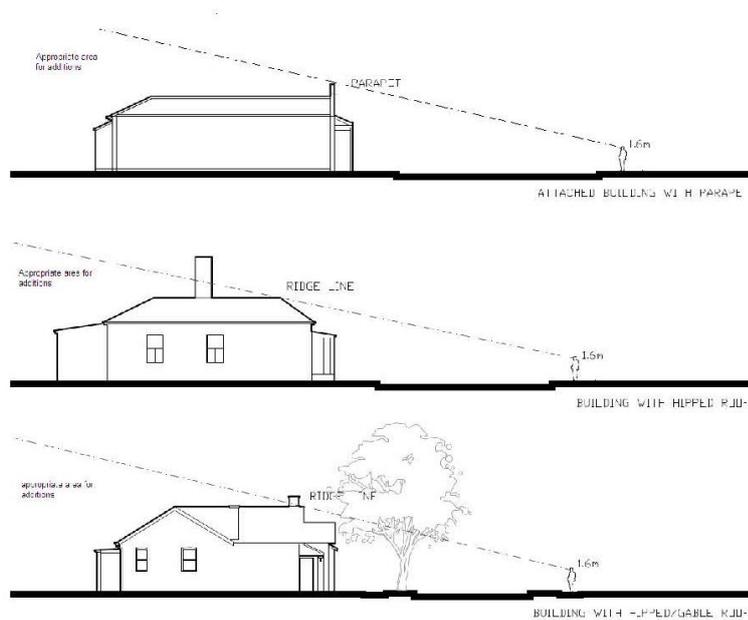


Figure 2 – appropriate areas for upper level additions to contributory buildings are sited within the ‘envelope’ created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the ridge line of the principal roof form.

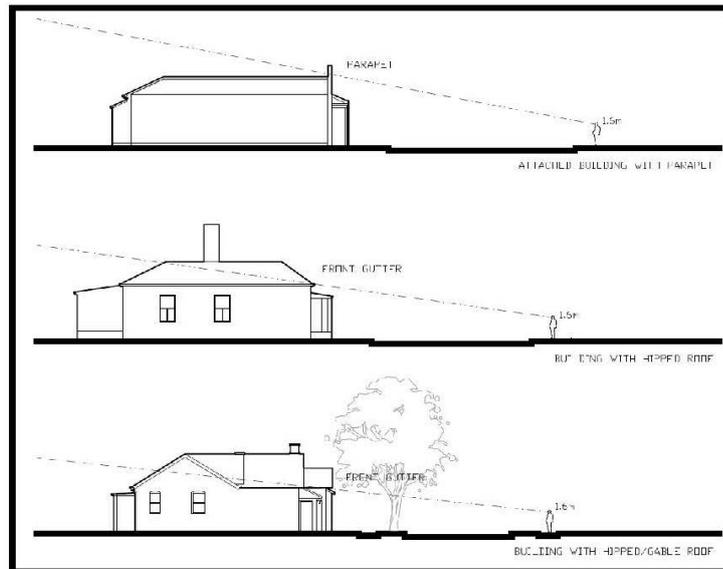


Figure 3 – appropriate areas for upper level additions to individually significant buildings are sited within the ‘envelope’ created by projecting a sight line from 1.6 metres above ground level (eye level of average adult person) from the footpath on the opposite side of the street through the top of the front parapet or the gutter line of the principal roof form.

22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)

Corner Sites and Sites with Dual Frontages

Encourage new building and additions on a site with frontages to two streets, being either a corner site or a site with dual street frontages, to respect the built form and character of the heritage place and adjoining or adjacent contributory elements to the heritage place.

Encourage new buildings on corner sites to reflect the setbacks of buildings that occupy other corners of the intersection.

Residential Upper Storey Additions

Encourage new upper storey additions to residential heritage places or contributory elements to heritage places to:

- Preserve the existing roof line, chimney(s) and contributory architectural features that are essential components of the architectural character of the heritage place or contributory elements to the heritage place.
- Respect the scale and form of the heritage place or contributory elements in the heritage place by stepping down in height and setting back from the lower built forms.

Sightlines should be provided to indicate the ‘envelope’ from the street of proposed upper storey additions (refer to the sightline diagrams in 22.02-5.7.1).

Industrial, Commercial and Retail Heritage Place or Contributory Elements

Encourage new upper level additions and works to:

- Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.
- Incorporate treatments which make them less apparent.

Carports, Car Spaces, Garages, and Outbuildings

Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1.

Discourage:

- new vehicle crossovers in streets with few or no crossovers
- high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area
- new vehicle crossovers in excess of 3 metres wide in residential streets.

Front Fences and Gates

Encourage front fences and gates to be designed to

- allow views to heritage places or contributory elements from surrounding streets
- be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts)
- be consistent with the architectural period of the heritage place or contributory element to the heritage place.

Ancillaries and Services

Encourage ancillaries or services such as satellite dishes, shade canopies and sails, access ladders, air conditioning plants, wall and roof top mounted lighting, roof top gardens and their associated planting, water meters, and as far as practical aerials, to contributory or significant buildings, to be concealed when viewed from street frontage.

Where there is no reasonable alternative location, ancillaries and services which will reduce green house gas emissions or reduce water consumption, such as solar panels or water storage tanks, or provide universal access (such as wheel chair ramps), may be visible but should be sensitively designed.

Encourage ancillaries or services in new development to be concealed or incorporated into the design of the building.

Encourage ancillaries or services to be installed in a manner whereby they can be removed without damaging heritage fabric.

22.02-6

30/09/2010
C85

Archaeological Sites

Encourage applicants to consult with Heritage Victoria where any proposed buildings or works may affect archaeological relics to facilitate compliance with Part 6 of the *Heritage Act 1995* (Protection of Archaeological Places).

22.02-7

30/09/2010
C85

Decision Guidelines

Before deciding on an application the responsible authority will consider:

- Whether there should be an archival recording of the original building or fabric on the site.
- The heritage significance of the place or element as cited in the relevant Statement of Significance or Building Citation.

22.02-8

Proposed C245yara

References

Heritage Citation: 18-22 Derby Street, Collingwood, Anthemion Consultancies (2018)

Heritage Citation: 33-45 Derby Street, Collingwood, GJM Heritage (2018)

Heritage Citation: Queens Parade, Fitzroy North Street Trees, John Patrick Landscape Architects Pty. Ltd. (2018)

Collingwood Mixed Use Pocket, Heritage Assessment & Recommendations, GJM Heritage (2018)

~~Victoria Street and Bridge Road Built Form Review: Heritage Assessment, GJM Heritage (2018)~~

~~Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017)~~

Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020)

Heritage Citation: 112-124 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.

Heritage Citation: 20-60 Trenerry Crescent, Abbotsford. GJM Heritage, July 2016.

Heritage Gap Study: Review of Johnston Street East, Context Pty Ltd 2016.

Heritage Gap Study: Review of 17 Precincts Stage 2 Report, Context Pty Ltd 2014, revised 2016.

Heritage Review of Predefined Areas In Abbotsford & Collingwood Stage 2 Report, Context Pty Ltd 2015.

Heritage Gap Study: Review of Central Richmond, Stage 2 Final Report, Context Pty Ltd 2014.

City of Yarra Heritage Gaps Study – Smith Street South, Anthemion Consultancies 2014.

City of Yarra Heritage Gaps – 233-251 Victoria Street Abbotsford Anthemion Consultancies, 2012.

City of Yarra Heritage Gaps Stage Two, Graeme Butler and Associates 2009.

City of Yarra Heritage Gaps Stage One, Graeme Butler and Associates 2008.

City of Yarra Heritage Gaps Review One 2013 [Appendix A and B includes Statements of Significance] Incorporated Plan under the provisions of clause 43.01 Heritage Overlay - methodology report, Lovell Chen 2014.

City of Yarra Heritage Gaps Review Two 2013.

City of Yarra Heritage Gaps Study – 233-251 Victoria Street, Abbotsford, Anthemion Consultancies 2012.

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

Yarra Heritage Database 2007 including photos, Allom Lovell and Associates 1998.

City of Yarra Heritage Review, Volumes 1-4, Allom Lovell and Associates 1998.

Protecting Archaeological Sites in Victoria, Heritage Victoria 1998.

The Burra Charter. Australian ICOMOS Charter for the Conservation of Places of Cultural Significance, as updated from time to time.

Fitzroy Urban Conservation Study Review, Allom Lovell and Associates 1992.

Collingwood Conservation Study, Andrew Ward and Associates 1989.

Richmond Conservation Study, J and T O'Connor and Coleman and Wright Architects 1985.

Carlton, North Carlton and Princes Hill Conservation Study, Nigel Lewis and Associates 1984.

City of Northcote Urban Conservation Study, Graeme Butler Architect 1982.

South Fitzroy Conservation Study, Jacob Lewis Vines Architects 1979.

North Fitzroy Conservation Study, Jacob Lewis Vines Architects 1978.

D3 Panel preferred version of schedule to Clause 43.01

The Panel has shown tracked changes to the relevant parts of the exhibited version of the schedule to Clause 43.01.

SCHEDULE TO CLAUSE 43.01 HERITAGE OVERLAY

14/03/2019
C245/yarra

1.0 Application requirements

22/11/2018
C236

None specified.

2.0 Heritage places

Proposed
C245/yarra

The requirements of this overlay apply to both the heritage place and its associated land.

PS map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
HO109	64-75 55 LANGRIDGE STREET COLLINGWOOD Former William Peatt Boot Factory Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	Yes	No	No	No	No	No	No
HO286	365-377 SWAN STREET RICHMOND Former Burnley Theatre Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	Yes	Yes No	No	No	No	No	No

PS map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
HO499	200-202 JOHNSTON STREET, COLLINGWOOD Austral Theatre (former) Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	No	Yes	No	No	No	No	No
HO504	341-347 BRIDGE ROAD, RICHMOND Richmond Theatre Former Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	No	Yes	No	No	No	No	No
HO525	637-639 BRIDGE ROAD, RICHMOND Shop & Residence Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014 <u>Statement of Significance:</u> <u>Shop and Residences 637-639 Bridge Road, Richmond</u> <u>Statement of Significance, included in Yarra High Streets</u> <u>(Victoria Street and Bridge Road) Statements of</u> <u>Significance: Incorporated Document (May 2020).</u>	No	No	No	No	No	No	No

PS map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
HO526	<p>202-206 CHURCH STREET, RICHMOND Halls Building</p> <p>Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014</p> <p><u>Statement of Significance:</u> <u>Halls Buildings 202-206 Church Street, Richmond</u> <u>Statement of Significance, included in Yarra High Streets</u> <u>(Victoria Street and Bridge Road) Statements of</u> <u>Significance, Incorporated Document (May 2020)</u></p>	No	No	No	No	No	No	No
HO527	<p>32 & 34 THOMAS STREET, RICHMOND Terraces</p> <p>Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014</p> <p><u>Statement of Significance:</u> <u>Pair of Terrace Houses 32 and 34 Thomas Street,</u> <u>Richmond Statement of Significance, included in Yarra High</u> <u>Streets (Victoria Street and Bridge Road) Statements of</u> <u>Significance, Incorporated Document (May 2020)</u></p>	No	No	No	No	No	No	No

PS map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
HO528	<p>635 BRIDGE ROAD, RICHMOND</p> <p>Boland's Shop & Residence</p> <p>Incorporated plan:</p> <p>Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014</p> <p>Statement of Significance:</p> <p>James Boland's Shop and Residence 635 Bridge Road, Richmond Statement of Significance. included in Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance. Incorporated Document (May 2020)</p>	No	No	No	No	No	No	No
HO529	<p>529-533 BRIDGE ROAD, RICHMOND</p> <p>Royal Oak Hotel</p> <p>Incorporated plan:</p> <p>Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014</p> <p>Statement of Significance:</p> <p>Royal Oak Hotel 529-533 Bridge Road, Richmond Statement of Significance. included in Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance. Incorporated Document (May 2020)</p>	No	No	No	No	No	No	No

PS map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
HO530	<p>597-599 BRIDGE ROAD, RICHMOND Whipps Terrace</p> <p>Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014</p> <p>Statement of Significance: Whipp's Terrace 597-599 Bridge Road, Richmond Statement of Significance, included in Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Incorporated Document (May 2020).</p>	No	No	No	No	No	No	No
HO531	<p>534-534A BRIDGE ROAD, RICHMOND Flour Mill & Grain Store Complex (former)</p> <p>Incorporated plan: Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014</p> <p>Statement of Significance: Flour Mill and Grain Store Complex (former) 518-524, 534 and 534A Bridge Road, Richmond Statement of Significance, included in Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Incorporated Document (May 2020)</p>	No	No	No	No	No	No	No

PS map ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses may be permitted?	Aboriginal heritage place?
HO532	<p>325-333 BRIDGE ROAD, RICHMOND</p> <p>Richmond Town Hall</p> <p>Incorporated plan:</p> <p>Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014</p> <p>Statement of Significance:</p> <p>Richmond Town Hall 325-333 Bridge Road, Richmond Statement of Significance, included in Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance, Incorporated Document (May 2020)</p>	No	Yes - Ticket Office within Foyer and Main Hall	No	No	No	No	No

D4 Panel preferred version of schedule to Clause 72.04

The Panel has shown tracked changes to the exhibited version of the schedule to Clause 72.04

18/04/2019
C225**SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME****1.0**

Proposed C245yara

Incorporated documents

Name of document	Introduced by:
5-15 Mayfield Street, Abbotsford, Incorporated Document, October, 2018	C188
10 Bromham Place, Richmond Incorporated Document, February 2013	C171
18-62 Trenerry Crescent, Abbotsford (Incorporated Plan, May 2018)	C218
32-68 Mollison Street and 61-69 William Street, Abbotsford July 2013	C170
351-353 Church Street, Richmond – Incorporated Document, February 2019	C225
520 Victoria Street, 2A Burnley Street, and 2–30 Burnley Street, Richmond, Burnley Street West Precinct - Incorporated Plan, 2012	C150
Amcor Alphington Paper Mill Site Preparation – Incorporated Document, September 2012	C161
Atherton Gardens – Fitzroy, September 2010	C136
Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016	GC37
Chandler Highway Upgrade Incorporated Document, March 2016 (Amended December 2017)	GC80
City of Yarra Database of Heritage Significant Areas, July 2019	C245yara
Cremorne Balmain Dover Street Project	NPS1
Crown Land Car Park Works, Burnley, August 2005	C92
Fitzroy Former Gasworks Site, Incorporated Document, February 2018	C242
Flying Fox Campsite, Yarra Bend Park, December 2004	C90
Hurstbridge Rail Line Upgrade 2017 Incorporated Document, January 2017	GC60
Incorporated Plan under the provisions of clause 43.01 Heritage Overlay, Planning permit exemptions, July 2014	C178
Local Policy “Protection of Biodiversity” Sites of Remnant Vegetation (Biosis 2001)	C49
M1 Redevelopment Project, October 2006	C86
Melbourne City Link Project – Advertising Sign Locations, November 2003	VC20
Melbourne Metro Rail Project: Upgrades to the Rail Network Incorporated Document, May 2018	GC96
Planning and Design Principles for the Richmond Maltings Site, Cremorne – November 2007	C101
Richmond Walk Up Estate Redevelopment, September 2010	C136
Social housing redevelopment; Atherton Gardens Estate, Fitzroy, and Richmond Public Housing Estate, Richmond, for which the Minister for Planning is the Responsible Authority, May 2010	C135
Specific Site and Exclusion – Lot 2 on PS433628L (452 Johnston Street, Abbotsford	C56
Swan Street Works, Burnley, June 2005	C91
Tramway Infrastructure Upgrades Incorporated Document, May 2017	GC68
Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area	C7
Victoria Gardens Urban Design Guidelines	NPS1

Name of document	Introduced by:
Victorian Institute of Forensic Psychiatry Concept Plan (January 1997)	NPS1
Yarra Gardens Precinct Plan, December 2009	C128
Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Incorporated Document (May 2020)	C245yara

D5 Panel preferred version of Reference document

The Panel has shown tracked changes to the version of Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020) submitted by Council in its closing submission (Document 62, Attachment 5).

Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Reference Document (May 2020)

The statements of significance are derived from the following reports:

- *Richmond Conservation Study: undertaken for the City of Richmond, O'Connor, John & Coleman, Roslyn et al. (1985)*
- *City of Yarra Heritage Review, Allom Lovell & Associates (1998)*
- *City of Yarra Heritage Gaps Study, Anthemion Consultancies (2012)*
- *City of Yarra Heritage Gaps Study (Heritage Gaps Amendment two), Lovell Chen (2012)*
- *Heritage Gap Study, Review of Central Richmond, Context Pty Ltd (2014)*
- *City of Yarra Review of Heritage Overlay Areas, Graeme Butler & Associates (2007, 2013)*
- ~~*Thematic Study of Theatres in the City of Yarra, Context Pty. Ltd (2017)*~~
- *Victoria Street and Bridge Road Built Form Review Heritage Assessments, GJM Heritage (2018)*

Ordered by Heritage Overlay number

PRECINCTS			
HO number	Precinct name		Page
HO310	Bridge Road Precinct, Richmond		4
HO408	Victoria Street Precinct, Richmond		6
HO444	Victoria Street West Precinct, Richmond		8
INDIVIDUALLY SIGNIFICANT PLACES			
HO number	Name	Address	Page
VHR number			
HO53	Former Savings Bank	231 Victoria Street, Abbotsford	11
HO54	Former National Bank of Australasia	261 Victoria Street, Abbotsford	12
HO55	Shops	275-277 Victoria Street, Abbotsford	13
HO56	Shops	295 Victoria Street, Abbotsford	14
HO57	Shops	297-301 Victoria Street, Abbotsford	15
HO58	Shops	371-377 Victoria Street, Abbotsford	16
HO59	Former East Collingwood Hotel	385 Victoria Street, Abbotsford	17
HO60	Shops	459-465 Victoria Street, Abbots	18
HO61	Shops	511 Victoria Street, Abbotsford	19
HO62	Terminus Hotel, Former Bricklayers Arms Hotel	605 Victoria Street, Abbotsford	20
HO63	Former Crusader Plate Building	651 Victoria Street, Abbotsford	21
HO64	Former Handley & Tilley Building	653-657 Victoria Street, Abbotsford	22
HO65	Former Alma Woolworks Complex	661-663 Victoria Street, Abbotsford	23
HO230	Richmond Police Station	319-323 Bridge Road, Richmond	24
HO259 VHR H1149	Pelaco Sign	21-31 Goodwood Street, Richmond	25
HO260 VHR H1610	Former Gas Inspector's Residences	7 Gleadell Street, Richmond	26

HO289	House	316 Victoria Street, Richmond	27
HO290	Byrne's Arcade Terrace	318-320 Victoria Street, Richmond	28
HO291	Former Simpson's Glove Factory	488-496 Victoria Street, Richmond	29
HO353 VHR 2083	Skipping Girl Neon Sign	651-653 Victoria Street, Abbotsford	30
HO416	Quint Café/Former Duke of Albany Hotel	323-325 Victoria Street, Abbotsford	31

INDIVIDUALLY SIGNIFICANT PLACES WITHIN PRECINCTS

HO number	Name/description	Address	Page
HO310	Richmond Cinema (Former)	311-317 Bridge Road, Richmond	32
HO310	Grynberg Drapers Shop and Office	99-101 Bridge Road, Richmond	33
HO310	Shops & residences	108-112 Bridge Road, Richmond	34
HO310	Wustermann's Buildings, Shop & residence	138-144 Bridge Road, Richmond	35
HO310	London Baby Carriage Manufacturers Pty. Ltd. Factory and show room	153-161 Bridge Road, Richmond	36
HO310	Former Melbourne Savings Bank	184 Bridge Road, Richmond	37
HO310	Shop & Residence	199-205 Bridge Road, Richmond	38
HO310	National Bank of Australasia, former	231 Bridge Road, Richmond	39
HO310	Former Commonwealth Savings Bank of Australia and residence	267 Bridge Road, Richmond	40
HO310	Theobalds Building	294 Bridge Road, Richmond	41
HO310	Shops & residences	381-389 Bridge Road, Richmond	42

PRECINCTS

Heritage Place	Bridge Road Precinct, Richmond	PS ref no:	HO310
-----------------------	--------------------------------	-------------------	-------

Source: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

North side of Bridge Road, Richmond from Punt Road to east of Church Street (nos. 1- 433, with some specific exclusions)
 South side of Bridge Road, Richmond from Punt Road to east of Burnley Street (nos. 2-534) West side of Church Street, south of Bridge Road (nos. 252-256) Waltham Street (nos. 1A &2A).

History

Bridge Road was designated as a road reserve in Hoddle’s Crown survey of 1837. It became a principal thoroughfare from Melbourne to the eastern suburbs when a bridge over the Yarra River was constructed at its eastern end in 1855. Retail and service trades first concentrated at the west end near Hoddle Street, and by the 1860s there was a proliferation of shops and businesses, including butchers, drapers, shoemaker, fruiterers, tailors, hairdressers, grocers, Egan’s steam sawmill and several hotels. Amongst the early hotels were The Vine, 254 Bridge Road and Morans Spread Eagle, 372 Bridge Road.

From its inception, Bridge Road was intended to be the civic centre of the district with the town hall, courthouse and post office complex and police station constructed in 1869-71. In the 1870s Bridge Road, east of Church Street, was widened and named Campbell Parade and the civic centre soon became the site for other public buildings, including a market, skating rink, bowling green and baths.

During the prosperous 1870s and 1880s boom period many earlier buildings along Bridge Road were replaced with rows of one and two-storey commercial buildings with residences to the first floor or to the rear. Much of the present streetscape reflects this period, with notable buildings including Stanford Block, 314-328 Bridge Road; commercial premises at 289-307 Bridge Road; Bleasby Buildings, 398-404 Bridge Road and Allans Buildings, 384-392 Bridge Road. Development was encouraged by the opening of the first cable tram line in Melbourne in 1885, which ran along the length of Bridge Road from Bourke Street to the Hawthorn Bridge. This was replaced with an electrified tram service in 1916.

~~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.~~

Commercial development along Bridge Road virtually ceased for a decade during the 1890s depression and recommenced with the construction of substantial and distinctive buildings, such as Wustermann’s Buildings, 138-144 Bridge Road (1901) and Theobald’s Buildings, 294-296 Bridge Road (1909). This added an Edwardian presence to the existing Victorian character of the precinct. A small number of Interwar buildings added to the streetscape character, including the Royal Oak Hotel, 529-533 Bridge Road (1923), the former Commonwealth Savings Bank of Australia, 267 Bridge Road (1939) and the distinctively remodelled Richmond Town Hall (1934-36).

Since World War II, much of the nineteenth century streetscape of the eastern end of Bridge Road has been eroded, however the predominantly Victorian and Edwardian commercial character of the central and western portions has been largely retained, even with the growth of the Epworth Hospital Complex in the north-western portion of the precinct and larger apartment developments in the area immediately east of the Epworth Complex.

- Description

The main development period of the Bridge Road Precinct is from the 1870s/1880s to the 1920s and the streetscape dates largely from this period. A small number of buildings from both earlier and later periods make a contribution to the precinct. A number of individually significant Victorian, Edwardian and Interwar buildings are contained within the precinct. The dominant building form is attached Victorian and Edwardian shops and residences. They are predominantly two-storey with some one and three-storey shops interspersed. Elements that contribute to the significance of the place include (but are not limited to):

- A variety of simple and highly decorative façade parapets, with pitched roofs behind
- No front or side setbacks

- Face red brick (including polychrome) or rendered walls
- Rendered window frames, sills and hoods to upper storeys
- Rendered ornament and incised decoration to upper storeys
- Brickwork with corbelled capping courses
- Some original post-supported street verandahs
- Strong horizontal lines formed by parapets, cornices, string courses
- Repetitive upper floor fenestration patterns
- Consistent two-storey scale with some one and three-storey buildings
- Shop fronts with display windows, timber or tiled plinths, and entry recesses
- Some red brick storage or stable buildings at the rear or side lanes
- Splayed corners to buildings at intersections
- Corrugated iron and slate roof cladding
- Bluestone pitched road paving, crossings, stone kerbs and channels and asphalt paved footpaths
- Some intact rear wings and outbuildings.

How is it significant?

Bridge Road, Richmond is of historical, architectural and aesthetic significance to the City of Yarra.

Why is it significant?

The Bridge Road Precinct is a major 'High Street' in the City of Yarra and has functioned continuously as one of Richmond's two key commercial centres since the 1840s. It retains a substantial collection of intact commercial buildings, predominantly from the Victorian and Edwardian periods, including shops and associated residences, hotels and other commercial and civic buildings. Together these buildings demonstrate the development of this major 'High Street', particularly from the 1870s/80s and from c1900 to the 1920s when substantial growth in the street occurred. These buildings are illustrative of the enduring role the street has played in the economic and social life of Richmond since the establishment of the suburb [Criterion A].

The substantially intact streetscape of the Bridge Road Precinct clearly demonstrates the principal characteristics of a major turn of the century 'High Street' in the City of Yarra. Typical characteristics, including predominantly two-storey Victorian and Edwardian wall heights, parapeted rendered or red brick facades with repetitive upper floor fenestration, and ground floor shopfronts, are displayed in the original forms, fabric and detailing of many of the buildings. The Bridge Road Precinct contains groups of buildings that retain intact typical rear wings and outbuildings, these include, amongst others, commercial premises at 289-307 Bridge Road and Stanford Block (314-328 Bridge Road). The streetscape on the south side of Bridge Road between Punt Road and Burnley Street are particularly notable for their highly intact and consistent architectural form and expression [Criterion D].

The Bridge Road Precinct contains a number of individually significant buildings which are well-considered and carefully detailed examples of commercial and civic buildings. These include, among others, the former Melbourne Savings Bank (182-184 Bridge Road); Wustermann's Building (138-144 Bridge Road); commercial premises at 289-307 Bridge Road; Theobalds Building (294-296 Bridge Road); Stanford Block (314-328 Bridge Road); Allans Buildings (384-392 Bridge Road) and Bleasby Buildings (398-404 Bridge Road), as well as hotels such as The Vine (254 Bridge Road) and Morans Spread Eagle (372 Bridge Road). ~~The 1888 skating rink, later adapted to the Richmond Cinema, also survives (311-317 Bridge Road). This was a focus of various forms of entertainment in the precinct for many decades.~~ The clock tower of the Richmond Town Hall is of particular prominence and is a local landmark. Richly detailed facades throughout the precinct, including parapet ornamentation, balustrading and pediments, incised and applied decoration and polychromatic brickwork, make an aesthetic contribution to the overall character of the precinct [Criterion E].

Heritage Place	Victoria Street Precinct, Richmond	PS ref no:	HO408
-----------------------	------------------------------------	-------------------	-------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The Victoria Street Precinct is located on the south side of Victoria Street, Richmond. The precinct is linear in nature, following the alignment of Victoria Street between Shelley Street to the west and several properties short of Lennox Street to the east; Little Butler Street is to the rear. The precinct comprises historic commercial/retail buildings, the majority of which are two-storey rendered masonry and brick buildings, with several single-storey buildings at the west end. The buildings date from the second half of the nineteenth century through to the 1910s. Buildings in the precinct are predominantly of 'contributory' heritage value; with one 'individually significant' property (pair of two storey Victorian shop/residences at 92-94 Victoria Street); and two 'not-contributory' properties. The graded properties of the precinct share many characteristics, including rendered masonry and brick buildings, many overpainted, of (mainly) two-storey scale; no setbacks to the street; typically concealed or partly concealed roof forms, with some visible chimneys; generally intact upper (first floor) facades with parapets which are variously plain or curved, with some triangular or square pediments; some elaborate detailing to parapets; and original first floor windows associated with the former residences above the ground floor shops. The shopfronts are typically altered, with many of quite recent origin; awnings over the street (cantilevered or suspended with tie rods) are also commonly not original. Signage varies in impact and prominence: signs are attached to the fascias of awnings; to parapets, first floor facades and the roofs of verandahs and awnings; and in painted form to shop windows. Many of the properties also have rear service yards, with annexes, skillions and outbuildings being common, accessed via Little Butler Street.

- Elements that contribute to the significance of the place include (but are not limited to):
- Predominantly two-storey façade parapets, with pitched roofs behind
- No front or side setbacks
- Rendered and face brick walls
- Rendered window frames, sills and hoods to upper stories
- Rendered detailing and ornament to upper stories, including parapets, pediments, cornices and pilaster strips
- Horizontal lines formed by parapets, cornices and string courses
- Repetitive upper floor fenestration patterns.

How is it significant?

The Victoria Street Precinct is of local historical and aesthetic/architectural significance.

Why is it significant?

The Victoria Street Precinct is of local historical significance. The street forms the boundary between Richmond and Abbotsford, and was originally known as Simpson's Road. It began to develop a commercial and retail character in the mid-nineteenth century, a pattern which was consolidated by the 1880s when there was a significant increase in the number of businesses. By the end of the century, many of the existing buildings had been constructed. Victoria Street has subsequently continued as a local retail and service precinct for Richmond and Abbotsford, albeit with the mix of businesses, and the commercial character of the precinct changing in the period since the Second World War. This was in response to waves of migrant groups moving to the area, including people from South East Asia who from the 1970s to the present have operated numerous restaurants, green grocers and grocery shops. The colourful retail character of the street, and the rich collection of restaurants, draws customers from all over Melbourne. The Victoria Street Precinct is also of local aesthetic/architectural significance. It has a comparatively high level of intactness to the collection of nineteenth and early twentieth century buildings, concentrated in the first floor facades. The predominantly two-storey

scale, combined with the generally consistent and repetitive pattern of parapeted first floor facades, generates a high level of cohesion and homogeneity. The mix of single and paired buildings also adds to the character of the precinct. In addition, the precinct demonstrates some of the principal characteristics of late nineteenth and early twentieth century commercial/retail streets. These include many two-storey historic masonry buildings, which combine retail and residential components; zero setbacks to the street; shopfronts at ground floor level (albeit mostly altered to their original form); awnings; and a preponderance of intact first floor facades, with solid walls, punched rectangular windows, and often prominent parapets. The latter are variously plain or curved, with some triangular or square pediments, and elaborate detailing.

Heritage Place	Victoria Street West Precinct, Abbotsford	PS ref no:	HO444
-----------------------	--	-------------------	-------

Source: *City of Yarra Heritage Gaps Study*, Anthemion Consultancies (2012)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

Nos. 233, 235, 237, 239, 241, 243, 245, 247, 249 and 251 Victoria Street, Abbotsford, plus the former bank on the corner of Hoddle Street, were all constructed before 1885. The shops form a cohesive group variously with distinctive features which identify them in sub-groups. Elements that contribute to the significance of the place include (but are not limited to):

- Two-storey façade parapets, with pitched roofs behind
- No front or side setbacks
- Rendered and face brick walls (nos. 249-251 unpainted bichromatic brickwork)
- Rendered or face brick window frames, sills and hoods to upper stories
- Rendered or brick detailing to upper stories, including parapets, pediments, cornices and stringcourses
- Horizontal lines formed by parapets, cornices and string courses
- Repetitive upper floor fenestration patterns
- Corner building with principal facades to both streets.

Nos. 245, 247, 249 and 251 Victoria Street

Nos. 245, 247, 249 and 251 Victoria Street, Abbotsford are constructed from bi-chromatic brickwork and date from 1875/76. They are double-storey, constructed of red face brick and with cream brick detailing around the windows and cream brick string courses at window head (sash) height and at sill height on the upper level façades and east elevation of No. 251. Their appearance is highly unusual and possibly unique in the City of Yarra. The detailing of the gabled parapets and window surrounds is oddly heavy and is either an unusual design or contains exposed brickwork which may have been set and corbelled to take render which appears to have never been applied. At the ground floor level, the structural brickwork which has been rendered remains between the shopfronts. On No. 251 the bluestone plinth remains visible even though overpainted. This shop also retains the visible cornice above the ground floor level. Evidence of some original lower parapet mouldings also remains on the other shops above the non-original canopies. All of the shopfronts have stallboards which are original in style if not in fabric and it is assumed that the doors are at least in their original plane, if not original position. The rear of the shops appears to be highly intact despite some additional fabric having been added. From this aspect the rear chimneys, with elaborate bichromatic corbelled caps, are a dominant and unusual feature. The brickwork remains exposed face brick and windows are variously intact.

Nos. 239 – 243 Victoria Street

These shops, constructed 1885-86, form a more conventional group of three Italianate or Classical style double-storey shops with stuccoed upper levels and plain gabled pediments above a deep continuous moulded cornice, terminated by a corbel. Each façade has a pair of window openings, originally containing six-paned, timber-framed, double-hung sash windows set within simple moulded rendered architraves, and rendered sills supported by a simple corbel at the base of each architrave. The original sashes appear to remain at No. 239. Between the upper and ground floor levels is another moulded cornice with each shop being separated by a moulded corbel decorated with a boss and some have moulded consoles below. At the ground floor level, the structural brickwork which is rendered, remains between the shopfronts and all of the shopfronts have stallboards which are original in style if not in fabric. It appears that the doors are at least in their original plane, if not original position. The rear of the shops appears to be highly intact despite some additional fabric having been added. The brickwork remains exposed face brick and windows are variously intact as are face brick chimneys

with moulded rendered caps. The roofs are gabled and have timber-framing and are clad in corrugated steel. The attributed association with notable and prolific architect George Wharton is also of significance. His oeuvre to date is not represented by any identified shops.

No. 237 Victoria Street

This shop has a wider frontage than the others in the group and is of a conventional Italianate or Classical design for its era (1882). The upper level has a flat parapet which may have originally incorporated further embellishment, a moulded cornice terminated at each end by a moulded corbel with a console beneath. The equally-spaced window openings along the upper façade have no moulded detailing and simply have slightly arched heads and no sills. Each opening contains a timber-framed, double-hung sash window which appears to be original. At the ground floor level, the structural brickwork which is rendered remains between the shopfronts. The lower cornice is deep and moulded and is terminated at either end by a moulded corbel with a console below. The shopfront has a stallboard which is original in style if not in fabric and it appears that the door is at least in its original plane, if not original position. The rear of the shop appears to be highly intact. The brickwork remains exposed face brick and windows are variously intact. The roof appears to be a skillion with timberframing and is clad in corrugated steel.

Nos. 233 and 235 Victoria Street

This pair of shops, constructed 1885, forms a more conventional group of two Italianate or Classical style double-storey shops with stuccoed upper levels and plain gabled pediments above a deep continuous moulded cornice, terminated by a corbel, embellished with a boss. Each façade has a pair of window openings, containing what appears to be an original timberframed, double hung sash window set within simple moulded rendered architraves, and rendered sills supported by a simple corbel at the base of each architrave. Between the upper and ground floor levels is another moulded cornice which extends over both façades and which is terminated at either end by a moulded corbel decorated with a boss (patara) and with a moulded console below. At the ground floor level, the structural brickwork which is rendered remains between the shopfronts and the render is exposed. Both shopfronts have stallboards which are original in style if not in fabric and it appears that the doors are at least in their original plane, if not original position. The rear of the shops appears to be highly intact despite some additional fabric having been added. The brickwork of No. 233 remains exposed face brick and a window is intact. The roofs are hipped and have timber-framing and are clad in corrugated steel. The highly probable association with notable and prolific architect George Wharton is also of significance. His oeuvre to date is not represented by any identified shops.

How is it significant?

The buildings at Nos. 233, 235, 237, 239, 241, 243, 245, 247, 249 and 251 Victoria Street, Abbotsford are of local historical and aesthetic/architectural significance.

Why is it significant?

The buildings at Nos. 233, 235, 237, 239, 241, 243, 245, 247, 249 and 251 Victoria Street, Abbotsford are of local historical and aesthetic significance. The northern stretch of Victoria Street between Hoddle and Ferguson Streets is recorded in the first Collingwood Rate Book of 1864, as containing three brick houses. The first shops may have appeared in 1872 but certainly by 1875, during a period of suburban growth, three properties each containing a brick house and shop are listed in addition to a brick cottage. By 1885 the remainder of the block had been fully developed with shops and a bank. As such the buildings as a group document the development of this part of Victoria Street which is a continuum of the commercial development which occurred on both sides further to the east. It typifies a local or neighbourhood retail strip, essentially providing goods and services for local residents, in contradistinction to the destination high streets, such as Smith and Brunswick Streets. It was at this period that the nature of the premises and services offered changed forever from being small manufacturing to retailing. From this time the shops increasingly came to serve the local community and, now most recently, people from South-East Asia and those who appreciate this culture. The shops are highly intact to their structures and are variously distinctive, even unique, aesthetically. Six of them typify the types of shops constructed in the Italianate or Classical style which were the predominant nineteenth century style in commercial areas. They are either the first buildings constructed on these originally vacant sites or are the first shops which replaced earlier dwellings and a workshop(s). In a restrained manner, the façades contain characteristic materials, detailing and decorative mouldings and elements of Boom style architecture. Nos. 245, 247, 249 and 251 Victoria Street, constructed from bi-chromatic brickwork, form a distinctive group which has a highly unusual appearance and which is possibly unique in the City of Yarra. The detailing of the gabled parapets and window surrounds is oddly heavy and is either an unusual design or may be exposed brickwork which was originally set and corbelled to take render which appears to have never been applied.

The examples of the work of notable and prolific architect George Wharton's shed further light on his practice and oeuvre which is known today mostly through other and perhaps more grand building types and designs which do not accurately represent the wider range of buildings emanating from his, and similar nineteenth century architects' practices. The range of their work is often beyond what has survived or been positively identified.

INDIVIDUALLY SIGNIFICANT PLACES

Heritage Place	Former Savings Bank 231 Victoria Street, Abbotsford	PS ref no:	HO53
-----------------------	--	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The former State Savings Bank at 231 Victoria Street, Abbotsford is of local architectural significance and historical interest. The building is a good example of the Italianate palazzo style, typical of bank premises in the late 19th century. The building is a notable element in the streetscape, occupying a prominent corner site at the intersection of Hoddle and Victoria Streets. The building's association with architect George Wharton, who designed other buildings for the Melbourne Savings Bank, is of interest.

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

- Façade parapet with pitched roof behind
- No setbacks
- Rendered walls
- Rendered façade detailing including window frames, hoods, pilasters, engaged columns and rusticated banding
- Strong horizontal lines formed by parapet line, cornices, string courses and rusticated banding
- Repetitive fenestration patterns at ground and first floor
- Corner building with two symmetrical, articulated, principal facades
- Emphasis on corner and façade extremities with concentration of decorative elements.

Heritage Place	Former National Bank 261 Victoria Street, Abbotsford	PS ref no:	HO54
-----------------------	---	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The former National Bank of Australasia at 261 Victoria Street, Abbotsford, is of local architectural significance and local historical interest. The building is a good example of the restrained use of the Italianate palazzo style, typical of bank premises in the late 19th century. The building's association with Albert Purchas, architect of the Melbourne General Cemetery (from 1852), and of the Richmond South branch of the bank, is of interest.

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

- Facade parapet with pitched roof behind
- No side setback and minimal front setback
- Rendered walls
- Rendered façade detailing including window frames, sills and pedimented hoods, balustrading, columns and piers, name plates, vermiculated quoining and rusticated banding
- Strong horizontal lines formed by parapet line, cornices, string courses and rusticated banding
- Repetitive fenestration patterns to both facades at ground and first floor
- Corner building with symmetrical, articulated, front façade and secondary façade to side street
- Emphasis on central bay of front facade with concentration of decorative elements and raised pediment at parapet
- Cast iron picket fence to front facade.

Heritage Place	Shops 275-277 Victoria Street, Abbotsford	PS ref no:	HO55
-----------------------	--	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The Lambeth Buildings at 275-277 Victoria Street, Abbotsford, is of local architectural significance. The building is a typical and relatively intact example of a 19th century double storey shop and residence, which makes an important contribution to the streetscape.

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

- Facade parapet with pitched roof behind
- No front or side setbacks
- Rendered walls
- Rendered façade detailing and ornament including window frames and sills, masks, finials and pediment with name plate
- Strong horizontal lines formed by parapet line, cornices and string courses
- Repetitive fenestration patterns to both facades at ground and first floor
- Corner building with principal facades to both streets
- Shopfront with display windows, plinth and entry recess (no 277)
- Smaller scale facades at rear (Park Street) with similar detailing to main building.

Heritage Place	Shops 295 Victoria Street, Abbotsford	PS ref no:	HO56
-----------------------	--	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The shop and residence at 295 Victoria Street, Abbotsford, is of local architectural significance. The building is a typical and relatively intact example, other than the shopfront, of a doublestorey 19th century shop and residence, and contributes to the character of the streetscape.

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

- Simple façade parapet with pitched roof behind
- No front or side setbacks
- Rendered walls
- Strong horizontal lines formed by parapet line and cornices
- Repetitive fenestration patterns at first floor level
- Corner building with principal facades to both streets
- Splayed corner to building.

Heritage Place	Shops 297-301 Victoria Street, Abbotsford	PS ref no:	HO57
-----------------------	--	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The shops at 297-301 Victoria Street, Abbotsford, are of local architectural significance. They are particularly ornate examples of the Italianate style with unusual first floor fenestration, diminished somewhat by the painting of most of the brickwork, and a rare intact shopfront at no. 297. The shops are important heritage elements in the streetscape.

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

- Façade parapet with pitched roof behind
- No front or side setbacks
- Face red brick walls, overpainted (except for 301 Victoria Street)
- Rendered façade detailing including window frames, sills and pilasters
- Horizontal lines formed by parapet line and cornices
- Strong vertical lines formed by pilaster strips on main facade
- Repetitive fenestration patterns at first floor level, including unusual tripartite windows at first floor level and semi-circular arch-headed windows at ground floor (retained at 299 only)
- Continuation of fenestration patterns to Charles Street with simplified detail
- Corner building with articulated front and part side façade
- Splayed corner to building.

Heritage Place	Shops 371-377 Victoria Street, Abbotsford	PS ref no:	HO58
-----------------------	--	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The shops at 371-377 Victoria Street, Abbotsford, are of local architectural significance. Although the shopfronts have been altered, the first floor facades—an unusual composition of polychromatic brick and unpainted render elements—remain substantially intact, and are an important heritage element in the streetscape.

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

- Façade parapet with pitched roof behind
- No front or side setbacks
- Polychromatic brick walls
- Rendered façade detailing including window sills and hoods, cornices and plainly detailed parapet (unpainted)
- Strong horizontal lines formed by parapet and cornices
- Strong vertical pilaster lines clearly defining individual shops
- Repetitive upper floor fenestration patterns
- Principal front façade to Victoria Street and secondary façade to side street.

Heritage Place	Former Collingwood East Hotel 385 Victoria Street, Abbotsford	PS ref no:	HO59
-----------------------	--	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The former East Collingwood Hotel, 385 Victoria Street, Abbotsford, is of local architectural significance. Architecturally, the building has unusually detailed facades, and remains remarkably intact. The building is a good example of the Italianate style applied to a commercial building, and it is an important heritage element in the Victoria Street streetscape.

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

- Façade parapet with pitched roof behind
- No front or side setbacks
- Rendered walls
- Rendered façade detailing including window sills and hoods, masks and banded and vermiculated rustication
- Strong horizontal lines formed by parapet line, cornices and banded rustication
- Repetitive upper floor fenestration patterns
- Repetitive lower floor arch-headed pattern of window and door openings
- Corner building with principal facades to both streets
- Splayed corner to building.

Heritage Place	Shops 459-465 Victoria Street, Abbotsford	PS ref no:	HO60
-----------------------	--	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The shops at 459-465 Victoria Street, Abbotsford, are of local architectural significance. Relatively intact, they are unusual examples of richly decorated Edwardian double-storey shops.

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

- Simple façade parapet with pitched roof behind
- No front or side setbacks
- Face red brick walls with brown brick and render contrasts (nos 459 & 465 overpainted), including decorative corner pediment
- Strong horizontal lines formed by parapet, cornice and stringcourses
- Strong vertical pilaster lines clearly defining individual shops
- Repetitive upper floor fenestration patterns
- Corner building with principal front facade
- Splayed corner to building.

Heritage Place	Shop 511 Victoria Street, Abbotsford	PS ref no:	HO61
-----------------------	---	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The corner shop at 511 Victoria Street, Abbotsford, is of local architectural significance. The building is an unusually austere mid-Victorian retail building which contrasts with the more richly decorated facades of more contemporary shop architecture. The shopfront is a very rare surviving example of a Victorian shopfront.

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

- Simple façade parapet with pitched roof behind
- No front or side setbacks
- Face brick walls
- Strong horizontal lines formed by parapet and cornice
- Repetitive upper floor fenestration patterns.

Heritage Place Terminus Hotel, former Bricklayers Arms Hotel 605 Victoria Street, Abbotsford	PS ref no: HO62
---	------------------------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The former Brickmakers Arms Hotel is of local architectural and historical significance. Although the original 19th century building has been altered, it is a rare surviving building associated with the brickmaking industry in Abbotsford, which once occupied all the land along both sides of Flockhart Street, but which had relocated to the eastern and northern suburbs by the 1880s. A hotel has occupied this site continuously since 1866. The present building displays typical features of the Moderne style such as steel-framed windows, curved corner, and horizontal facade treatment, notable for its tiling. The building is substantially intact to the extent of the inter-War refurbishment, and being prominently sited at the eastern end of Victoria Street it is a local landmark.

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

- Plain façade parapet with flat roof behind
- No front or side setbacks
- Rendered facades
- Strong horizontal lines formed by parapet, stringcourses, window openings and tiled dado
- Moderne detailing including projecting curved canopy, applied decoration and tiled dado
- Irregular pattern of fenestration including multi-paned and double-hung windows
- Corner building with principal and secondary facades and curved corner.

Heritage Place	Former Crusader Plate Building 651 Victoria Street, Abbotsford	PS ref no:	HO63
-----------------------	---	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The former Crusader Plate building, at 651 Victoria Street, Abbotsford, is of local architectural significance. Whilst the adjacent Handley's building (No. 653-657), upon which the Crusader Plate building is styled, is a far more confident expression of the Moderne idiom, the Crusader Plate building is nonetheless an interesting and unusual Moderne composition. It is a particularly sympathetic extension to the Handley's complex. The significance of the building has been reduced by the alterations to the glazing and vehicle entrance. The Skipping Girl Vinegar sign is of local historical and social significance. The original sign was Melbourne's first animated neon sign, and the reconstruction remains a local landmark and a Melbourne cultural icon.

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

- Plain façade parapet with sawtooth roof behind
- No front setback
- Face brick facade, including graded brick colours towards the top of the façade
- Repetitive fenestration patterns to front and side facades.

Heritage Place	Former Handley & Tilley Building 653-657 Victoria Street, Abbotsford	PS ref no:	HO64
-----------------------	---	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The former Handley & Tilley Building, 653-657 Victoria Street, is of local architectural significance. The building is an extraordinarily confident expression of the Moderne idiom and an important example of the style applied to a large industrial building. The distinctive polychromatic brickwork is of note. With the adjoining former Crusader Plate building at No. 651, the building is a striking landmark in the Victoria Street streetscape. The appearance of the building has been marred by the 1990s alterations.

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

- Plain façade parapet with generally flat roof behind
- Various minimal front setbacks
- Face brick facades, including graded brick colours towards the top of the facade
- Strong horizontal lines formed by parapets, strips of fenestration and spandrels
- Strong vertical lines formed by central tower element and associated detailing
- Repetitive fenestration patterns
- Moderne detailing including curved walls, projecting canopy and tops of piers.

Heritage Place	Former Alma Woolworks Complex 661-663 Victoria Street, Abbotsford	PS ref no:	HO65
-----------------------	--	-------------------	------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The former Alma Wool Works is of considerable local historical and architectural significance. The former residence derives its significance from its association with Peter Nettleton, Collingwood's best known fellmonger. It is a remnant of the longest surviving fellmongery complex within Collingwood, established during the early phase of industrial activity in the suburb. The house demonstrates the practice of proprietors of industrial establishments living on their premises, in contrast to the preference of later Victorian industrialists to reside in the more fashionable residential suburbs of Melbourne. Largely intact, the former residence is also a rare surviving example of an early bluestone cottage.

The former woolshed is the major surviving building of the original Nettleton's Works, later to become James Schofield Pty Ltd and later again the Alma Woollscouring Co Pty Ltd. It is the key building in Collingwood's, and possibly Melbourne's, largest surviving woollscouring complex. Architecturally, the unusual arcade to the river is of particular note. The whole complex is the earliest remaining substantially intact industrial complex in Collingwood. Its location on the river illustrates the role of the Yarra as a sewer for Melbourne's animal processing factories in the 19th century.

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

- Low hipped roof forms
- Rectilinear forms.

Heritage Place	Richmond Police Station [former] 319-323 Bridge Road Richmond	PS ref no:	HO230
-----------------------	--	-------------------	-------

Source: This site was removed from the Government Building Register on 21 May 1998 and placed in the Yarra Planning Scheme. The Statement below was provided to the City of Yarra by Heritage Victoria (25 May 1998).

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

Richmond Police Station was built in 1878 as part of a civic strip comprising of the Town Hall, Court House and Post Office. The Lock-Up located at the rear is thought to have been erected in the 1860s and was moved to this site in 1872-3. Richmond Police Station is important because of the role it played in the colourful history of the community of Richmond. Police authority and local government were highly involved in the struggles of union development, industry and the political battles between the ALP working class and the conservative middle class of Richmond. The prominence of the building is representative of the high profile of police authority, in conjunction with local government in Richmond during the late nineteenth and early twentieth centuries. Of architectural importance is the intact government complex including the police lock-up. Architectural details include polychrome brickwork, arched windows and stone work in the lock-up. A better and more intact example of this building type and style exists at Carlton (1878) and has been transferred to the Victorian Heritage Register. The Richmond Police Station does not warrant inclusion on the Victorian Heritage Register as it is not of State significance and a more intact example of its type has been transferred to the Victorian Heritage Register. It is however of local significance. The Richmond Police Station has been removed from the Government Buildings Register and included in the Heritage Overlay of the relevant Planning Scheme.

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

- Two storey, free-standing, symmetrical building repetitive arch-headed fenestration patterns at both levels
- Front and side setbacks
- Face red brick walls with contrasting cream and red brick detailing to openings, string courses, chimneys and entrance porch
- Bluestone base
- Exposed hipped slate roof with consoled eaves
- Horizontal lines formed by eaves, sills, stringcourses
- Central focal point (entry)
- Bluestone lock-up with slate roof at the rear of the building.

Heritage Place Pelaco Sign 21-31 Goodwood Street, Richmond	PS ref no: HO259
---	-------------------------

Refer to Victorian Heritage Database for Statement of Significance – VHR H1149

Heritage Place	Former Gas Inspector's Residence	PS ref no:	HO260
-----------------------	----------------------------------	-------------------	-------

Refer to Victorian Heritage Database for Statement of Significance – VHR H1610

Heritage Place	House 316 Victoria Street, Richmond	PS ref no:	HO289
-----------------------	--	-------------------	-------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The house at 316 Victoria Street, Richmond, is of local architectural significance. It is the only house of its type —a double-fronted double-storey terrace—in Victoria Street. It is a good and substantially intact example an Italianate style terrace, with particularly fine detailing. It is a major contributor to the streetscape in an area much denuded by post-War commercial and industrial buildings.

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

- Simple façade parapet with pitched roof behind
- Front setbacks but no side setbacks
- Rendered walls (overpainted)
- Front verandahs and balconies with decorative cast iron balustrading and friezes
- Render detailing including parapet balustrading and cornice (overpainted)
- Strong horizontal lines formed by parapet, cornices, stringcourse and balconies
- Side wing walls with simple decorative detailing
- Repetitive fenestration and openings patterns at both levels
- Cast iron palisade fencing, gate, posts and bluestone base.

Heritage Place	Byrne's Arcade Terrace	PS ref no:	HO290
	318-326 Victoria Street, Richmond		

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

Byrne's Arcade Terrace is of local architectural significance. Whilst there are a number of 19th century double-storey shops with residences above in Victoria Street, Byrne's Arcade Terrace is the only residential terrace, and a typical and reasonably intact example. It is a major contributor to the streetscape in an area much denuded by post-War commercial and industrial buildings.

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

- Simple façade parapet with pitched roof behind
- Front setbacks but no side setbacks
- Rendered walls (overpainted)
- Front verandahs and balconies with decorative cast iron balustrading and friezes (not all original)
- Render detailing including dentilled cornice, central pediment, rosettes, masks and urns (overpainted)
- Strong horizontal lines formed by parapet, cornices and balconies
- Strong vertical pilaster lines clearly defining individual residences
- Repetitive fenestration and openings patterns at both levels
- Cast iron palisade fencing and gates, and bluestone bases, to the majority of properties.

Heritage Place	Former Simpson's Glove Factory 488-496 Victoria Street, Richmond	PS ref no:	HO291
-----------------------	---	-------------------	-------

Source: *City of Yarra Heritage Review*, Allom Lovell & Associates (1998)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The former Simpsons Glove Factory is of local architectural significance and local historical interest. The building has been used as a factory since its construction in 1920 until relatively recently. Architecturally, it is a typical example of the stripped Classical Revival style applied to a utilitarian building. The building is prominently sited at the eastern end of Victoria Street, and is a local landmark.

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

- Façade parapet with pitched roof behind
- No front or side setbacks
- Red brick walls with dark brick contrasts
- Plain rendered façade detailing including parapet, consoles, window lintels and sills and curved entrance hood
- Strong vertical pilaster lines
- Repetitive fenestration patterns
- Symmetrical front façade.

Heritage Place	Skipping Girl Neon Sign 651-653 Victoria Street, Abbotsford	PS ref no: HO353
-----------------------	--	-------------------------

Refer to Victorian Heritage Database for Statement of Significance – VHR H2083

Heritage Place	Quint Café (former Duke of Albany Hotel) 323-325 Victoria Street, Abbotsford	PS ref no:	HO416
-----------------------	---	-------------------	-------

Source: *City of Yarra Heritage Gaps Study (Heritage Gaps Amendment two)*, Lovell Chen (2012)

Updated: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The former hotel at no. 323-325 Victoria Street, Abbotsford, was constructed in the nineteenth century with façade alterations undertaken in the early 1930s. It has a series of hipped roof forms clad in corrugated galvanised steel, and a collection of chimneys. The Victoria Street façade returns around Nicholson Street on the east side in a smooth-stuccoed finish with a parapet rising in three rounded steps to the curved corner, with course line mouldings and a flagpole anchored in two of the mouldings. At first floor level there are steel-framed windows with fanlights and horizontally proportioned panes to both the south and east elevations. The first floor corner is also set with steel-framed horizontally-proportioned windows that are faceted to fit the curve of the corner, and doors at either end of the corner window opening to a curved cantilevered balcony with steel tube balustrade. The ground floor has been altered externally.

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

- Plain façade parapet with flat roof behind
- No front or side setbacks
- Rendered facades
- Strong horizontal lines formed by parapet, applied raised strips and window openings
- Moderne detailing including curved corner with staggered parapet and flagpole
- Corner building with principal facades to both streets.

How is it significant?

The former hotel at no. 323-325 Victoria Street, Abbotsford, is of local historical and aesthetic/architectural significance.

Why is it significant?

The former hotel at no. 323-325 Victoria Street, Abbotsford, is of local historical significance. The property has accommodated a hotel for approximately 130 years, beginning with Simpson's Hotel from at least the 1850s, when Victoria Street was known as Simpson's Road and the section of street between Hoddle and Nicholson streets was developing its retail and commercial character. The earlier hotel was replaced by the current two-storey brick building, possibly in the 1880s, when it was known as the Duke of Albany Hotel; and in the 1930s, the external appearance of the hotel was dramatically altered, in line with many hotel makeovers of the interwar years. The former hotel is also of local aesthetic/architectural significance, and is distinguished by the Streamlined Moderne remodeling of the early 1930s. The date of the early 1930s also places this particular stylistic makeover as a comparatively early example. Although altered in part, the Streamlined Moderne styling of the building still reads strongly, particularly the curved emphasis to the Victoria and Nicholson street corner. Elements of note include the three-stepped parapet with course line mouldings; flagpole anchored in two of the mouldings; steel-framed windows; faceted windows to the first floor corner; and the curved cantilevered balcony with steel tube balustrade.

INDIVIDUALLY SIGNIFICANT PLACES WITHIN PRECINCTS

Some 'Individually Significant' places within heritage precincts have a Statements of Significance. Those places that have one are listed below.

Within HO310

Heritage Place	Richmond Cinema (Former) 311-317 Bridge Road, Richmond	PS-ref no:	Within HO310
-----------------------	---	-------------------	--------------

Source: *Thematic Study of Theatres in the City of Yarra*, Context Pty. Ltd (2017)

● ~~What is significant?~~

~~The former Richmond (Hoyts) Cinema built as an ice skating rink in 1888 and converted to a cinema in 1917, situated at 311-317 Bridge Road Richmond.~~

● ~~How is it significant?~~

~~The former Richmond Cinema is historically significant to the City of Yarra. It has rarity and representative value as a former ice skating rink and a 'picture palace'.~~

● ~~Why is it significant?~~

~~The former Richmond (Hoyts) theatre is historically significant as one of several suburban picture palaces in the City of Yarra. Picture palaces were immensely popular in the interwar period as places of entertainment. The Richmond Cinema is historically significant as a converted former ice skating rink. 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. The picture palace and purpose-built theatres built from about 1914 provided entertainment for the working classes where live theatre had traditionally and previously catered for the middle and upper classes. Amongst other places in Yarra, it is historically significant for its role in the popularisation of political messages on anti-conscription by Dr Daniel Mannix, Catholic Archbishop (1913-1936) during World War 1. (Criterion A)~~

~~The Richmond Cinema (formerly Hoyts) demonstrates particular characteristics of the picture palace associated with the advent of 'talkies'. While an evolved building, which has been altered and extended over time, it retains fabric and building components from the late 1880s to the 1920s, including a large auditorium space which remains externally evident. This reflects a sense of the place being a 'cathedral for entertainment' — as a special part of the community sense of place at the time when entertainment was a luxury. (Criterion D)~~

Grynberg Drapers Shop and Office – 99-101 Bridge Road, Richmond

Heritage Place	Grynberg Drapers Shop and Office 99-101 Bridge Road, Richmond	PS ref no:	Within HO310
-----------------------	--	-------------------	--------------

Source: *City of Yarra Review of Heritage Overlay Areas*, Graeme Butler & Associates (2007, 2013)

What is significant?

The Grynberg's drapers shop and office, at 99 and 101 Bridge Road, Richmond was created in 1941 for Thelma Paterson and has other historical associations with persons such as Louis Grynberg, draper. The place has a good integrity to its creation date.

Fabric from the creation date at the Grynberg's drapers shop and office is locally significant within the City of Yarra, compared to other similar places from a similar era.

How is it significant?

The Grynberg's drapers shop and office, at 99 and 101 Bridge Road, Richmond, is architecturally significant to the locality of Richmond and the City of Yarra.

Why is it significant?

The Grynberg's drapers shop and office block is significant as a streamlined Moderne style two storey brick commercial building, given a strong horizontal emphasis with the use of horizontal brick banding to walls and parapet cappings at the upper level and horizontally proportioned window openings with metal framed windows. Horizontal elements are balanced visually by a projecting bay at the western end of the façade which incorporates a vertical slot of glass blocks and a scalloped parapet treatment, and a circular window at the eastern end of the façade. The ground floor's original or early shopfronts have been altered.

Shops & residences – 108-112 Bridge Road, Richmond

Heritage Place	Shops & residences 108-112 Bridge Road, Richmond	PS ref no:	Within HO310
-----------------------	---	-------------------	--------------

Source: *Richmond Conservation Study: undertaken for the City of Richmond*, O'Connor, John & Coleman, Roslyn et al. (1985)

What is significant?

This boom style commercial building exhibits a now rare example of an original building facade with shopfronts. The building is an important contributor to the Bridge Road commercial precinct.

Wustermann’s Buildings, Shop & residence – 138-144 Bridge Road, Richmond

Heritage Place	Wustermann’s Buildings, Shop & residence 138-144 Bridge Road, Richmond	PS ref no:	Within HO310
-----------------------	---	-------------------	--------------

Source: *Richmond Conservation Study: undertaken for the City of Richmond*, O'Connor, John & Coleman, Roslyn et al. (1985)

What is significant?

An elaborate terrace of Edwardian shops forming part of the important Bridge Road commercial precinct.

London Baby Carriage Manufacturers Pty Ltd. Factory and show room – 153-161 Bridge Road Richmond

Heritage Place London Baby Carriage Manufacturers Pty Ltd. Factory and show room 153-161 Bridge Road Richmond	PS ref no: Within HO310
--	--------------------------------

Source: *City of Yarra Review of Heritage Overlay Areas*, Graeme Butler & Associates (2007, 2013)

What is significant?

The London Baby Carriage Manufacturers Pty Ltd. factory and show room at 153-161 Bridge Road, Richmond was created in 1941 for Hilda and Ruby Wrixon and has other historical associations with the London Baby Carriage Pty Ltd. The place has a fair integrity to its creation date (tiles/bricks painted). Fabric from the creation date at the London Baby Carriage Manufacturers Pty Ltd. Factory and show room is locally significant within the City of Yarra, compared to other similar places from a similar era.

How is it significant?

The London Baby Carriage Manufacturers Pty Ltd. Factory and show room at 153-161 Bridge Road, Richmond is historically and architecturally significant to the locality of Richmond and the City of Yarra.

Why is it significant?

The London Baby Carriage Manufacturers Pty Ltd. Factory and show room is significant as a distinctive Moderne style factory on a corner site. 'This streamlined Moderne style painted and rendered brick building is ... given a strong horizontal emphasis with the use of horizontal banding to walls and parapet and expansive, horizontally proportioned window openings... The central projecting entry bay to the building is highlighted by a stepped-up section of parapet a curved cantilevered horizontal awning, and is surmounted by a flagpole.' (Wight 2001)

Former Melbourne Savings Bank – 184 Bridge Road, Richmond

Heritage Place	Former Melbourne Savings Bank 184 Bridge Road, Richmond	PS ref no:	Within HO310
-----------------------	--	-------------------	--------------

Source: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The Former Melbourne Savings Bank at 184 Bridge Road, Richmond built in 1889 to designs by architects Wight & Lucas.

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

- The building's original external form, materials and detailing
- The building's high level of integrity to its original design.
- Façade parapet
- No front setbacks
- Rendered walls
- Elaborate rendered façade detailing including heavily decorated and clustered pilasters, pedimented aediculae, balustrading, stylized classical motifs
- Horizontal lines formed by parapet line, cornices, broad pediment and banded rustication
- Vertical lines formed by bold pilasters
- The steeply-pitched hipped roof form.
- Later alterations and additions to the rear and shopfront are not significant.

How is it significant?

The Former Melbourne Savings Bank at 184 Bridge Road, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?

The Former Melbourne Savings Bank at 184 Bridge Road, Richmond is illustrative of historical development that occurred along a major, early commercial thoroughfare in the City of Yarra, particularly in the 'boom' period of the 1880s (Criterion A).

The Former Melbourne Savings Bank at 184 Bridge Road, Richmond is a distinctive, intact and representative example of a Victorian bank building. It displays typical features of the exuberant Victorian Boom Classical style popular in the 1880s in Richmond and across Melbourne more broadly, including an array of classical details which are applied in a liberal Mannerist style. (Criterion D).

Shops & residences – 199-205 Bridge Road, Richmond

Heritage Place	Shops & residences 199-205 Bridge Road, Richmond	PS ref no:	Within HO310
-----------------------	---	-------------------	--------------

Source: *Richmond Conservation Study: undertaken for the City of Richmond*, O'Connor, John & Coleman, Roslyn et al. (1985)

What is significant?

These transitional style commercial buildings are an important component of the Bridge Road commercial precinct.

National Bank of Australasia, former - 231 Bridge Road, Richmond

Heritage Place	National Bank of Australasia, former 231 Bridge Road, Richmond	PS ref no:	Within HO310
-----------------------	--	-------------------	--------------

Source: *Richmond Conservation Study: undertaken for the City of Richmond*, O'Connor, John & Coleman, Roslyn et al. (1985)

What is significant?

The Richmond branch of the Bank of Australasia is a significant suburban commission of the prominent nineteenth century architect, Lloyd Tayler. The building maintains a high degree of integrity, and is an important element in the Bridge Road commercial precinct.

Former Commonwealth Savings Bank of Australia and residence - 267 Bridge Road, Richmond

Heritage Place	Former Commonwealth Savings Bank of Australia and residence 267 Bridge Road, Richmond	PS ref no:	Within HO310
-----------------------	--	-------------------	--------------

Source: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The Former Commonwealth Savings Bank of Australia and Residence at 267 Bridge Road, Richmond built in 1939.

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

- The building's original external form, materials and detailing
- The building's high level of integrity to its original design.
- Façade parapet
- No front setbacks
- Rendered walls
- Simple detailing including rendered bands and ruled lines
- Geometric decorative steel grilles
- Window openings with glass brick infill
- Vertical emphasis of front façade formed by pilasters and tall side openings
- Hipped roof form.

Later alterations, and additions to the rear, are not significant.

How is it significant?

The Former Commonwealth Savings Bank of Australia and Residence at 267 Bridge Road, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?

The Former Commonwealth Savings Bank of Australia and Residence at 267 Bridge Road, Richmond is illustrative of the policy of expansion of banks into the suburbs in the late 1930s and early 1940s and was one of a number constructed in major commercial thoroughfares at this time in suburban Melbourne (Criterion A).

The Former Commonwealth Savings Bank of Australia and Residence at 267 Bridge Road, Richmond is a fine, intact and representative example of a Moderne building. It displays typical features of the Moderne architectural style popular in the late 1930s in Richmond and across Melbourne more broadly, including a strong vertical emphasis with secondary horizontal elements and fine decorative steel grilles of geometric pattern (Criterion D).

Theobalds Buildings – 294-296 Bridge Road, Richmond

Heritage Place	Theobalds Buildings – 294-296 Bridge Road, Richmond	PS ref no:	HO310
-----------------------	--	-------------------	-------

Source: *Richmond Conservation Study: undertaken for the City of Richmond, O'Connor, John & Coleman, Roslyn et al. (1985)*

What is significant?

An outstanding pair of Edwardian shops, intact above verandah level.

381-389 Bridge Road, Richmond

Heritage Place	381-389 Bridge Road, Richmond	PS ref no:	Within HO310
-----------------------	-------------------------------	-------------------	--------------

Source: *Richmond Conservation Study: undertaken for the City of Richmond, O'Connor, John & Coleman, Roslyn et al. (1985)*

What is significant?

These late Victorian commercial buildings with their original timber shopfronts are a prominent feature of the Bridge Road commercial precinct.

D6 Panel preferred version of Incorporated documents

This Appendix relates to the following Incorporated Documents:

- City of Yarra Database of Heritage Significant Areas, July 2019
(Note: Only changes to HO327 are shown. Additional changes to HO109, HO499 and HO504 are described in the report and are not shown in this Appendix)
- Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance: Incorporated Document (May 2020).

(Note: This document is the same as presented by Council in its closing submission in Document 62, Attachment 3)



Maddocks

City of Yarra Database of Heritage Significant Areas, July 2019								
Overlay	Address	Type	Number	Suburb	Property Type	Property	Heritage Status	Estimated
HO327	Alexandra	Parade	27	Fitzroy North	St Brigids former convent	231650	Contributory	1919
HO327	Nicholson	Street	378A	Fitzroy North	St Brigid's Roman Catholic Presbytery	231650	Individually Significant	1880-1890
HO327	Nicholson	Street	378	Fitzroy North	St Brigid's Roman Catholic Church & organ	231650	Individually Significant	1869-1873
HO327	Nicholson	Street	378C	Fitzroy North	St Brigid's Roman Catholic School and hall	231650	Individually Significant	1870-1890
HO327	York	Street	20	Fitzroy North	St Brigids School	231650	Contributory	1924

[8091629; 26604213_1]

Yarra Planning Scheme

**Yarra High Streets (Victoria Street and Bridge Road) Statements of Significance:
Incorporated Document (May 2020)**

The statements of significance are derived from the following reports:

- *Heritage Gap Study, Review of Central Richmond*, Context Pty Ltd (2014)
- *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

This document is an incorporated document in the Yarra Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

[8091629: 26604481_1]1

YARRA PLANNING SCHEME

Ordered by Heritage Overlay number

INDIVIDUALLY SIGNIFICANT PLACES			
HO number VHR number	Name	Address	Page
HO525	Shop & Residences	637-39 Bridge Road, Richmond	3
HO526	Hall's Buildings	202-206 Church Street, Richmond	4
HO527	Pair of Terrace Houses	32 & 34 Thomas Street, Richmond	5
HO528	James Boland's Shop and Residence	635 Bridge Road, Richmond	6
HO529	Royal Oak Hotel	529-533 Bridge Road, Richmond	7
HO530	Whipp's Terrace	597-599 Bridge Road, Richmond	8
HO531	Flour Mill & Grain Store Complex (Former)	534-534A Bride Road, Richmond	9
HO532	City Hall, Richmond Municipal Offices & Former Court House (Richmond Town Hall)	325-333 Bridge Road, Richmond	10

This document is an incorporated document in the Yarra Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

YARRA PLANNING SCHEME

Heritage Place	Shop & Residences 637-639 Bridge Road, Richmond	PS ref no: H0525
-----------------------	--	-------------------------

Source: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The pair of two-storey shops and residences at 637-639 Bridge Road, Richmond built by 1892.

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

- The building's original external form, materials and detailing
- The building's high level of integrity to its original design
- Façade parapet
- No front setbacks
- Rendered walls
- Rendered façade detailing including pilaster strips, elaborate window aediculae, parapetscrolls and urns
- Horizontal lines formed by parapet line, cornice and string course
- Repetitive upper floor fenestration patterns.

How is it significant?

The pair of two-storey shops and residences at 637-639 Bridge Road, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?

The pair of two-storey shops and residences at 637-639 Bridge Road, Richmond are illustrative of the historical development that occurred along a major, early commercial thoroughfare in the City of Yarra, particularly in the 'boom' period of the 1880s and early 1890s [Criterion A].

The pair of two-storey shops and residences at 637-639 Bridge Road, Richmond are a fine, intact and representative example of a Victorian shop and residence. They display typical features of the Victorian architectural style popular in the 1880s and early 1890s in Richmond and across Melbourne more broadly, including an elaborate parapeted façade with repetitive upper floor fenestration, rendered facades and ground floor shopfronts [Criterion D].

This document is an incorporated document in the Yarra Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

YARRA PLANNING SCHEME

Heritage Place	Hall's Buildings 202-206 Church Street, Richmond	PS ref no:	HO526
-----------------------	---	-------------------	-------

Source: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

Hall's Buildings, 202-206 Church Street, Richmond built in 1886.

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

- The building's original external form, materials and detailing
- The building's high level of integrity to its original design.
- Façade parapet
- No front setbacks
- Rendered walls
- Rendered façade detailing including window frames and keystones, pilaster strips, consoles, decorative pediments including nameplate and festoons
- Incised decoration to keystones
- Horizontal lines formed by parapet line, cornice and string courses
- Repetitive upper floor fenestration patterns.

How is it significant?

Hall's Buildings, 202-206 Church Street, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?

Hall's Buildings, 202-206 Church Street, Richmond is illustrative of the historical development that occurred along a major, early commercial thoroughfare in the City of Yarra, particularly in the 'boom' period of the 1880s (Criterion A).

Hall's Buildings, 202-206 Church Street, Richmond is a fine, intact and representative example of a row of Victorian shops and residences. It displays typical features of the Victorian architectural style popular in the 1880s in Richmond and across Melbourne more broadly, including a parapeted façade with repetitive upper floor fenestration, rendered façade and ground floor shopfronts (Criterion D).

This document is an incorporated document in the Yarra Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

YARRA PLANNING SCHEME

Heritage Place	Pair of Terrace Houses 32 & 34 Thomas Street, Richmond	PS ref no: HO527
-----------------------	---	-------------------------

Source: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The pair of terrace houses, 32 & 34 Thomas Street, Richmond, built c1894.

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

- The houses' original external form, materials and detailing
- The houses' high level of integrity to its original design
- Two-storey unparapeted form
- Front verandahs and balconies with decorative cast iron
- Face brick walls (overpainted) with cement render detailing
- Hipped roof form
- Rectangular window openings
- Pair of attached buildings with dividing wing walls with decorative detailing
- Iron palisade fence on a bluestone plinth to 34 Thomas Street.
- Later alterations and additions to the rear of the terraces are not significant. The brick wall to the front boundary of 32 Thomas Street is not significant.

How is it significant?

The pair of terrace houses, 32 & 34 Thomas Street, Richmond are of local architectural and aesthetic significance to the City of Yarra.

Why is it significant?

The pair of terrace houses, 32 & 34 Thomas Street, Richmond are fine and representative examples of terrace housing from the Victorian period. They display typical features of the Victorian Italianate architectural style popular in the 1880s boom period in Richmond and across Melbourne more broadly, including a two-storey form with front verandahs and balconies, dividing wing walls, rendered decorative elements and decorative cast iron (Criterion D).

The pair of terrace houses, 32 & 34 Thomas Street, Richmond are well-considered and carefully detailed examples of Victorian Italianate terrace housing. The pair of brick terraces, with repetitive decorative elements across the facades, presents a picturesque composition of this architectural style (Criterion E).

This document is an incorporated document in the Yarra Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

YARRA PLANNING SCHEME

Heritage Place	James Boland's Shop and Residence 635 Bridge Road, Richmond	PS ref no: HO528
-----------------------	--	-------------------------

Source: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

James Boland's Shop and Residence, a two-storey commercial premises at 635 Bridge Road, Richmond built in 1867.

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

- The building's original external form, materials and detailing
- The building's high level of integrity to its original design
- Façade parapet
- No front setbacks
- Rendered walls
- Rendered window frames and hoods to upper storey
- Rendered façade detailing including pilaster strips, consoles and central pediment with nameplate
- Horizontal lines formed by parapet line and cornice
- Repetitive upper floor fenestration patterns
- Gabled roof form.

How is it significant?

James Boland's Shop and Residence at 635 Bridge Road, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?

James Boland's Shop and Residence at 635 Bridge Road, Richmond is illustrative of historical development that occurred along a major, early commercial thoroughfare in the City of Yarra [Criterion A].

James Boland's Shop and Residence at 635 Bridge Road, Richmond is a fine, intact and representative example of an early Victorian shop and residence. It displays typical features of the early Victorian architectural style popular in the late 1860s in Richmond and across Melbourne more broadly, including a parapeted façade with repetitive upper floor fenestration, rendered facades and ground floor shopfronts [Criterion D].

This document is an incorporated document in the Yarra Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

YARRA PLANNING SCHEME

Heritage Place	Royal Oak Hotel 529-533 Bridge Road, Richmond	PS ref no:	HO529
-----------------------	--	-------------------	-------

Source: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

The Royal Oak Hotel, 529-533 Bridge Road, Richmond, built in 1923 to designs by architect Harry R Johnson.

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

- The building's original external form, materials and detailing
- The building's high level of integrity to its original design.
- Façade parapet
- No front setbacks
- Rendered walls
- Horizontal lines formed by parapet, cornice and rows of windows
- Repetitive upper floor fenestration patterns
- Splayed corner with tower and articulated facades to both streets
- Balconies and recessed entrances
- Hipped roof forms with tiled roof cladding (including tower).

Later alterations and additions, including the single-storey building to the east, are not significant.

How is it significant?

The Royal Oak Hotel, 529-533 Bridge Road, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?

The Royal Oak Hotel, 529-533 Bridge Road, Richmond is of significance as a suburban hotel constructed at a prominent corner in Richmond. A hotel of this name has operated continuously on this site from the late 1860s (Criterion A).

The Royal Oak Hotel, 529-533 Bridge Road, Richmond is an intact and representative example of an Interwar hotel. It displays typical features of an unadorned Stripped Classical style, popular in the 1920s in Richmond and across Melbourne more broadly, including plain parapetted facades and simplified classical elements, and Art Deco influenced details (Criterion D).

This document is an incorporated document in the Yarra Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

YARRA PLANNING SCHEME

Heritage Place	Whipp's Terrace 597-599 Bridge Road, Richmond	PS ref no:	HO530
-----------------------	--	-------------------	-------

Source: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

Whipp's Terrace, a two-storey commercial premises at 597-599 Bridge Road, Richmond built in 1873.

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

- The building's original external form, materials and detailing
- The building's high level of integrity to its original design.
- Façade parapet
- No setbacks
- Rendered walls
- Rendered façade detailing including window frames consoles and urns
- Strong horizontal lines formed by parapet line, cornices and string course
- Repetitive fenestration patterns at first floor level
- Symmetrical front façade
- Hipped roof form clad with slate, patterned with green scalloped rows.

How is it significant?

Whipp's Terrace at 597-599 Bridge Road, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?

Whipp's Terrace at 597-599 Bridge Road, Richmond is illustrative of the historical development that occurred along a major, early commercial thoroughfare in the City of Yarra in the Victorian period (Criterion A).

Whipp's Terrace at 597-599 Bridge Road, Richmond is a fine, intact and representative example of a Victorian shop and residence. The terrace displays typical features of the Victorian architectural style popular in the 1870s in Richmond and across Melbourne more broadly, including a parapeted façade with repetitive upper floor fenestration, rendered facades and ground floor shopfronts (Criterion D).

This document is an incorporated document in the Yarra Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

YARRA PLANNING SCHEME

Heritage Place	Flour Mill & Grain Store Complex (former) 518-524, 534 & 534A Bridge Road, Richmond	PS ref no: HO531
-----------------------	--	-------------------------

Source: *Heritage Gap Study, Review of Central Richmond*, Context Pty Ltd (2014)

What is significant?

The former Flour Mill & Grain Store complex, to the extent of the fabric dating from c.1870 to c.1951 associated with the use as a flour mill (including the c.1951 alterations and additions designed by architect, Frederick Moresby), at 534 & 534A Bridge Road, and the silo structure constructed c.1941 situated on part of 518-24 Bridge Road in Richmond is significant. It comprises a complex of brick and timber-framed iron clad buildings built in stages from the late nineteenth to the mid-twentieth centuries with an associated silo structure. The buildings are all built up to the frontages to Bridge Road, Type Street and the rear laneway, and vary in height from one to three stories. The three-storey building adjacent to Type Street, and immediately to the north of the vehicle crossing, dates from the late nineteenth century. It has a hip and gable roof, and double hung two pane sash windows with segmental arched heads and brick cills. Some of these windows (including a half-circular window at first floor level near the centre of the wall) have been closed up. This was described on a 1948 plan as the 'Mill building' and probably contained the milling equipment used to process the grain. At rear (south end) of this building is the 1948 skillion roof addition end, which originally contained staff amenities, motor and machinery rooms and a 'silk room'. To the west of this building and located toward the centre of the site is a building clad in corrugated iron with a skillion roof, with a tower element, which may have contained the flour and wheat bins as shown on the 1948 plans. Adjacent to the laneway is a mid-twentieth century parapeted brick building of one and two storeys that extends from Type Street to the silos. This was described on a 1948 plan as the 'Bag cleaning and store'. Adjacent to this the silo structure comprises four cylindrical reinforced concrete silos arranged in a square.

Alterations and additions made, and new buildings constructed after the use by the building as a flour mill ceased (1955 onwards) are not significant.

How is it significant?

The former Flour Mill & Grain Store complex at 518-24, 534 & 534A Bridge Road, Richmond is of local historic, architectural and aesthetic significance to the City of Yarra.

Why is it significant?

The former Flour Mill & Grain Store complex is associated with the development of secondary industry in Richmond. It demonstrates the diverse range of manufacturing carried out including flour milling, which remained an important industry in Richmond until the 1950s. (Criterion A)

The former Flour Mill & Grain Store complex is representative of the industrial complexes of the late nineteenth and early twentieth centuries, with a range of buildings that demonstrate the continuous use and development of the site as a flour mill over 100 years. The flour mill use is demonstrated by the form and scale of the three storey building adjacent to Type Street with the associated corrugated iron clad tower, and by the reinforced concrete silos, which demonstrate the change to bulk handling of grain by the early 1940s. The significance of the complex is enhanced by its rarity values, as surviving example of a nineteenth century flour mill in the City of Yarra. Most of the other flour mills in the City of Yarra have been demolished, while archaeological remains are all that survive of Dights Mill in Abbotsford. (Criteria B & D)

The reinforced concrete silo is significant as a landmark within the local area. (Criterion E)

This document is an incorporated document in the Yarra Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

YARRA PLANNING SCHEME

Heritage Place	City Hall, Richmond Municipal Offices & former Court House (Richmond Town Hall) 325-333 Bridge Road, Richmond	PS ref no: HO532
-----------------------	--	-------------------------

Source: *Victoria Street and Bridge Road Built Form Review Heritage Assessments*, GJM Heritage (2018)

What is significant?

City Hall at 325-333 Bridge Road, Richmond, built in 1869-71 to designs by architect Charles Vickers, and additions and alterations in 1934-36 to designs by Harry R Johnson.

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

- The building's original and 1934-36 external form, materials and detailing
- Highly intact internal detailing of the Ticket Office in the foyer and the Main Hall, reflecting both phases of development.
- The building's high level of integrity to its 1934-36 form.

Any alterations and additions made after 1936 are not significant.

How is it significant?

City Hall at 325-333 Bridge Road, Richmond is of local historical and architectural significance to the City of Yarra.

Why is it significant?

City Hall at 325-333 Bridge Road, Richmond is of historical significance as the centre of local government services in Richmond since 1869. Both the original 1869 building and the symbolic and monumental refacing of the building in 1934 to coincide with the centenary of Victoria, represent the civic aspirations of the local government (Criterion A).

City Hall at 325-333 Bridge Road, Richmond is a distinctive, intact and representative example of a municipal town hall building. It displays typical features of two major stages of construction - the east and west facades show the original Victorian Italianate style, including rows of simple round-headed brick arched openings, bracketed eaves and bichromatic brickwork and the front façade and tower show the severe and monumental Moderne style, including a variety of both Egyptian-influenced elements and Art Deco motifs (Criterion D).

The imposing rendered main façade of City Hall at 325-333 Bridge Road, Richmond, with prominent clock tower and front porticoes, presents a landmark form to Bridge Road and surrounding areas. Egyptian-influenced elements and Art Deco motifs add to the visual qualities of the exterior of the place. The Ticket Office in the foyer and the Main Hall retain decorative elements that clearly reflect both important phases of development of the place (Criterion E).

This document is an incorporated document in the Yarra Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987