

Report to the Future Melbourne Committee**Agenda item 6.2****South Yarra Heritage Review - Planning Scheme Amendment C426****19 September 2023****Presenter:** Julian Edwards, Acting Director City Strategy**Purpose and background**

1. The purpose of this report is to consider the submissions received to the South Yarra Heritage Review Amendment C426 (the Amendment) and to recommend that the Future Melbourne Committee (FMC) refers all submissions summarised at Attachment 2 to an independent planning panel in accordance with section 23(1)(b) of the *Planning and Environment Act 1987*.
2. The Amendment implements the recommendations of the South Yarra Heritage Review August 2022 (the Review). The Review was conducted by independent heritage consultants GML Heritage.
3. The Review was presented to FMC on 8 November 2022, when it was resolved to request that the Minister for Planning authorise the Amendment. Upon authorisation, public exhibition was undertaken from 13 March to 24 April 2023.

Key issues

4. A total of 41 submissions were initially received following formal exhibition and are summarised as follows:
 - 4.1. Seven submissions supporting the Amendment, including three submissions supporting the Amendment and suggesting changes such as increased protection for streetscapes or buildings, or providing additional information to the Review.
 - 4.2. A submission from the Melbourne South Yarra Residents Group supporting the Amendment and requesting changes including: upgrading the proposed heritage building category and applying a significant streetscape category to over 100 properties, and correcting minor errors and omissions in the Review.
 - 4.3. Four submissions objecting to the Amendment and requesting corrections to the Review regarding three properties: 10-16 Mona Place, South Yarra; 603-627 Punt Road, South Yarra (South Yarra Presbyterian Church complex); and 519-539 St Kilda Road, Melbourne (former Chevron Hotel).
 - 4.4. Twenty-five submissions objecting to the proposed heritage building category change of 18 properties, including six submissions objecting to the proposed heritage building category change from ungraded to significant for 172-182 Walsh Street, South Yarra (Motstone).
 - 4.5. A submission objecting to the Amendment generally.
 - 4.6. Two submissions objecting to the Amendment generally and objecting to the proposed heritage building category change for three properties: 56 Pasley Street, South Yarra; 543 Punt Road, South Yarra; and 23-25 St Leonards Court, South Yarra.
 - 4.7. A submission where the position is unknown.
5. Having considered the matters raised in submissions, the following changes are recommended:
 - 5.1. Re-categorise 10-16 Mona Place from contributory in HO427 to non-contributory in HO6.
 - 5.2. Reinstate 39 & 41 Millswyn Street as non-contributory.
 - 5.3. Reinstate 15-17 Pasley Street as non-contributory.
 - 5.4. Re-categorise 248-250 Domain Road from contributory to significant with a significant streetscape.
 - 5.5. Re-categorise 72-76 Domain Street from contributory to significant.

- 5.6. Re-categorise 113 & 115 Millswyn Street from contributory to significant.
 - 5.7. Re-categorise 23 & 25 The Righi from contributory to significant.
 - 5.8. Re-categorise numbers 80-110 Leopold Street (14 properties) and 81-129 Leopold Street (21 properties) from having no significant streetscape to having a significant streetscape.
6. On 20 July 2023, and following a review of submissions by GML Heritage, owners and occupiers of six properties proposed to be upgraded to significant, and 35 properties proposed to have a significant streetscape category applied were informally notified of this proposed change to the Amendment and provided with an additional opportunity to make a submission. No submissions were received.

Recommendation from management

7. That the Future Melbourne Committee:
 - 7.1. Considers the submissions received following the exhibition of Amendment C426 - South Yarra Heritage Review (the Amendment).
 - 7.2. Notes management's responses to all submissions and approves the recommended changes to the Amendment as set out in Attachment 2 of the report from management.
 - 7.3. Acknowledges receipt of the late submission regarding 55 and 57-59 Marne Street, South Yarra which has not been considered by Council's heritage expert or management within the report, and refers it with the other submissions to an independent planning panel.
 - 7.4. Requests the Minister for Planning appoint an independent planning panel to consider all submissions referred to it in relation to the Amendment in accordance with section 23 of the *Planning and Environment Act 1987*.

Attachments:

1. Supporting Attachment (Page 3 of 58)
2. Summary of Submissions and Management Responses (Page 5 of 58)

Supporting Attachment

Legal

1. Part 3 of the *Planning and Environment Act 1987* (the Act) deals with the amendment of planning schemes within Division 1 of the Act. It sets out the requirements for exhibitions and for giving notice of proposed planning scheme amendments. Division 2 of the Act outlines the public submissions process. Section 23(1) of the Act provides that:
 - (1) *After considering a submission which requests a change to the amendment, the planning authority must:*
 - (a) *change the amendment in the manner requested; or*
 - (b) *refer the submission to a panel appointed under Part 8; or*
 - (c) *abandon the amendment or part of the amendment.*
2. The recommendations made in the report are therefore consistent with the Act.

Finance

3. The costs for processing of the Amendment are included in the 2023–24 City Strategy budget.

Conflict of interest

4. A member of Council staff who is involved in advising on this report has a family member who works at the Department of Transport and Planning. This interest is managed internally. No other member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

Health and Safety

5. In developing this proposal, no occupational health and safety issues or opportunities have been identified.

Stakeholder consultation

6. The Amendment was exhibited in accordance with the Act in the following manner:
 - 6.1. Public notices were placed in *The Age* on 15 March 2023 and the *Government Gazette* on 16 March 2023.
 - 6.2. The Amendment and supporting information was made available on the City of Melbourne's Participate Melbourne website and the Department of Environment, Land, Water and Planning's website.
 - 6.3. A copy of the statutory notice, as well as a covering letter, was sent to all affected landowners on 9 March 2023. The information was also sent to relevant stakeholders and prescribed Ministers.
 - 6.4. Two information sessions were held including an online session held on 30 March 2023 and an in-person session at the South Yarra Senior Citizens Centre on 4 April 2023. A presentation was given to attendees about the South Yarra Heritage Review Amendment C426 and an outline of heritage planning tools. A question and answer period was also included. A South Yarra heritage walking tour was held on Wednesday 5 April 2023.

- 6.5. Following a review of submissions by GML Heritage, owners and occupiers of six properties proposed to be upgraded to significant, and 35 properties proposed to have a significant streetscape category applied were informally notified of this proposed change to the Amendment and provided with an additional opportunity to make a submission. No further submissions were received during this extended consultation period.
7. Subject to FMC decision, all submissions received in response to the exhibition of the Amendment as considered in this report will be referred to the independent planning panel. Submitters will have the opportunity to address the panel and lead their own evidence, if desired.

Relation to Council policy

8. In the Council Plan 2021–25, the Amendments relate to Council’s strategic objective entitled “Melbourne’s Unique Identity and Place”, which includes a priority that “our built, natural and cultural heritage is protected”; major initiative to “complete heritage reviews and implement associated planning scheme amendments to protect and celebrate heritage in our municipality”; and the indicator “Neighbourhoods in the municipality with up-to-date local heritage studies and controls.”
9. In the Heritage Strategy 2013, the Amendments assist in the implementation of Action 2.3 which seeks to “review the heritage controls in the residential zones of the city, targeting resolution of gaps and inconsistencies in the existing controls.”
10. In the Municipal Strategic Statement of the Melbourne Planning Scheme, the Amendments assist in the implementation of Clause 02.03-4 which seeks to “Conserve and enhance places of identified cultural heritage significance, including views to heritage places.”


Environmental sustainability

11. The identification, conservation and integration of the heritage fabric can reduce building demolition and new construction waste, and conserve the embodied energy of existing buildings.

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1. Individual Submitter



Subject land	<p>10-16 Mona Place, South Yarra</p> <p><i>Proposed change from “contributory” in HO427 16-20 Mona Place, South Yarra to “contributory” in HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Inaccurate information in the Heritage Review. - Inaccurate assessment of place. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that 10-16 Mona Place is a single story building, but the citation has used this street address when describing and assessing the building at 18 Mona Place, which is the double storey apartment building next door. - States that property address has been misidentified. 10-16 Mona Place has been described as 18 Mona Place due to a historic numbering error. - Requests that numbering in the Review be fixed and the “contributory” value of the building at 10-16 Mona Place be re-assessed. - Has attached a Heritage Impact Statement prepared by Bryce Rayworth to support a Planning Permit Application. This outlines that there has been a historical issue with incorrect numbering for this property. The Building Identification Form (BIF) from Allom Lovell Report on the City of Melbourne Planning Scheme Heritage Review 1999, shows a photo and description of 18 Mona Place, South Yarra under the incorrect address of 16 Mona Place, South Yarra. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the assertion that 18 Mona Place has been incorrectly listed as 10-16 Mona Place, Management agrees with GML that this is an error in the citation on page 675. - Management agrees with GML’s view that the building at 10-16 Mona Place is believed to generally contribute to the urban character, however given it is marginal in terms of the design quality and integrity, this place should be re-categorised as “non-contributory.” 	
Management position	<ul style="list-style-type: none"> - In response to this submission it is recommended that: <ul style="list-style-type: none"> o The address be corrected to 18 Mona Place which should be retained as “contributory”. o 10-16 Mona Place be re-categorised as a “non-contributory” place in HO6. o Subsequently, the following recommended changes to the exhibited amendment documents are to be reflected in documentation circulated prior to the panel hearing: <ul style="list-style-type: none"> ▪ Remove 10-16 Mona Place from Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>. ▪ Update the HO6 South Yarra Precinct Statement of Significance to identify 10-16 Mona Place as “non-contributory”. ▪ Update the Explanatory Report. 	

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	<ul style="list-style-type: none"> ○ The following recommended changes to the exhibited amendment documents are to be presented in documentation after the panel hearing (subject to the panel's recommendations): <ul style="list-style-type: none"> ▪ Update the citation at page 675 to replace 10-16 Mona Place with 18 Mona Place. ▪ Update the <i>South Yarra Heritage Review</i>, including the Precinct Category Schedule in the HO1419 citation and the recommendations in Appendix B. - Refer submission to planning panel.
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2. Individual Submitter

Subject land	<p>39 and 41 Millswyn Street, South Yarra</p> <p>39 Millswyn Street, South Yarra <i>Proposed category change from "ungraded" in HO6 South Yarra Precinct to "contributory" in HO6 South Yarra Precinct</i></p> <p>41 Millswyn Street, South Yarra <i>Proposed category change from "ungraded" in HO6 South Yarra Precinct to "contributory" in HO6 South Yarra Precinct</i></p>	 
Themes	- Insufficient justification for a "contributory" building in a heritage precinct.	
Matters raised	<ul style="list-style-type: none"> - States that both subject properties were divested of all Victorian attributes with Council approval in 1960, and in 1991 were changed again and given mock Georgian facades. - States that the front garden wall, fence and gate are also 1990's era and do not have heritage significance. 	
Management response	- This submission was referred to City of Melbourne's heritage consultant GML Heritage.	

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	<ul style="list-style-type: none"> - In relation to the loss of Victorian attributes and addition of 1990's mock Georgian facades, GML states that upon further research, the works to the façades include: <ul style="list-style-type: none"> o the addition of polystyrene (bonded to the masonry) keystones o quoining o rustication o stringcourses and detail to the parapet o replacement to flat roofing of the bay window o resurfaced facades - Management agrees with GML's recommendation that based on the further research, the buildings no longer warrant "contributory" categories in HO6 due to lack of integrity. It is recommended that the buildings should be re-categorised as non-"contributory".
Management position	<ul style="list-style-type: none"> - In response to this submission it is recommended that: <ul style="list-style-type: none"> o 39 and 41 Millswyn Place be re-categorised as "non-contributory" places in HO6. o Subsequently, the following recommended changes to the exhibited amendment documents are to be reflected in documentation circulated prior to the panel hearing: <ul style="list-style-type: none"> ▪ Remove 39 and 41 Millswyn Street from Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>. ▪ Update the HO6 South Yarra Precinct Statement of Significance to identify 39 and 41 Millswyn Street as "non-contributory". ▪ Update the Explanatory Report. o The following recommended changes to the exhibited amendment documents are to be presented in documentation after the panel hearing (subject to the panel's recommendations): <ul style="list-style-type: none"> ▪ Update the <i>South Yarra Heritage Review</i>, including the Precinct Category Schedule in the HO6 citation and the recommendations in Appendix B. - Refer submission to planning panel.

3. St Martins Youth Arts Complex

Subject land	<p>24-32 and 40-46 St Martins Lane, 20-36 St Martins Place and 120-122 Millswyn Street, South Yarra (St Martins Youth Arts Complex)</p> <p><i>Proposed category change from "ungraded" in HO6 South Yarra Precinct to serial listing HO1417 St Martins Youth Arts Centre complex.</i></p> <div style="display: flex; justify-content: space-around;">   </div>
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Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Impact on development opportunities.
Matters raised	<ul style="list-style-type: none"> - Asserts that the proposed category does not allow the flexibility needed for a building with this use. Expresses concern that proposed heritage category will have a negative impact on the viability of the company. - Expresses concern that proposed heritage controls will hinder the opportunity to undertake alterations such as DDA compliance and access upgrades. States that there is need to strike a balance between recognising the heritage values of the site and the level of flexibility required. - Proposes that Council work with the company to explore if the amendment could be changed to better reflect both the heritage value of the place, and allow for the flexibility required to accommodate future works.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML that the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance. The impact on individual owners in relation to the future use and development of a property is not relevant in determining the heritage significance of a place. - In response to the concern that the proposed heritage category would affect the ability to undertake alterations to the place to make it DDA compliant or other upgrades, management agrees with GML that while heritage controls would require planning permission for affected places, they do not place restrictions on internal works (unless internal controls are proposed) or on-going maintenance. Works to satisfy the Disability Discrimination Act (DDA) and Building Code Australia (BCA) compliance requirements are generally supported for heritage places but should be undertaken with consideration of their heritage values. - In response to the request to provide flexibility in the controls, management asserts that the council is open to working with the submitter to achieve an appropriate outcome for the site.
Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to planning panel.

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4. Individual Submitter

Subject land	<p>172-182 Walsh Street, South Yarra (Motstone)</p> <p><i>Proposed category change from outside the HO South Yarra Precinct to “significant” within HO6 South Yarra Precinct.</i></p> 
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Adequacy of the engagement process. - Accuracy of information in Heritage Review.
Matters raised	<ul style="list-style-type: none"> - Expresses concern that they were not adequately engaged in the development of the Review or notified of the proposed Amendment. - Asserts the building was built in 1974, not 1960 as the Review states. - Asserts that the building is of poor integrity and architectural merit, and not worthy of a “significant” category. - Requests an extension to the exhibition period to make a submission.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the concerns relating to the engagement and notification process, Management advises that the Amendment has been correctly exhibited in accordance with the <i>Planning and Environment Act 1987</i>. - In response to concern around the age of the building, management agrees with GML that the 1960 date of construction is confirmed by a number of sources including: <ul style="list-style-type: none"> o Melbourne Building Application Index records the application was submitted to Council on 22 September 1959 to erect a block of ‘new flats’ with 14 units on this land. The construction value was £80,000 (MBAI 33619). o The Own-Your-Own flats development, named after the residence “Motstone” that formerly occupied the site, was completed by August 1960, when it was first advertised for sale (Age 19 August 1960:19). - Management agrees with GML that the justification for a proposed category of “significant” in HO6 is appropriate for the following reasons: <ul style="list-style-type: none"> o During the Review, over 60 examples of flats were identified in the study area with approximately 19 examples from 1957–63, Motstone was one of three examples that were categorised as a “significant” place. o Motstone is distinguished from the places categorised as “contributory”, with its refined design articulated by the use of full curtain wall, U-shaped plan with a central court, massing of projecting balconies and double-height glazed entry foyer. o Motstone has high architectural merit with its refined detailing, intact original built form and roof, minimal alterations to the building (with any changes not visually dominant when viewed from the public domain), original opening patterns, intact original detailing and intact wall and floor surfaces.

	<ul style="list-style-type: none"> - In response to the assertion that the building has poor integrity, management agrees with GML that the submitter has not provided documentation to suggest that the building has poor integrity. The enclosure of the northeast corner verandah at the rear is noted. However, this alteration is not visible from the front of the building and is not detrimental to the overall integrity and intactness when viewed from the public domain.
Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to planning panel.

5. Individual Submitter



Subject land	<p>166 Toorak Road West, South Yarra (St Ives)</p> <p><i>Proposed category change from outside HO to “contributory” in HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that the proposed “contributory” category is not appropriate as buildings on either side are proposed “non-contributory” and are of the same style and era. - Asserts that formal category classification of the building impedes on the matters of private individuals and should be removed. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the assertion that the buildings on either side of the place are of the same era and style and are graded “non-contributory”, management agrees with GML that the buildings on either side which are of the same era (158W-166W Toorak Road (1960) and 12-16 and 18-20 Anderson Street (1960’s)) are both graded “contributory”. The place at 168W- 172W Toorak Road is of a later era (1982) and is graded “non-contributory”. - In response to the assertion that the proposed heritage category of the building should be removed, management agrees with GML that the proposed heritage category of the place is appropriate for the following reasons: <ul style="list-style-type: none"> o Further research into the property confirmed that this building and the neighbouring “contributory” building ‘Sussex’ on the same parcel were designed by prominent architect Mordechai Benshemesh who designed Edgewater Towers (1959-60), renowned as Melbourne’s first high-rise apartments. The building was also constructed in 1966. These points should be referenced in amendments to the Review. o St Ives represents the new building typology of residential towers that emerged in the key development period of late post-war (late 1960s to early 1970s). These multistorey flats/apartments adopted modernist elements and were characterised by 	


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	<p>their simplicity of structure and minimal decoration. The earliest high-rise flats in inner-city Melbourne are now gradually gaining heritage recognition.</p> <ul style="list-style-type: none"> ○ Its height distinguishes it from other “contributory” examples of the type and is a good example that displays key elements typical of the post-war flats.
Management position	<ul style="list-style-type: none"> - In response to this submission, it is recommended that: <ul style="list-style-type: none"> ○ The architect and construction date of the building be clarified in the citation. ○ Subsequently, this recommended change to the exhibited amendment document, the <i>South Yarra Heritage Review</i> within the citation for HO6 South Yarra Precinct, at Volume 4 is to be presented in documentation after the panel hearing (subject to the panel’s recommendations). - Refer submission to planning panel.

6. Individual Submitter

Subject land	<p>555-563 St Kilda Road, Melbourne (Royal Vic. Institute for the Blind)</p> <p><i>Proposed to remove “significant streetscape”</i></p>  <p>519-539 St Kilda Road, Melbourne (Former Chevron Hotel)</p> <p><i>Proposed category change from outside HO to individually “significant” in HO1414 Former Chevron Hotel.</i></p> 
Themes	<ul style="list-style-type: none"> - Objects to the curtilage of the proposed Heritage Overlay.
Matters raised	<ul style="list-style-type: none"> - Asserts that the Review protects many important buildings. - Asserts that both subject sites include modern buildings within the curtilage of the HO which should be removed.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML that the curtilage of the proposed HO for 519-539 St Kilda Road is correct for the following reasons: <ul style="list-style-type: none"> ○ The majority of the modern apartment block at part of 519-539 St Kilda Road is excluded from the proposed curtilage.

	<ul style="list-style-type: none"> ○ A small section of this new development is included in the eastern corner of the proposed HO boundary. A consistent buffer to the rear of the former hotel building has been created by drawing a straight line in parallel with the southern property boundary. The intention was to protect the three-dimensional views from the north and the northeast and northwest corners (see image).  <p>Extent of proposed HO1414 shown to the north in light pink (Source: VicPlan)</p> <ul style="list-style-type: none"> ○ This approach aligns with the Planning Practice Note 1: Applying the Heritage Overlay (PPN01) guidance, which advises: <ul style="list-style-type: none"> “The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item.” - Management agrees with GML that it is appropriate to retain the proposed curtilage. - With regard to 555–563 St Kilda Road, management agrees with GML that this place is currently covered by HO492 and is on the Victorian Heritage Register (VHR H1002). The amendment only proposes to remove the “significant” streetscape for this place that currently applies through the local controls. Changes to the curtilage for the extent of the VHR listing was not considered as part of this Review.
<p>Management position</p>	<ul style="list-style-type: none"> - The Heritage Overlay curtilage for 519-539 St Kilda Road is appropriate. - The extent of the VHR listing for 555-563 St Kilda Road has not been considered as part of the Review. - No changes are recommended in response to this submission. - Refer submission to planning panel.

7. Individual Submitter


Subject land	<p>272 Walsh Street, South Yarra</p> <p><i>Proposed category change from outside HO South Yarra Precinct to “contributory” in HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Generally supports the Amendment. 	
Matters raised	<ul style="list-style-type: none"> - Supports proposed heritage category of the subject site. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Submission is noted. 	
Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to planning panel. 	

8. Individual Submitter


Subject land	<p>56 Pasley Street, South Yarra</p> <p><i>Proposed category change from “ungraded” in HO6 South Yarra Precinct to “non-contributory” in HO1419 Pasley Street and Park Place Precinct.</i></p> <p>543-547 Punt Road, South Yarra</p> <p><i>Proposed to remain “contributory”, remove from HO6 South Yarra Precinct and include within HO1419 Pasley Street and Park Place Precinct.</i></p>	 
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	<p>58 Pasley Street, South Yarra (assumed to refer to block of flats at 52-54 Pasley Street, South Yarra as there are no flats at 58 Pasley Street, South Yarra).</p> <p><i>Proposed category change from “ungraded” in HO6 South Yarra Precinct to “non-contributory” in HO1419 Pasley Street and Park Place Precinct.</i></p> 
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject sites.
Matters raised	<ul style="list-style-type: none"> - Objects to the inclusion of the subject sites in a heritage overlay. - Asserts that the heritage area should be smaller and more targeted. - Asserts that heritage area should not incorporate buildings that are of no heritage significance.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the assertion that 543-547 Punt Road should be excluded from the heritage overlay, management agrees with GML that it is a common purpose of heritage overlay precincts to protect largely intact streetscapes that illustrate the early development of the study area. 543–547 Punt Road is a generally intact c1880 house and is proposed to be retained as a “contributory” place within the new proposed precinct; Pasley Street and Park Place Precinct. - In response to the assertion that the heritage area should be smaller and more targeted, management agrees with GML that the HO1419 precinct boundaries have been purposely drawn to encompass the densest area of intact Victorian to post-war period houses in the area, so that they form the dominant character of a mixed-era precinct. A common purpose of heritage overlay precincts is to protect largely intact streetscapes that illustrate the early development of the study area. - In response to the assertion that the heritage overlay should not include buildings of no heritage significance, management agrees with GML that referring to 52-54 and 56 Pasley Street, it is common practice to include “non-contributory” places in a precinct when they form part of an otherwise consistent streetscape that is important to the precinct.
Management position	<ul style="list-style-type: none"> - The Heritage Overlay curtilage is appropriate. - No changes are recommended in response to this submission. - Refer submission to planning panel.

9. Individual Submitter

Subject land	<p>39 Millswyn Street, South Yarra</p> <p><i>Proposed category change from “ungraded” in HO6 South Yarra Precinct to “contributory” in HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that the building does not warrant a “contributory” category. - Queries the definition and applicable controls for a “contributory” building. - Asserts that the original building was not designed by an architect. - Asserts that the building is ‘mock Georgian’ and the original façade was demolished and replaced with a rendered painted façade and bay window in 1960. Further alterations were made in 1990 and 2010. - States that the owner has applied for a permit (currently pending) that will partially demolish the building, which could be affected by a change to the heritage category. - States that the owner wishes to sympathetically restore the building. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In relation to the loss of Victorian attributes and addition of 1990’s mock Georgian facades, GML states that upon further research, the works to the façades include: <ul style="list-style-type: none"> o the addition of polystyrene (bonded to the masonry) keystones o quoining o rustication o stringcourses and detail to the parapet o replacement to flat roofing of the bay window o resurfaced facades - Management agrees with GML’s recommendation that based on the further research, the building no longer warrants a “contributory” category in HO6 due to lack of integrity. It is recommended that the building is re-categorised as “non-contributory”. 	
Management position	<ul style="list-style-type: none"> - In response to this submission it is recommended that: <ul style="list-style-type: none"> o 39 and 41 Millswyn Place be re-categorised as “non-contributory” places in HO6. o Subsequently, the following recommended changes to the exhibited amendment documents are to be reflected in documentation circulated prior to the panel hearing: <ul style="list-style-type: none"> ▪ Remove 39 and 41 Millswyn Street from Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>. 	

	<ul style="list-style-type: none"> ▪ Update the HO6 South Yarra Precinct Statement of Significance to identify 39 and 41 Millswyn Street as “non-contributory”. ▪ Update the Explanatory Report. ○ The following recommended changes to the exhibited amendment documents are to be presented in documentation after the panel hearing (subject to the panel’s recommendations): <ul style="list-style-type: none"> ▪ Update the <i>South Yarra Heritage Review</i>, including the Precinct Category Schedule in the HO6 citation and the recommendations in Appendix B. - Refer submission to planning panel.
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10. Individual Submitter


Subject land	<p>519-539 St Kilda Road, Melbourne (former Chevron Hotel)</p> <p><i>Proposed category change from outside HO to individually “significant” in HO1414 Former Chevron Hotel.</i></p> 
Themes	- Objects to the curtilage of the proposed Heritage Overlay.
Matters raised	- Asserts that the boundary of the proposed Heritage Overlay for the subject building includes modern towers built in 2006 that should be excluded.
Management response	<p>- This submission was referred to City of Melbourne’s heritage consultant GML Heritage.</p> <p>- Management agrees with GML that the curtilage of the proposed HO is correct for the following reasons:</p> <ul style="list-style-type: none"> ○ The modern apartment block at part of 519-539 St Kilda Road is excluded from the proposed curtilage. ○ There is a small section of new development is included in the eastern corner of the proposed HO boundary. A consistent buffer to the rear of the former hotel building has been created by drawing a straight line in parallel with the southern property boundary. The intention was to protect the three-dimensional views from the north and the northeast and northwest corners (see image).  <p>Extent of proposed HO1414 shown to the north in light pink (Source: VicPlan)</p>

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	<ul style="list-style-type: none"> ○ This approach aligns with the PPN01 guidance, which advises: The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item. ○ Management agrees with GML that it is appropriate to retain the proposed curtilage.
Management position	<ul style="list-style-type: none"> - The proposed Heritage Overlay curtilage is appropriate. - No changes are recommended in response to this submission. - Refer submission to the planning panel.

11. Individual Submitter


Subject land	<p>27-31 Leopold Street, South Yarra</p> <p><i>Proposed category change from “ungraded” in HO6 South Yarra Precinct to “contributory” in HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. 	
Matters raised	<ul style="list-style-type: none"> - States that current owners have plans to demolish the building. - States that the proposed category change to the building would be financially damaging to the property owner. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML that the proposed heritage category of “contributory” is appropriate for the following reasons: <ul style="list-style-type: none"> ○ It retains its original built form, hipped roof with projecting eaves and other detailing typical of the type and era. ○ It retains key characteristics that relate to the interwar flats. Comparison of the extant building and the original architectural plan indicates that the building has a high level of integrity and intactness. ○ The building contributes to the urban character of HO6 Area 2 as described in the citation. - Management agrees with GML’s response that the property satisfies the definition of a “contributory” building. It is noted that the submitter has not provided evidence to support an alternative category. - Management agrees with GML’s response that the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance. The 	

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	<p>impact on individual owners in relation to the future use and development of a property is not relevant in determining the heritage significance of a place and is better considered at the time of a planning permit application.</p>
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “contributory” place within HO6. - No changes are recommended in response to the submission. - Refer submission to planning panel.

12. Individual Submitter


Subject land	<p>15-17 Pasley Street, South Yarra</p> <p><i>Proposed category change from “ungraded” in HO6 South Yarra Precinct to “contributory” in HO1419 Pasley Street and Park Place Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that there is no sounds basis for the proposed “contributory” category of the subject site. - Asserts that the building has been significantly altered and cannot be regarded as being “significant”. - The above assertions are supported by the reasons below: <ul style="list-style-type: none"> o The building is in a state of disrepair and was significantly altered in the 1970’s with the construction of a high front fence, substantial alterations to the façade, and the building was bagged and overpainted. o Recent changes include the change in roof form, removal of chimney cowls, window replacement. o The original character has been completely lost due to the extensive changes to the building, and it is presumed this is why it has not been graded in the past. o The Statement of Significance for the precinct states that ‘Post-1961 developments and other extensively altered properties are not “significant”’ which would exclude “contributory” category of subject site. o The proposed “contributory” categorisation should not be applied. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML that the place was categorised as a “contributory” place based on the appearance from the public domain, considering its retention of the overall built form, roof form and single-storey scale as well as its materiality that is still legible. - Management agrees with GML that given the building was altered in the 1970’s, the overall impact of the changes diminishes the place’s integrity, and it should be re-categorised as a “non-contributory” place. 	
Management position	<ul style="list-style-type: none"> - In response to this submission it is recommended that: <ul style="list-style-type: none"> o 15-17 Pasley Street be re-categorised as “non-contributory” within HO1419. 	

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	<ul style="list-style-type: none"> ○ Subsequently, the following changes to the exhibited amendment documents are recommended to be reflected in documentation circulated prior to the Panel Hearing: <ul style="list-style-type: none"> ▪ Remove 15-17 Pasley Street, South Yarra from the Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>. ▪ Update the Explanatory Report. ▪ Update the HO1419 Pasley Street and Park Place Precinct Statement of Significance to identify 15-17 Pasley Street as “non-contributory”. ○ The following recommended changes to the exhibited amendment documents are to be presented in documentation after the panel hearing (subject to the panel’s recommendations): <ul style="list-style-type: none"> ▪ Update the <i>South Yarra Heritage Review</i>, including the Precinct Category Schedule in the HO1419 citation and the recommendations in Appendix B.
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13. Individual Submitter

Subject land	<p>94 Millswyn Street, South Yarra (listed as 92-96 Millswyn Street)</p> <p><i>Proposed category change from “ungraded” in HO6 South Yarra Precinct to “contributory” in HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category for the subject site. 	
Matters raised	<ul style="list-style-type: none"> - States that independent advice has been received and the site should not be categorised as “contributory”. - Advises that further heritage advice has been sought that will be provided in due course. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML that the proposed category is appropriate for the following reasons <ul style="list-style-type: none"> ○ Designed by architect and builder Keith H Storey, the building is highly intact to its original design with few changes obvious when viewed from the public realm. ○ The place is appropriately categorised as a “contributory” place, as it retains key characteristics that relate to interwar and wartime flats. The original architectural plan evidences the building’s high level of integrity and intactness. 	
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “contributory” place within HO6. - No change is recommended in response to this submission. - Refer submission to planning panel. 	



14. Individual Submitter

Subject land	<p>79 Hope Street, South Yarra</p> <p><i>Proposed “significant streetscape”.</i></p> <p><i>Building category remains</i></p> <p><i>“contributory” in HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to proposed streetscape category. 	
Matters raised	<ul style="list-style-type: none"> - States that independent advice has been received and the Hope Street should not be categorised as a “significant streetscape”. - Advises that further heritage advice has been sought that will be provided in due course. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML that Hope Street should categorised as a “significant streetscape” for the following reasons: <ul style="list-style-type: none"> o As described in the HO6 Area 2 description, Hope Street retains a highly consistent group of Victorian cottages: ‘[t]he distinctive streetscapes of Hope Street, Mason Street and Leopold Street are characterised by numerous rows of attached and detached single-storey brick cottages.’ (p.619) o The importance of the collection of Victorian housing stock is noted in the Statement of Significance: ‘early suburban subdivisions and nineteenth century building stock, especially with consistent pre-1901 streetscapes in Domain Street, Hope Street, Mason Street and Leopold Street.’ (p.757) o Within HO6, Hope Street is notable for its retention of early streetscape and therefore satisfies the definition of a “significant” streetscape provided in the Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>. 	
Management position	<ul style="list-style-type: none"> - The application of “significant” streetscape is appropriate for Hope Street. - No change is recommended in response to this submission. - Refer submission to planning panel. 	

15. Individual Submitter


Subject land	<p>8 Clowes Street, South Yarra (listed as 8-22 Clowes Street)</p> <p><i>Proposed change from individually “significant” as HO834 8 Clowes Street, South Yarra to “significant” in HO6 South Yarra Precinct.</i></p>		
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. 		
Matters raised	<ul style="list-style-type: none"> - States that independent advice has been received and the site should not be categorised as “significant”. - Advises that further heritage advice has been sought that will be provided in due course. - Requests the opportunity to make a submission to FMC. 		
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML that the place is appropriately categorised as “significant” for the following reasons: <ul style="list-style-type: none"> o It is a single-storey clinker brick building with tiled hip and gable roof articulated in the Old English style. It is a sophisticated example of the type. o It is already a “significant” place in the Melbourne Planning Scheme. - Management notes that the submitter has not provided evidence to support an alternative category. 		
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “significant” place within HO6. - No change is recommended in response to this submission. - Refer submission to planning panel. 		

16. Individual Submitter

Subject land	<p>485-489 St Kilda Road, Melbourne (Sheridan Close) Listed as 485-491 St Kilda Road</p> <p><i>Proposed category change from outside HO to individually "significant" in HO1413 Sheridan Close.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to proposed heritage category of the subject site. - Proposed category has negative impact on development opportunities. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that the proposed Statement of Significance overstates the heritage value of the place in regard to: <ul style="list-style-type: none"> o Social value. o The building (as a whole) being an exemplar architectural piece of Bernard Evans. o The landscaped setting. o The physical heritage value of the east, north and south wings. - Asserts that if a Heritage Overlay were to be applied, its extent should be limited to the area shown in blue in the below aerial image: <div data-bbox="300 1133 932 1536" data-label="Image">  </div> - Submits that the south, east and north wings, courtyard and surrounding setting do not display physical or social heritage value worthy of heritage protection and do not warrant the application of the Heritage Overlay. - Asserts that limiting the extent of the Heritage Overlay and the content of the Statement of Significance would provide heritage protection without hindering development opportunities. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne's heritage consultant GML Heritage. - Regarding the negative impact on development opportunities, management agrees with GML's response that the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance. The impact on individual owners in relation to the future use and development of a property is not relevant in determining the heritage significance of a place. 	


	<ul style="list-style-type: none"> - Regarding the overstatement of heritage significance, management agrees with GML that the proposed heritage category is appropriate for the following reasons: <ul style="list-style-type: none"> o In comparison to other residential flats designed by prominent architect Sir Bernard Evans (such as Greyfriars, St Kilda; and Brookwood Flats, Melbourne), Sheridan Close is an outstanding example of a block of flats with greater open space allocation represented by the central, plaza-like courtyard, which is the focus of the layout of the development. o Sheridan Close is assessed to be of local historical, representative, aesthetic and associative significance to the City of Melbourne. Sheridan Close has not been assessed as being of social significance. o The overall design intent articulated through the provision of splayed side wings (north and south), stair wells (east and west) and the landscape setting have been considered. The place’s significance does not lie just in its primary elevation, but its refined combination of elements and detailing associated several architectural design styles, as well as in the raising of the north and south sections of the building on pillars to create undercroft car parking areas. - Regarding a reduction of the extent of the curtilage, management agrees with GML that the curtilage is appropriate and should not be confined to the west-wing only. The overall layout, juxtaposition and open courtyard are integral to the significance of the place. All of the land including the setbacks at the front and side (which was designated for provision of light and views to each unit) should be retained within the proposed curtilage. This approach aligns with the Planning Practice Note 1: Applying the Heritage Overlay (PPN01) guidance, which advises: <p>“The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item.”</p>
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as an individually “significant” place. - The recommended curtilage is appropriate. - No changes are recommended in response to this submission. - Refer submission to planning panel.

17. Individual Submitter

Subject land	<p>64 Park Street, South Yarra</p> <p><i>Proposed category change from “ungraded” in HO6 to “contributory” in HO6 South Yarra Precinct.</i></p> <p><i>Proposed “significant streetscape”.</i></p> 
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Objects to proposed streetscape category.

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Matters raised	<ul style="list-style-type: none"> - Asserts that heritage advice has been received which supports the submitter’s view that the property should not be categorised as “contributory” and the streetscape should not be categorised as “significant”. - Objects to the proposed changes and have sought further heritage advice that will be provided. - Requests the opportunity to make further submissions to the Future Melbourne Committee.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML’s assessment that the place is appropriately recommended to be categorised ‘contributory’ for the following reasons: <ul style="list-style-type: none"> o It was designed by architect HV Frew in 1933. It is an elevated two-storey (above garages) interwar duplex. Despite a few changes including the overpainting, refined detailing to the façade is still extant. o It retains key characteristics that relate to the type of interwar multi-unit dwelling. o The original architectural plan evidences the building’s high level of integrity and intactness (see image). o Architectural drawings from 1933 showing the original design of the frontage (see image):  <p>(Source: Melbourne Building Application records for no.14220 at Public Records Office Victoria, VPRS 11200/P1 unit 1626).</p> <ul style="list-style-type: none"> - Management agrees with GML’s assessment that Park Street should remain a “significant streetscape” for the following reasons: <ul style="list-style-type: none"> o Within HO6, Park Street is notable for its high-quality building stock and high degree of “significant” and “contributory” buildings. o The east side of the street comprises a consistent group of Victorian period buildings, with more mixed layer development represented on the west side. o The consistent built form and scales, and quality of the examples are important streetscape elements. o The street satisfies the definition of a “significant streetscape” provided in the Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>.
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “contributory” place within HO6. - Park Street is appropriately categorised as a “significant streetscape”. - No changes are recommended in response to this submission. - Refer submission to planning panel.

18. Individual Submitter

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<p>Subject land</p>	<p>64 Park Street, South Yarra</p> <p><i>Proposed category change from “ungraded” in HO6 to “contributory” in HO6 South Yarra Precinct. Proposed “significant streetscape”.</i></p> 
<p>Themes</p>	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Objects to proposed streetscape category.
<p>Matters raised</p>	<ul style="list-style-type: none"> - Asserts that heritage advice has been received which supports the submitter’s view that the property should not be categorised as “contributory” and the streetscape should not be categorised as “significant”. - Objects to the proposed changes and have sought further heritage advice. - Requests the opportunity to make further submissions to the Future Melbourne Committee.
<p>Management response</p>	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML’s assessment that the place is appropriately recommended to be graded “contributory” for the following reasons: <ul style="list-style-type: none"> o It was designed by architect HV Frew in 1933. It is an elevated two-storey (above garages) interwar duplex. Despite a few changes including the overpainting, refined detailing to the façade is still extant. o It retains key characteristics that relate to the type of interwar multi-unit dwelling. The original architectural plan evidences the building’s high level of integrity and intactness (see image). o The original architectural plan evidences the building’s high level of integrity and intactness (see image). o Architectural drawing from 1933 showing the original design of the frontage. 

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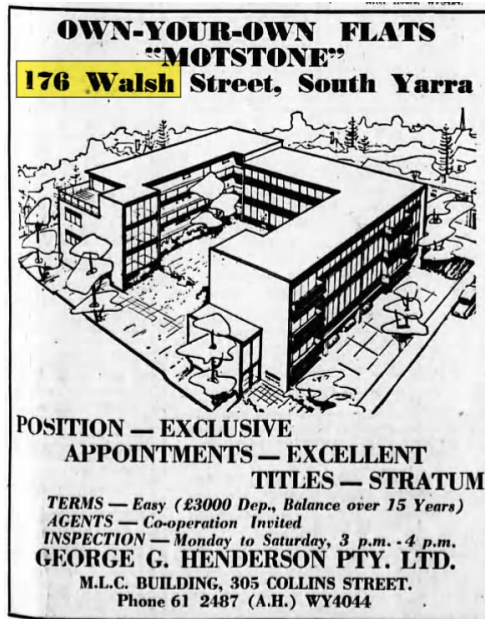
	<p>(Source: Melbourne Building Application records for no.14220 at Public Records Office Victoria, VPRS 11200/P1 unit 1626).</p> <ul style="list-style-type: none"> - Management agrees with GML’s assessment that Park Street is correctly recommended for a “significant streetscape” for the following reasons: <ul style="list-style-type: none"> o Within HO6, Park Street is notable for its high-quality building stock and high degree of “significant” and “contributory” places. o Within HO6, Park Street is notable for its high-quality building stock and high degree of “significant” and “contributory” places. East side of the street comprises consistent group of Victorian period places, with more mixed layer development represented on the west side. o Consistent built form and scales and quality of the examples are important streetscape elements. The street satisfies the definition of a “significant streetscape” provided in the Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>.
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “contributory” place within HO6. - Park Street is appropriately categorised as a “significant streetscape”. - No changes are recommended in response to this submission. - Refer submission to planning panel.

19. Individual Submitter

Subject land	<p>172-182 Walsh Street, South Yarra (Motstone)</p> <p><i>Proposed category change from outside the HO South Yarra Precinct to “significant” within HO6 South Yarra Precinct.</i></p> 
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Insufficient justification for “significant” building in a heritage precinct.
Matters raised	<ul style="list-style-type: none"> - Expresses concern that there are insufficient funds for the property owners/Owners Corporation to maintain the property and it is in a state of disrepair. Some areas of the building are unsafe. - Asserts that property is unsightly, the façade is in poor condition, and it fails to complement the streetscape of Walsh Street. Its height and bulk do not align with surrounding buildings. - Asserts that the property has no historic or architectural merit that would warrant the proposed classification.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the ongoing maintenance costs of the place for the Owners Corporation, management agrees with GML that maintenance requirements are not relevant to establishing whether the building meets the threshold for local significance and the introduction of local

heritage controls does not compel a property owner to maintain the property to a particular standard.

- In response to issues concerning safety, management agrees with GML that works to satisfy Disability Discrimination Act (DDA) and Building Code Australia (BCA) compliance requirements are generally supported for heritage places but should be undertaken with consideration of their heritage values.
- Management asserts a permit is usually not needed for like-for-like replacements, routine maintenance or internal works (unless stated in Clause 43.01 of the Melbourne Planning Scheme).
- In response to the assertion that the building is unsightly, management agrees with GML that whether a place has aesthetic appeal or characteristics can form part of its consideration, but is not a requirement for a place to be assessed as having local heritage significance.
- In response to the comments regarding the height and bulk of the place, management agrees with GML's assessment that the overall height and bulk of Motstone is consistent with the assessed character of Area 5 and HO6. Area 5 has a mixed streetscape which is noted in the citation. There are many architect- designed houses and apartment buildings in Area 5 and Motstone is one of the more architecturally refined in the area.
- In response to the comments regarding the architectural merit of the place, management agrees with GML's assessment that Motstone has high architectural merit with its refined detailing, intact original built form and roof, minimal alterations to the building (with any changes not visually dominant when viewed from the public domain), original opening patterns, intact original detailing and intact wall and floor surfaces. An illustration of the block from the 1960 sale advertisement confirms the high intactness and integrity of the building (see image).



(Source: Age 14 September 1960:31)


- Management agrees with GML that the justification for a proposed category of “significant” in HO6 is appropriate for the following reasons:
 - o During the Review, over 60 examples of flats were identified in the study area with approximately 19 examples from 1957–63, Motstone was one of three examples that were categorised as a “significant” place.

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	<ul style="list-style-type: none"> ○ Motstone is distinguished from the places categorised as “contributory”, with its refined design articulated by the use of full curtain wall, U-shaped plan with a central court, massing of projecting balconies and double-height glazed entry foyer.
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “significant” place within HO6. - No changes are recommended in response to this submission. - Refer submission to planning panel.

20. Individual Submitter


Subject land	<p>172-182 Walsh Street, South Yarra (Motstone)</p> <p><i>Proposed category change from outside the HO to “significant” within HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Insufficient justification for “significant” building in a heritage precinct. - Proposed category has negative impact on development opportunities. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that the features of the building are not attractive. - Expresses concern that owners and the Owners Corporation have limited funds to maintain the building. The building is falling into a state of disrepair and may become uninhabitable. - Asserts the building is not environmentally sustainable and is very expensive to heat/cool. This does not align with Council’s desire to have more sustainable buildings and the proposed Amendment C376 Sustainable Building Design. - Asserts that the building is not unique as there is a similar building nearby, however, even if the building was to be considered unique, it is not sufficient to warrant heritage protection. In addition, the volcanic rock walls of the building do not appear to be unique and are common across Melbourne. - Asserts that there are insufficient homes for our growing population and the subject site is therefore an inefficient use of developable land. - Asserts that if the building was demolished, a new building could provide improved parking, access and traffic flow outcomes on Walsh Street, and improved pedestrian safety. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the ongoing maintenance costs of the place for the Owners Corporation, management agrees with GML that maintenance requirements are not relevant to establishing whether the building meets the threshold for local significance. The introduction of local heritage controls does not compel a property owner to maintain the property to a particular standard. - In response to the assertion that the building is not environmentally sustainable, management agrees with GML that heritage protection does not prevent changes to improve the sustainability of a place. Understanding the heritage value and the “significant” elements of the place would guide the necessary decision making for achieving better design and heritage outcomes when 	

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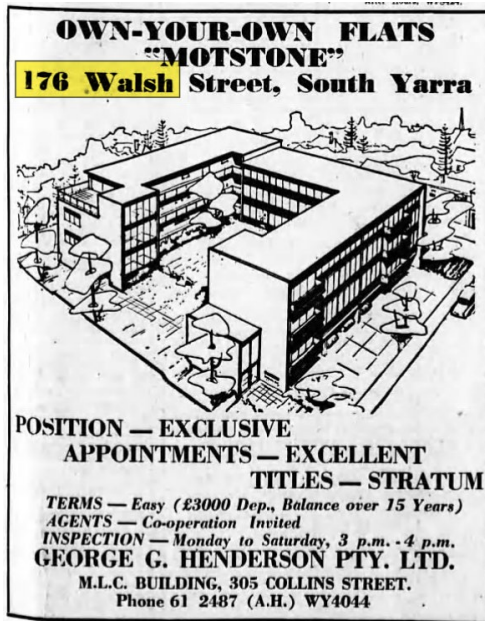
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	<p>such works are proposed or required. The environmental sustainability of a place is not relevant to establishing whether the building meets the threshold for local heritage significance.</p> <ul style="list-style-type: none"> - In response to the assertion that the building is not unique, management agrees with GML that whether a place is unique or rare can form part of the consideration but is not a requirement for a place to be assessed as having local heritage significance. - Management agrees with GML that the effect of the proposed Heritage Overlay on future development outcomes on this site or adjoining sites is not relevant to establishing whether the building meets the threshold for local significance.
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “significant” place within HO6. - No changes are recommended in response to this submission. - Refer submission to planning panel.

21. Individual Submitter

Subject land	<p>172-182 Walsh Street, South Yarra (Motstone)</p> <p><i>Proposed category change from outside the HO to “significant” within HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Insufficient justification for “significant” building in a heritage precinct. - Proposed category has negative impact on development opportunities. 	
Matters raised	<ul style="list-style-type: none"> - States that the name ‘Motstone’ shows no cultural relevance. - States that 6-pack building typology has no heritage value according to experts Robin Boyd, Miles Lewis and Townsend and Pert. - States that building has reached the end of its life-span and is poorly built. - States that the building exterior has been renovated (especially western facing flats) and some timber windows have been replaced with aluminium. - States that glass curtain walls do not protect from weather or sun and is unsustainable. - States that application of “significant” category is not consistent with other properties at 112-120 Walsh Street and 122-126 Walsh Street. - States that categorisation as “significant” will not allow building to be upgraded for disability access, bicycle parking, electric car charging etc... 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML that the justification for a proposed category of “significant” in HO6 is appropriate for the following reasons: <ul style="list-style-type: none"> o During the Review, over 60 examples of flats were identified in the study area with approximately 19 examples from 1957–63, Motstone was one of three examples that were categorised as a “significant” place. 	

- Motstone is distinguished from the places categorised as “contributory”, with its refined design articulated by the use of full curtain wall, U-shaped plan with a central court, massing of projecting balconies and double-height glazed entry foyer.
- In response to the comments regarding the appearance and the architectural/historic merit of the place, management agrees with GML that Motstone has high architectural merit with its refined detailing, intact original built form and roof, minimal alterations to the building (with any changes not visually dominant when viewed from the public domain), original opening patterns, intact original detailing and intact wall and floor surfaces. An illustration of the block from the 1960 sale advertisement confirms the high intactness and integrity of the building (see image).




(Source: Age 14 September 1960:31)

- In response to the assertion that the assessment of the building is not consistent with 112-120 and 122-126 Walsh Street, management agrees with GML that all places in the Review are considered for their individual heritage value and building categories justified through comparative analysis. The recommended categorisation of these buildings is explained as follows:
 - 122–126 Walsh Street is a new block of flats built in 2014. The significant building category formerly assigned to this property relates to a single-storey house demolished to make way for the new flat block. The extant building does not have any heritage value and the non-contributory category is appropriate.
 - 112–120 Walsh Street is a block of 6 flats with projected balconies, built in 1969. The building demonstrates key characteristics of the ‘six pack’ typology. As is more common amongst later examples, it incorporates stylised features of the Georgian Revival. This detailing reflects a nostalgia for past styles that started in the 1960s and continued into the 1970s and 1980s. When compared to other examples from the same period (such as 20W-26W Toorak Road designed by émigré architect Michael R E Feldhagen in 1966), 112–120 Walsh Street is not as architecturally refined. It is however, of a built form, materiality and scale that is consistent with the urban character of HO6, and as a typical late 1960s block of flats, the building is appropriately categorised as a contributory place in HO6. 112–120 Walsh Street is not directly comparable to Motstone at 172-182 Walsh Street. Motstone is a finely detailed example of the Mid-century Modernist style which is expressed through its use of a large curtain walls of glass bookended by unadorned walls of cream brick.


	<ul style="list-style-type: none"> - In response to the assertion that the building is not environmentally sustainable, management agrees with GML that heritage protection does not prevent changes to improve the sustainability of a place. Understanding the heritage value and the significant elements of the place would guide the necessary decision making for achieving better design and heritage outcomes when such works are proposed or required. The environmental sustainability of a place is not relevant to establishing whether the building meets the threshold for local heritage significance. - In response to concerns regarding maintenance and upgrades to the building, management agrees with GML that works to satisfy Disability Discrimination Act (DDA) and Building Code Australia (BCA) compliance and other maintenance and upgrades are generally supported for heritage places but should be undertaken with consideration of their heritage values. - Management asserts a permit is generally not needed for like-for-like replacement, routine maintenance or internal works (unless stated in Clause 43.01 of the Melbourne Planning Scheme).
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “significant” place within HO6. - No changes are recommended in response to this submission. - Refer submission to planning panel.

22. Individual Submitter

Subject land	<p>172-182 Walsh Street, South Yarra (Motstone)</p> <p><i>Proposed category change from outside the HO to “significant” within HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Insufficient justification for “significant” building in a heritage precinct. - Proposed category has negative impact on development opportunities. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that the building is not environmentally sustainable and is poorly designed (poor thermal properties, cold window walls, poor insulation). - Asserts that replacing windows would encourage heat retention but new controls would not allow this/replacement is too expensive. - Asserts that the building has stormwater and flooding issues. - States that there has been interest from developers in the site but the proposed Heritage Overlay has caused them to withdraw. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML that the justification for a proposed category of “significant” in HO6 is appropriate for the following reasons: <ul style="list-style-type: none"> o During the Review, over 60 examples of flats were identified in the study area with approximately 19 examples from 1957–63, Motstone was one of three examples that were categorised as a “significant” place. 	

	<ul style="list-style-type: none"> ○ Motstone is distinguished from the places categorised as “contributory”, with its refined design articulated by the use of full curtain wall, U-shaped plan with a central court, massing of projecting balconies and double-height glazed entry foyer. - In response to concerns regarding maintenance and upgrades to the building (including flood treatments), management agrees with GML that works to satisfy Disability Discrimination Act (DDA) and Building Code Australia (BCA) compliance and other maintenance and upgrades are generally supported for heritage places but should be undertaken with consideration of their heritage values. - Management asserts that Clause 43.01 Heritage Overlay of the Melbourne Planning Scheme provides permit exemptions for repairs, routine maintenance or internal works in specified circumstances. - In response to the assertion that the building is not environmentally sustainable, management agrees with GML that heritage protection does not prevent changes to improve the sustainability of a place. Understanding the heritage value and the “significant” elements of the place would guide the necessary decision making for achieving better design and heritage outcomes when such works are proposed or required. The environmental sustainability of a place is not relevant to establishing whether the building meets the threshold for local heritage significance. - In response to the concerns regarding the development potential of the site and directions in the Planning Scheme, management agrees with GML’s response that the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance. The impact on individual owners in relation to the future use and development of a property is not relevant in determining the heritage significance of a place.
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “significant” place within HO6. - No changes are recommended in response to this submission. - Refer submission to the planning panel.

23. Individual Submitter


Subject land	<p>172-182 Walsh Street, South Yarra (Motstone)</p> <p><i>Proposed category change from outside the HO to “significant” within HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Insufficient justification for “significant” building in a heritage precinct. - Proposed category has negative impact on development opportunities. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that the building is in a state of disrepair (including rotted windows) and unsafe but there are insufficient funds to replace them. - Requests that Council advise the proposal will not result in the need for further planning approvals and add to the cost of maintenance and repairs. - Expresses concern that there has not been timely engagement from council with individual owners and consequently insufficient time to engage a heritage consultant/expert. 	

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	<ul style="list-style-type: none"> - Expresses concern that the proposed heritage controls would dramatically decrease the value of the building if sold to a developer. - Asserts that the building is not environmentally sustainable and not rare.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the concerns relating to the notification process, management advises that the Amendment has been correctly exhibited in accordance with the <i>Planning and Environment Act 1987</i>. - In response to concerns regarding maintenance and upgrades to the building, management agrees with GML that works to satisfy Disability Discrimination Act (DDA) and Building Code Australia (BCA) compliance and other maintenance and upgrades are generally supported for heritage places but should be undertaken with consideration of their heritage values. - Management asserts a permit is generally not needed for like-for-like replacement, routine maintenance or internal works (unless stated in Clause 43.01 of the Melbourne Planning Scheme). - In response to the concerns regarding the development potential of the site and directions in the Planning Scheme, management agrees with GML’s response that the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance. The impact on individual owners in relation to the future use and development of a property is not relevant in determining the heritage significance of a place. - In response to the assertion that the building is not environmentally sustainable, management agrees with GML that heritage protection does not prevent changes to improve the sustainability of a place. Understanding the heritage value and the “significant” elements of the place would guide the necessary decision making for achieving better design and heritage outcomes when such works are proposed or required. The environmental sustainability of a place is not relevant to establishing whether the building meets the threshold for local heritage significance. - In response to the assertion that the building is not unique, management agrees with GML that whether a place unique or rare can form part of its consideration, but is not a requirement for a place to be assessed as having local heritage significance.
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “significant” place within HO6. - No changes are recommended in response to this submission. - Refer submission to planning panel.

24. Individual Submitter

Subject land	<p>485-489 St Kilda Road, Melbourne (Sheridan Close)</p> <p>Listed as 485-491 St Kilda Road</p> <p><i>Proposed change from outside HO to individually “significant” in HO1413 Sheridan Close.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the application of the Heritage Overlay to the subject site. - Proposed Heritage Overlay will have a negative impact on development opportunities. 	

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<p>Matters raised</p>	<ul style="list-style-type: none"> - States that the introduction of HO1413 has the potential to significantly undermine the Planning Scheme’s key directions which encourage and direct intensive redevelopment on sites such as Sheridan Close. - States that the heritage assessment does not provide a balanced appraisal of the significance of the place. - States that Criterion E is not relevant to the building, except the front façade to St Kilda Road. - Asserts that the heritage value of the internal courtyard and garden setting as assessed in the Statement of Significance is not justified. - States that comparable places in the Review are not relevant. - The Statement of Significance is silent as to how Criterion D ‘representativeness’ has been satisfied. - Asserts that the relevance of Criterion A ‘historical significance’ and H ‘associative significance’ should be questioned, and neither is sufficient to warrant individual listing under HO1413.
<p>Management response</p>	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the concerns regarding the development potential of the site and directions in the Planning Scheme, management agrees with GML’s response that the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance. The impact on individual owners in relation to the future use and development of a property is not relevant in determining the heritage significance of a place. - In response to the assertion that the assessment of Criterion E focuses purely on the front façade, management agrees with GML’s response that the assessment of aesthetic significance in the Statement of Significance also notes the hybridisation of stylistic elements and the layout of the place including side wings and courtyard to justify the application of the criterion. - In response to the assertion that the significance of the garden setting should not be relied upon to justify the proposed HO, management agrees with GML’s response that the importance of the garden setting is noted in their assessment, but it is not relied upon to justify the significance of the place. - In response to the assertion that the comparable places in the Review are not relevant, management agrees with GML that the comparative analysis is relevant and selection of the examples is justified based on Planning Practice Note 1: Applying the Heritage Overlay (PPN01). The comparative analysis looks at other post-war flat developments in the City of Melbourne as well as HO-listed examples designed by Sir Bernard Evans outside the municipality to ensure the assessment is robust. This is because there are not directly comparable examples within the study area or municipality. It is not unusual to compare a place against other works of the same architect or to consider the context of broader development of the era. - In response to the assertion that Criterion A and H are not relevant, management agree with GML that the assessment against these criteria are relevant because Sheridan Close satisfies the tests provided in the VHR Criteria and Threshold Guidelines (when considered at the local level). As an early example of an Own-Your-Own (OYO) flat complex in Melbourne (which was a forerunner to strata-title legislation introduced in 1967), Sheridan Close pioneered a new typology of luxury, purpose-built, high-density living. Therefore, Sheridan Close is believed to have a clear association with a period of development, and the period of development is historically important, having made an influential contribution to Victoria. The building itself is evidence of this particular development period. As an outstanding work of Bernard Evans & Associates, the place has a proven and strong association with the firm.
<p>Management position</p>	<ul style="list-style-type: none"> - The place is appropriately categorised as an individually “significant” place. - No changes are recommended in response to this submission. - Refer submission to planning panel.

25. Melbourne South Yarra Residents Group (MSYRG)

Subject land	<ul style="list-style-type: none"> - General comments on South Yarra, and specific places on Walsh Street, Millswyn Street, Airlie Street, the Righi, Marne Street, Leopold Street, Pasley Street, Domain Street. - Streetscapes on Adams Street, Bromby Street, Airlie Street, Alexandra Avenue, Anderson Street, Clowes Street, Domain Road, Domain Street, Hope Street, Leopold Street, Marne Street, Millswyn Street, Mona Place, Park Street, Pasley Street, Punt Road, St Leonards Court, Toorak Road West, Walsh Street.
Themes	<ul style="list-style-type: none"> - General support for the Review. - Proposes increased protection for certain places and streetscapes. - Asserts there is insufficient representation of Streetscapes in the planning scheme. - Identifies minor errors and omissions in the Review.
Matters raised	<ul style="list-style-type: none"> - General Support for the Review including: <ul style="list-style-type: none"> o Support of identification of five subareas in the South Yarra Precinct. o Supports new Pasley Street and Park Place Precinct. o Supports protection of individual places such as St Martins Youth Arts Centre Complex. - Heritage categories: <ul style="list-style-type: none"> o States that many two-storey Victorian terraces have been proposed to be categorised “contributory”, but that most if not all should be categorised “significant”. o Asserts that various places on Walsh Street, Millswyn Street, Airlie Street, the Righi, Marne Street, Leopold Street, Pasley Street, Domain Street that have been proposed to be categorised “contributory” in the Review, should be “significant”. - Streetscapes: <ul style="list-style-type: none"> o States that the definition of “significant streetscape” is too restrictive and not appropriate for diverse communities like South Yarra. o Asserts “significant streetscapes” that don’t fit the definition should be identified as ‘important streetscapes’ and listed in the Statement of Significance. o Asserts that there should be additional “significant” and important streetscapes in areas including Millswyn Street, Leopold Street, Adams Street, Bromby Street and others. - Other issues: <ul style="list-style-type: none"> o Asserts that the Meredith Gould Building Information Forms or “BIF sheets” from 1984 and the <i>South Yarra Heritage Review: Volumes 1- 4</i> should be incorporated documents into the Melbourne Planning Scheme. o Requests the inclusion of South Yarra’s commercial history and contribution to Melbourne’s theatrical life in the Statement of Significance in HO6. o Requests minor editorial changes to the Review.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Heritage categories: <ul style="list-style-type: none"> o In response to the suggested category changes, management agrees with GML’s assessment on the following issues raised:

- In the case of Victorian terraces, there are many fine examples in South Yarra but each place should be categorised on their own merit rather than applying a blanket category over a certain typology. It is agreed this particular typology is an important contributor to the urban character of HO6. However, according to the Planning Practice Note 1: Applying the Heritage Overlay (PPN01) guidance *'The comparative analysis should draw on other similar places within the study area'*, many examples are considered to be typical/average rather than outstanding in the specific context of South Yarra. As is the case with Victorian Italianate-style terraces, many fine examples of other building typologies and styles contribute in an equal way to the significance of HO6.
- Over 100 places that MSYRG have proposed for a “significant” category have been assessed and further research conducted. Further analysis and historical research has been undertaken and as a result, the following places can be recommended for re-categorisation to “significant” as a result of the submission:
 - 248–250 Domain Road (1917): Further research confirmed that the two-storey residence was built in 1917 to a design by architect Chris A Cowper by builder H N Chaplin (MBAI 560). The owner, F B Clapp, the former chairman of directors of the Melbourne Tramway and Omnibus Company, and his family occupied 'Endion' at today's 252 Domain Road until Clapp commissioned Cowper for conversion of 'Endion' into flats and directed construction of a new residence on the same property. Clapp died in the house at 248–250 Domain Road in 1920. The house later became associated with other prominent residents such as politician Cornelius J Ahern (c1930s) and chief inspector of the Union Bank of Australia A E B Goode (c1940s). The residence is externally highly intact. The extant fabric suggests the current frontage including the arched openings and niche is largely original. As the second house built for F B Clapp on this location, the house contributes to the understanding of the history of South Yarra and this section of Domain Road which comprises houses associated with important families.
 - 72–76 Domain Street (1918): This place was initially grouped with other Federation-era single residences and terraces. Further research into primary sources found that this building was purpose-built as a block of flats, which makes it a very early example of the type. The building is externally highly intact when compared to another blocks of flats from similar period (for example, at 45 Alexander Avenue which has lower level of intactness due to the visible changes to the frontage including infill verandahs). 72–76 Domain Street appears highly intact from public domain and satisfies the definition of a “significant” place.
 - 113 & 115 Millswyn Street by Ward & Carleton (1905): appear highly intact from the public domain and feature refined ornamentation that is typical of the era of development. As a pair, their integrity is higher than 34 St Martins Lane, which is a surviving terrace of a pair. 34 St Martins Lane also displays a less refined design. Federation period buildings (from cottages to more substantial examples) are less common in the context of South Yarra, and 113 & 115 Millswyn Street display higher architectural quality than other similar examples (such as 657 Punt Road or terraces in Hope Street at 42–56 which are appropriately categorised “contributory”).
 - 23 & 25 The Righi (1988–89): are a substantial pair of terraces on a vantage point on top of Airlie Street. It is agreed that 23 & 25 The Righi have refined design (including sophisticated, restrained use of classical ornamentation) and greater visual presence (as a landmark set on a hill) that sets them apart from other examples of the typology that are categorised “contributory”.

- Streetscapes:

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	<ul style="list-style-type: none"> ○ In response to the assertion that the definition of “significant streetscape” is too restrictive and that significant streetscapes that don’t fit this definition should be identified as important streetscapes in the Statement of Significance, management agrees with GML that important streetscapes are appropriately broadly described in the Statement of Significance. “Significant streetscapes” that meet the definition are appropriately allocated in the Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>. ○ In response to the assertion that there should be additional “significant” and important streetscapes in areas including Millswyn Street, Leopold Street, Adams Street, Bromby Street and others, management agrees with GML’s assessment that on further research, the category of “significant streetscape” can be additionally applied to 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104-106, 108-110 and 81, 83, 85, 87, 89, 91, 93-95, 97, 99, 101, 103, 105, 107, 109-111, 113, 115, 117, 119, 121, 123 and 127-129 Leopold Street. This includes five pairs of terraces which is the largest group in HO6. This portion of the street is comparable to Hope Street which has also been recommended for a “significant streetscape”, in terms of intactness and consistency of the built form and age of the buildings. - Other issues: <ul style="list-style-type: none"> ○ In response to the assertion that the <i>South Yarra Heritage Review</i> and the BIF sheets should be incorporated documents, management agrees with GML that Planning Practice Note 1: Applying the Heritage Overlay (PPN01) only requires the Statements of Significance to be incorporated into the planning scheme. It is appropriate to adopt relevant heritage reviews and other relevant documents and studies as background documents. ○ Management agrees with GML that the Statement of Significance for HO6 should have minor amendments in Area 2 to incorporate the early commercial activities and Melbourne’s theatrical life, and in the ‘public space elements’ section to include the archway between buildings 80 and 82-84 Millswyn Street.
<p>Management position</p>	<ul style="list-style-type: none"> - In response to this submission it is recommended that: <ul style="list-style-type: none"> ○ The following six buildings be re-categorised as “significant” within HO6: <ul style="list-style-type: none"> ▪ 248–250 Domain Road ▪ 72–76 Domain Street ▪ 113 Millswyn Street ▪ 115 Millswyn Street ▪ 23 The Righi ▪ 25 The Righi ○ The northern side of Leopold Street (80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104-106, 108-110 and 81, 83, 85, 87, 89, 91, 93-95, 97, 99, 101, 103, 105, 107, 109-111, 113, 115, 117, 119, 121, 123 and 127-129 Leopold Street) be categorised as a “significant streetscape”. ○ The Statement of Significance for HO6 be updated to include discussion of commercial activities and theatrical life in Area 2. ○ Subsequently, the following changes to the exhibited amendment documents are recommended to be reflected in documentation circulated prior to the Panel Hearing: <ul style="list-style-type: none"> ▪ Re-categorise the six buildings as “significant” in the Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>. ▪ Re-categorise the streetscape as “significant” for 80-110 and 81-129 Leopold Street in the Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>.

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	<ul style="list-style-type: none"> ▪ Update the Explanatory Report ▪ Update the proposed Statement of Significance for HO6 to reflect these category changes and to include discussion of commercial activities and theatrical life and the archway between 80 and 82-84 Millswyn Street. ○ The following recommended changes to the exhibited amendment documents are to be presented in documentation after the panel hearing (subject to the panel's recommendations): <ul style="list-style-type: none"> Update the <i>South Yarra Heritage Review</i> to reflect these category changes, including the citation for HO6 and the recommendations in Appendix B. ○ Refer submission to planning panel.
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26. Individual Submitter


Subject land	- Leopold Street
Themes	<ul style="list-style-type: none"> - General support of the Review. - Proposes increased protection for certain places and streetscapes.
Matters raised	<ul style="list-style-type: none"> - Provides detailed information about the history and heritage of Leopold Street. - States that the heritage categories should be reviewed to determine if they should be more in line with the generally 'higher' categories recommended for the same street the Nigel Lewis report. - Requests the application of "significant streetscape" to addresses 76 to 129 Leopold Street, South Yarra. - Requests a category change to "significant" for places at 84, 86, 88, 90, 92, 94, 96, 98, 100, 102 and 33, 35, 93, 121, 123, 127-129 Leopold Street, South Yarra. - Expresses concern that Leopold Street has been assessed differently to St Leonards Court and Hope Street regarding the conversion from the former 'letter' gradings, which has resulted in inconsistent categorisation of buildings and streetscapes. - States that there should be the addition of "significant streetscapes" along the northern part of Leopold Street.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne's heritage consultant GML Heritage. - In response to the assertion that there is significant deviation between the recommendations of the Nigel Lewis report and the GML report, management agrees with GML that they have reassessed all places in the Nigel Lewis report for their response to submissions and have made the required recommendations accordingly. - In response to the request for re-categorisation of several places and streetscapes on Leopold Street, management agrees with GML's assessment that on further research, the category of "significant streetscape" can be additionally applied to 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104-106, 108-110 and 81, 83, 85, 87, 89, 91, 93-95, 97, 99, 101, 103, 105, 107, 109-111, 113, 115, 117, 119, 121, 123 and 127-129 Leopold Street. This includes five pairs of terraces which is the largest group in HO6. This portion of the street is comparable to Hope Street which has also been recommended for a "significant streetscape", in terms of intactness and consistency of the built form and age of the buildings. - In response to the inconsistency between the treatment of Leopold Street in comparison to Hope Street and St Leonards Court in the translation from 'letter' gradings to building categories, management asserts that the translation process was completed through amendment C258, and there was no reassessment of places as part of that amendment. The

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	purpose of the <i>South Yarra Heritage Review</i> was to undertake and updated and comprehensive review all places and streetscapes within the study area for heritage significance.
Management position	<ul style="list-style-type: none"> - In response to this submission it is recommended that: <ul style="list-style-type: none"> o The northern portion of Leopold Street (80- 110 and 81- 129 Leopold Street) be re-categorised as a “significant streetscape” and corresponding supporting information added into the citation to support this. o Subsequently, the following changes to the exhibited amendment documents are recommended to be reflected in documentation circulated prior to the Panel Hearing: <ul style="list-style-type: none"> ▪ Re-categorise the streetscape as “significant” for 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104-106, 108-110 and 81, 83, 85, 87, 89, 91, 93-95, 97, 99, 101, 103, 105, 107, 109-111, 113, 115, 117, 119, 121, 123 and 127-129 Leopold Street in the Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>. ▪ Update the Explanatory Report. ▪ Update the Statement of Significance for HO6. o The following recommended changes to the exhibited amendment documents are to be presented in documentation after the panel hearing (subject to the panel's recommendations): <ul style="list-style-type: none"> ▪ Update The <i>South Yarra Heritage Review</i>, including the citation for HO6 and the recommendations in Appendix B after the Panel Hearing. - Refer submission to the planning panel.

27. Individual Submitter

Subject land	<p>20- 22 Fairlie Court, South Yarra</p> <p><i>Proposed category change from “contributory” to “significant” in HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the curtilage of the proposed Heritage Overlay. - Insufficient justification for a “significant” building in a heritage precinct. 	
Matters raised	<ul style="list-style-type: none"> - States that there is no justification to extend the Heritage Overlay HO6 to the sliver of land at the rear of 20 Fairlie Court and no heritage advice supports this change. - Expresses concern that the site-specific Heritage Overlay for Melbourne Girls Grammar School (HO1401) will impose on the road that has right of way access to Walsh Street from 20 Fairlie Court. States that this road reserve should not be included in the Heritage Overlay as it must be retained to provide access to 20 Fairlie Court. Asserts that there is no justification for the inclusion of the road reserve in the Heritage Overlay. 	

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	<ul style="list-style-type: none"> - States that the dwellings do not meet the definition of a “significant” heritage place and do not warrant a “significant” listing. The buildings are better classified as “contributory” based on the definition of a “contributory” place. - States that the houses are not individually important in their own right and do not make an important contribution to the South Yarra heritage precinct for the following reasons: <ul style="list-style-type: none"> o 20 Fairlie Court has been substantially externally altered o Homes designed by the architect Marcus Martin are numerous in the area. The buildings do not display a style that has a special association with the life or works of Marcus Martin.
<p>Management response</p>	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the inclusion of the sliver of land at the rear of 20 Fairlie Court in HO6, management agrees with GML that the entire parcel should be included in the revised assessment of the overlay. Their approach aligns with Planning Practice Note 1: Applying the Heritage Overlay (PPN01), which advises: “The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item.” - In response to the assertion that the site-specific HO for Melbourne Girls Grammar (HO1401) would impose on a right of way access road from Walsh Street to 20 Fairlie Court and this road should be excluded from HO1401, management notes that this is not a formed road or access way and agrees with GML that the curtilage of the school included is appropriate and covers the property at 62- 108 Anderson Road except for the residential buildings fronting Walsh Street which are proposed to be part of HO6. Additionally, it is not unusual to include private driveways or road reserves in a HO and the application of HO does not prohibit the use of the road reserve. - In response to the assertion that the buildings should not be categorised as “significant”, management agrees with GML that the proposed category is appropriate for the following reasons: <ul style="list-style-type: none"> o In comparison to early drawing of the place, the building appears extremely externally intact (see image). The submission states that extensive alterations were undertaken by Neil Clerehan, however it is noted that the submitter has not provided evidence to support this assertion. <div data-bbox="451 1384 1406 1608" data-label="Image"> </div> <p data-bbox="451 1617 1217 1644">An illustration of subject maisonettes in 1940. (Source: Herald, 24 April 1940:16)</p> <ul style="list-style-type: none"> o It is important to note that layers of changes do not always diminish the significance of a place, as the specific layers themselves may represent an important phase or pattern of development. o The overall mixed streetscape character of Area 5 is acknowledged in the citation, and in the Statement of Significance. The mixed era development and involvement of prominent architects, as evidenced by 20-22 Fairlie Court, is one of the defining features of the heritage character of HO6.

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Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “significant” place within HO6. - No changes are recommended in response to this submission. - Refer submission to the planning panel.
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28. Individual Submitter

Subject land	<p>23-25 St Leonards Court, South Yarra (St Leonards)</p> <p><i>Proposed category change from “contributory” in HO6 South Yarra Precinct to “significant” in HO6 South Yarra Precinct.</i></p> <p>Entirety of South Yarra Precinct (HO6)</p>	
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Objects to proposed streetscape category for St Leonards Court. - Supports the Aboriginal Cultural Values Assessment. - Objects to large number of proposed category changes. 	
Matters raised	<ul style="list-style-type: none"> - Submitter made a site specific submission and a general submission to the Review. <p>Site Specific Submission:</p> <ul style="list-style-type: none"> - Asserts that the proposed grading change for the subject property is incorrect according to expert heritage advice received. - Asserts that the property should have a “contributory” grading. - States that another independent Heritage Study should be undertaken by experts with local knowledge. - Asserts that expert heritage advice also advises that the “significant streetscape” grading is not correct that it is of lower architectural standard and less intact than other streets in South Yarra. <p>General Submission:</p> <ul style="list-style-type: none"> - States that the application of a “contributory” category to almost 100 properties and “significant” to several properties is incorrect and does not meet Council’s criteria. - States that the application of heritage controls in HO6 is in conflict with policy including: <ul style="list-style-type: none"> o The purpose of the General Residential Zone which is to encourage a diversity of housing types and housing growth which negatively impacts housing affordability. o Existing policy is too restrictive to enable adaptive reuse. o Amendment C376melb Sustainable Building Design as poorly built places are being protected. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the assertion that there is no justification for the property to have a “significant” category, management agrees with GML that the proposed categorisation is appropriate. St Leonards has been evaluated as being a pivotal example in the small interwar subdivision (1937) situated in St Leonards Court. St Leonards Court survives as a highly intact streetscape 	

with many of its buildings showing influences of the interwar Georgian Revival style. St Leonards is notable as one of the best examples in this immediate surrounding. It is noted that the submitter has not provided evidence, including the heritage advice referred to, to support an alternative building category or to demonstrate that the streetscape should not be categorised as “significant”.

- In response to the assertion that the recommendations of the Review do not align with previous work that has been done in the area and is excessive, management agrees with GML that they were engaged by City of Melbourne to provide expert opinion on the heritage value of the places and streetscapes in South Yarra. The Planning and Environment Act 1987 obliges municipal councils ‘to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or other of specific cultural value’. Consistent with this objective, the City of Melbourne has prepared numerous heritage studies that identify places of heritage significance. The concept of heritage evolves over time, and it is reasonable to undertake a review to identify and protect new places and areas of heritage significance.
- In response to the assertion the Review should be undertaken by experts with local knowledge, management agrees with GML’s response that GML heritage were engaged by City of Melbourne to provide expert opinion on the heritage value of the places and streetscapes of South Yarra. While some of GML team members’ in-depth local knowledge contributed to the preparation of the Review, having local knowledge is not a requirement when undertaking a heritage study or review. GML staff members have expertise in a range of place types and provide expert heritage advice service across all areas at local, state and national level.
- In response to the assertion that an increase of heritage properties protected through the Review will devalue heritage, management agrees with GML that the proportion of properties protected in the planning scheme is not part of the consideration when assessing places for heritage significance. Application of a heritage building category to many of the properties in a precinct does not devalue heritage. The high proportion of heritage places in South Yarra reflects and demonstrates that South Yarra is an area with a prevalence of heritage places and strong heritage character, reflected in the HO6 South Yarra Precinct.
- In response to concerns about limiting growth in a General Residential Area and the Review conflicting with other City of Melbourne policy, management agrees with GML’s response that the effect of the proposed Heritage Overlay on provisions encouraging growth is not relevant to establishing whether the building meets the threshold for local significance.
- Management asserts that matters relating to the impact of a Heritage Overlay on policies seeking growth have been the subject of numerous Planning Panels. In the recent Panel decision for Melbourne C305 Southbank Heritage Review, the Panel noted:



“The Practice Note’s guiding methodology does not refer to disregarding properties with identified heritage significance in an area with policies seeking growth. If that was true, there would be no Heritage Overlay in Melbourne’s central city area. Not applying the Heritage Overlay in favour of urban growth would contradict relevant objectives of the Act and planning policies. The Heritage Overlay should be applied to justified properties so that Council can assess whether the scale and nature of future development will negatively impact the existing heritage fabric. This conversation is relevant during the planning permit application when proposal details are known. The Panel disagrees with submissions that applying the Heritage Overlay would restrict the ability to achieve policies seeking growth in Southbank. It may affect some individual property owners who may otherwise have had additional yield without the Heritage Overlay. However, the net community benefit of achieving heritage related objectives in the Act and policies in the Planning Scheme (by protecting Southbank properties with local heritage significance for present and future generations) outweighs any private economic disbenefit to some individual property owners.”

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Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “significant” place within HO6. - No changes are recommended in response this this submission. - Refer submission to the planning panel.
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29. Individual Submitter

Subject land	<p>221-223 Domain Road, South Yarra</p> <p><i>Proposed category change from “contributory” in HO6 South Yarra Precinct to “significant” in HO6 South Yarra Precinct.</i></p>	 
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Proposed category change has negative impact on development opportunities. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that the current “contributory” grading and heritage policy ensure appropriate heritage outcomes. - States that the subject site is not visible from Domain Road due to the solid high fence. - States that a change in category to “significant” does not balance other planning objectives and does not reasonably consider the needs of residents. - Expresses concern the proposed category change will not allow the flexibility to bring the building up to ‘modern standards’ and continue to meet the needs of the owner. - Advises that further heritage advice will be provided to support the submission. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the assertion that the building should not be categorised as “significant”, management agrees with GML that the proposed category is appropriate for the following reasons: <ul style="list-style-type: none"> o The building has high historical and architectural importance. Built in 1908, the house predated the subdivision of the ‘Maritimo’ Estate in 1912. The house has direct 	

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	<p>association with Emily Payne, daughter of Thomas Payne (original owner of the estate), which makes it important tangible evidence of the Payne family's life in this area.</p> <ul style="list-style-type: none"> ○ Limited visibility of a place does not typically prevent its inclusion in a heritage overlay. It should also be noted that the house is not entirely concealed from the public domain (although is difficult to photograph). GML's team inspected the property and confirmed the building is largely externally intact. ○ GML also notes that further historical research confirmed that architect R B Hamilton supervised minor alterations to 221–223 Domain Road in 1935. It is recommended this information is added to the citation. <ul style="list-style-type: none"> - In response to the assertion that that a change in category to “significant” does not balance other planning objectives and does not reasonably consider the needs of residents, management agrees with GML that the effect of the proposed Heritage Overlay on provisions encouraging growth is not relevant to establishing whether the building meets the threshold for local significance. - Management asserts that matters relating to the impact of a Heritage Overlay on policies seeking growth have been the subject of numerous Planning Panels. In the recent Panel decision for Melbourne C305 Southbank Heritage Review, the Panel noted: <ul style="list-style-type: none"> “The Practice Note’s guiding methodology does not refer to disregarding properties with identified heritage significance in an area with policies seeking growth. If that was true, there would be no Heritage Overlay in Melbourne’s central city area. Not applying the Heritage Overlay in favour of urban growth would contradict relevant objectives of the Act and planning policies. The Heritage Overlay should be applied to justified properties so that Council can assess whether the scale and nature of future development will negatively impact the existing heritage fabric. This conversation is relevant during the planning permit application when proposal details are known. The Panel disagrees with submissions that applying the Heritage Overlay would restrict the ability to achieve policies seeking growth in Southbank. It may affect some individual property owners who may otherwise have had additional yield without the Heritage Overlay. However, the net community benefit of achieving heritage related objectives in the Act and policies in the Planning Scheme (by protecting Southbank properties with local heritage significance for present and future generations) outweighs any private economic disbenefit to some individual property owners.” - In response to the concern the proposed category change will not allow the flexibility to bring the building up to ‘modern standards’ and continue to meet the needs of the owner, management asserts that a significant categorisation does not prevent a place from being adapted to suit modern needs or uses. There are no interior controls applied to the place, so internal works do not require a planning permit. In cases where a planning permit application would be required for external works, a “significant” grading guides the responsible authority in their assessment, ensuring that any changes respect the significant heritage elements of the place whilst allowing it to be adapted for modern uses. - Upon further research into the property undertaken in response to this submission, it is recommended that the HO6 Area 3 description in the citation be amended to note the contribution of architect R B Hamilton to the alterations to the building in 1935.
<p>Management position</p>	<ul style="list-style-type: none"> - The place is appropriately categorised as a “significant” place within HO6. - In response to this submission, it is recommended that: <ul style="list-style-type: none"> ○ The HO6 Area 3 description in the citation be amended to note the contribution of R B Hamilton to the alterations in 1935. ○ Subsequently, this recommended change to the exhibited amendment document, the <i>South Yarra Heritage Review</i> within the citation for HO6 South Yarra Precinct, at Volume 4 is to be presented in documentation after the panel hearing (subject to the panel’s recommendations).

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	- Refer submission to the planning panel.
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30. Individual Submitter

Subject land	435 Punt Road, South Yarra (431-439 Punt Road) Former Wesleyan Church <i>Proposed change from "significant" in HO6 South Yarra Precinct to individual HO1407 Former Wesleyan Church.</i>	
Themes	- No information has been provided.	
Matters raised	- Request an extension to provide a detailed submission. - No further information has been provided.	
Management response	- This submission was referred to City of Melbourne's heritage consultant GML Heritage. - Management agrees with GML's position that this place is appropriately categorised as "significant". The former Wesleyan (later Methodist) Church at 431–439 Punt Road, South Yarra, was designed by Crouch and Wilson and built in 1864. The building was converted to a six-unit apartment complex in 1994. The former church is externally highly intact, when viewed from the public domain. It satisfies the benchmarking indicators of a "significant" place. - Management notes that the submitter has not provided information on the heritage value of the place and that supporting evidence may be provided at the Panel Hearing.	
Management position	- No changes are recommended in response to this submission. - Refer submission to planning panel.	

31. Individual Submitter


Subject land	- General Submission	
Themes	- Generally supports the Heritage Review. - Impact on development.	
Matters raised	- Comments that density and housing affordability need to be considered when applying new heritage controls. - Appreciates the value of protecting unique heritage places.	
Management response	- This submission was referred to City of Melbourne's heritage consultant GML Heritage. - Management agrees with GML's response that the effect of the proposed Heritage Overlay on provisions encouraging growth is not relevant to establishing whether the building meets the threshold for local significance.	

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	<ul style="list-style-type: none"> - Management asserts that matters relating to the impact of a Heritage Overlay on policies seeking growth have been the subject of numerous Planning Panels. In the recent Panel decision for Melbourne C305 Southbank Heritage Review the Panel noted: <ul style="list-style-type: none"> “The Practice Note’s guiding methodology does not refer to disregarding properties with identified heritage significance in an area with policies seeking growth. If that was true, there would be no Heritage Overlay in Melbourne’s central city area. Not applying the Heritage Overlay in favour of urban growth would contradict relevant objectives of the Act and planning policies. The Heritage Overlay should be applied to justified properties so that Council can assess whether the scale and nature of future development will negatively impact the existing heritage fabric. This conversation is relevant during the planning permit application when proposal details are known. The Panel disagrees with submissions that applying the Heritage Overlay would restrict the ability to achieve policies seeking growth in Southbank. It may affect some individual property owners who may otherwise have had additional yield without the Heritage Overlay. However, the net community benefit of achieving heritage related objectives in the Act and policies in the Planning Scheme (by protecting Southbank properties with local heritage significance for present and future generations) outweighs any private economic disbenefit to some individual property owners.” - Submission is noted.
Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to planning panel.

32. Individual Submitter

Subject land	<p>Various including:</p> <p>11-21 Marne Street, South Yarra (Castle Towers)</p> <p><i>Proposed to remain “significant” in HO6 South Yarra Precinct with “significant streetscape”.</i></p> <p>Melbourne Observatory</p> <p><i>Melbourne Observatory has a high level of heritage protection as it is listed on the VHR (HO396 / H1075). Reviewing the heritage protection for Melbourne Observatory and other existing VHR places was out of scope of the Review.</i></p>	
Themes	<ul style="list-style-type: none"> - Corrections to the heritage review. - Requests nomination of place to the VHR. 	

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Matters raised	<ul style="list-style-type: none"> - Requests that Melbourne Observatory be included on the map prepared by Council for community engagement. - Requests that Council nominate 11-21 Marne Street, South Yarra (Castle Towers) to the Victorian Heritage Register. - Advises that information in the Review stating that some apartments in Castle Towers have individual rooftop gardens is incorrect. States that Castle Towers has an open rooftop that is shared property. Provides information regarding strata title/contract of sale. - Advises that the text in the Review regarding the Melbourne Observatory is incorrect in parts and too brief. Provides alternative text and information regarding the Observatory and events that took place in the grounds.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne's heritage consultant GML Heritage. - In response to the request that Melbourne Observatory be included on the community engagement map, management confirms the map identifies Melbourne Observatory. - In relation to nominating the 11-21 Marne Street (Castle Towers) to the Victorian Heritage Register (VHR), management notes that this was not a recommendation of the Review and it has not been assessed as having state significance by GML. It should be noted that any member of the community is able to make a nomination for a place to be added to the VHR if they believe it to be of state significance - In response to the corrections and added content in relation to Melbourne Observatory and 11-21 Marne Street (Castle Towers), GML agrees that minor corrections should be made as per the information provided in the submission including that the rooftop terrace should be described as a singular roof space, and include details about the Melbourne Observatory. Management agrees with this position.
Management position	<ul style="list-style-type: none"> - In response to this submission, it is recommended that: <ul style="list-style-type: none"> o The Thematic Environmental History (Volume 3 of the Review) and the HO6 South Yarra Precinct citation (Volume 4) be updated to reflect some minor corrections identified, in relation to Melbourne Observatory and the rooftop garden at 11-21 Marne Street (Castle Towers). o The following recommended changes to the exhibited amendment documents are to be presented in documentation after the panel hearing (subject to the panel's recommendations): <ul style="list-style-type: none"> ▪ Update the citation for HO6 South Yarra Precinct, Volume 4 of the <i>South Yarra Heritage Review</i>. ▪ Update Thematic Environmental History, Volume 3, of the <i>South Yarra Heritage Review</i>. - Refer submission to planning panel.

33. Individual Submitter

Subject land	<ul style="list-style-type: none"> - General Submission
Themes	<ul style="list-style-type: none"> - Objects to the Review generally. - Increased heritage controls will diminish broader heritage value of the municipality.
Matters raised	<ul style="list-style-type: none"> - Expresses concern that increased heritage protection for the area will decrease the quality and standard of the area. - States that many properties listed for heritage category are of little or no heritage value and many are an eyesore.

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	<ul style="list-style-type: none"> - States that another independent Heritage Study should be undertaken by experts with local knowledge. - Asserts that increased heritage protection of places will limit growth and have a negative impact on affordable housing.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the assertion that an increase of heritage properties protected through the Review will devalue heritage, management agrees with GML that the proportion of properties protected in the planning scheme is not part of the consideration when assessing places for heritage significance. Application of a heritage building category to many of the properties in a precinct does not devalue heritage. The high proportion of heritage places in South Yarra reflects and demonstrates that South Yarra is an area with a prevalence of heritage places and strong heritage character, reflected in the HO6 South Yarra Precinct. - In response to the assertion that many places proposed to have heritage categorisation are of little or no heritage value, management agrees with GML that the <i>Planning and Environment Act 1987</i> obliges municipal councils ‘to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or other of specific cultural value’. Consistent with this objective, the City of Melbourne has prepared numerous heritage studies that identify places of heritage significance including <i>South Yarra Heritage Review</i>. - In response to the assertion that many places recommended for heritage categorisation are an eye-sore management agrees with GML that whether a place has aesthetic appeal or characteristics can form part of its consideration, but is not a requirement for a place to be assessed as having local heritage significance. - In response to the assertion the Review should be undertaken by experts with local knowledge, management agrees with GML’s response that GML heritage were engaged by City of Melbourne to provide expert opinion on the heritage value of the places and streetscapes of South Yarra. While some of GML team members’ in-depth local knowledge contributed to the preparation of the Review, having local knowledge is not a requirement when undertaking a heritage study or review. GML staff members have expertise in a range of place types and provide expert heritage advice service across all areas at local, state and national level. - In response to concerns about limiting growth and the negative impacts on housing affordability, management agrees with GML’s response that the effect of the proposed Heritage Overlay on provisions encouraging growth is not relevant to establishing whether the building meets the threshold for local significance. - Management asserts that matters relating to the impact of a Heritage Overlay on policies seeking growth have been the subject of numerous Planning Panels. In the recent Panel decision for Melbourne C305 Southbank Heritage Review, the Panel noted: <ul style="list-style-type: none"> “The Practice Note’s guiding methodology does not refer to disregarding properties with identified heritage significance in an area with policies seeking growth. If that was true, there would be no Heritage Overlay in Melbourne’s central city area. Not applying the Heritage Overlay in favour of urban growth would contradict relevant objectives of the Act and planning policies. The Heritage Overlay should be applied to justified properties so that Council can assess whether the scale and nature of future development will negatively impact the existing heritage fabric. This conversation is relevant during the planning permit application when proposal details are known. The Panel disagrees with submissions that applying the Heritage Overlay would restrict the ability to achieve policies seeking growth in Southbank. It may affect some individual property owners who may otherwise have had additional yield without the Heritage Overlay. However, the net community benefit of achieving heritage related objectives in the Act and policies in the Planning Scheme (by protecting Southbank properties with local heritage significance for present and future generations) outweighs any private economic disbenefit to some individual property owners.”

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Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to planning panel.
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34. Individual Submitter

Subject land	<p>172-182 Walsh Street, South Yarra (Motstone)</p> <p><i>Proposed category change from outside the HO to "significant" within HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Supports proposed heritage controls for subject site. 	
Matters raised	<ul style="list-style-type: none"> - Comments that the building Motstone has an innovative façade, referring to the window wall and other positive attributes including its construction, stonework decoration and durability. - States it is an excellent example of durable and affordable housing. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne's heritage consultant GML Heritage. - Submission noted. 	
Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to planning panel. 	

35. Individual Submitter

Subject land	<p>641 Punt Road, South Yarra (Astor)</p> <p><i>Proposed category change from "ungraded" in HO6 South Yarra Precinct to "significant" in HO1419 Pasley Street and Park Place Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objects to the proposed heritage category of the subject site. - Inaccurate information in Heritage Review. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that the citation overstates the importance of the subject site. 	

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	<ul style="list-style-type: none"> - States that the building does not respond to the comment in the Statement of Significance /citation “significant” buildings high level of integrity to their original design” because the building is not a “significant” or intact example of either the Victorian or interwar periods. - The Statement of Significance and citation do not identify conversions of Victorian buildings as part of the significance or key characteristics of HO1419. - States that although the building is referred to in the Statement of Significance as an “example of a Victorian residence converted to flats in the 1920s, reflecting a pattern of development that was common in South Yarra during the interwar period”, the building is an outlier and the only example of a converted apartment building in HO1419. - Asserts that there are other purpose-built apartment buildings that better fit the category of ‘interwar’, particularly buildings in HO6 such as Kia Ora, Park Towers and Marne Close. - Asserts that the Review incorrectly states that the building is a Victorian residence converted to flats in the 1920s, when it was actually two Victorian residences converted in 1929, so should therefore say late 1920’s, early 1930s. - Asserts that at most, the subject building should be graded “contributory”.
<p>Management response</p>	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML’s position that this place is appropriately categorised as a “significant” place within HO1419. GML states that important aspects of the interwar period of development include not only the development of new blocks of flats or houses, but also the conversion of earlier housing stock into flats or guesthouses. Astor is of particular note, with both layers of development clearly visible from the public domain (via its renovated façade and intact chimneys and hipped roof forms). - In response to the assertion that Astor does not display a “high level of integrity to its original design”, management agrees with GML that the Statement of Significance states the ‘high level of integrity to their original design’ is part of the precinct’s significance. However, for the case of Astor, both layers of development contribute to the significance of the place. This is explained further in Criterion A of the Statement of Significance. - In response to the assertion that Astor is the only example of a conversion of this type in the precinct, and that conversions are not identified as part of the significance of HO1419, management agrees with GML that the Statement of Significance for HO1419 outlines the historical significance of the conversion of this place to the pattern of development in this precinct and South Yarra. Apart from Astor, other examples in the precinct have been demolished or reverted to being residences. In the Pasley Street and Park Place Precinct, other examples of interwar flat conversions included (all from the Victorian period and converted by 1933): <ul style="list-style-type: none"> o Ohio Flats at 637 Punt Road (since demolished) o Umala Flats at 62 Pasley Street (since re-converted to a residence) o Gower Flats at 80 Pasley Street (since demolished) o Homa Flats at 40–42 Park Place (since re-converted to a pair of residences). <p>It is correct that Astor is currently the only example of this type of converted flat buildings in HO1419, however the limited number of other examples of flat conversions in HO1419 or the study area elevates Astor’s significance as surviving evidence of a pattern of development that was characteristic of South Yarra during the interwar period.</p> <ul style="list-style-type: none"> - Management agrees with GML that the citation and Statement of Significance for HO1419 should be amended to reflect that Astor represents the conversion in the late 1920s to 1930s. - Management agrees with GML that the Statement of Significance for HO1419 be amended to add the words “or early” to the reference in the “What is “significant?”” section as follows “significant” buildings’ high level of integrity to their original or early design”.

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Management position	<ul style="list-style-type: none"> - In response to this submission it is recommended that: <ul style="list-style-type: none"> o The conversion date of Astor and details around its early design be clarified. o Subsequently, the following recommended changes should be reflected in the following updates to the exhibited amendment documents and circulated prior to the panel hearing: <ul style="list-style-type: none"> ▪ Amend the Statement of Significance for HO1419 to add the words “or early” to the reference in the “What is “significant?”” section as follows “significant” buildings’ high level of integrity to their original <i>or early</i> design”. ▪ Amend the Statement of Significance to state: <ul style="list-style-type: none"> • Astor was originally a pair of Victorian residences rather than a residence. • Astor represents a conversion of the late 1920s to 1930s. o The following recommended changes to the exhibited amendment documents are to be presented in documentation after the panel hearing (subject to the panel’s recommendations): <ul style="list-style-type: none"> ▪ Amend the heritage citation in the <i>South Yarra Heritage Review</i> to state: <ul style="list-style-type: none"> • Astor was originally a pair of Victorian residences rather than a residence. • Astor represents a conversion of the late 1920s to 1930s. - Refer submission to planning panel.
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36. Christ Church Grammar School


Subject land	<p>603-627 Punt Road, South Yarra (South Yarra Presbyterian Church complex)</p> <p><i>Proposed change from “significant” in HO6 South Yarra Precinct to individually “significant” in HO1409 South Yarra Presbyterian Church complex.</i></p>	
Themes	<ul style="list-style-type: none"> - Inaccurate information in Heritage Review. - Objects to the proposed heritage category of the individual buildings. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that the Review does not recognise the current condition of the former Sunday school, the former Vestry and school wing, as well as the Presbyterian Church. The submitter states that these building on the site were damaged in a fire on May 12 2022, particularly the roof of the former Sunday school. - Asserts that the Review should be updated to reflect this damage, particularly that the roof of the Sunday school has been destroyed. - States that the relative significance of the individual buildings on the site require further clarification including the Caretakers Cottage (c1925) was constructed decades later and has had a greater degree of change than more substantial buildings on the site. 	

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	<ul style="list-style-type: none"> - The submitter asserts that the significance of each of the individual buildings requires further clarification, for example the Caretakers Cottage building compared to others on the site.
<p>Management response</p>	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML that the fire damages should be recorded in the citation and Statement of Significance, but that the Sunday school is still integral to the significance of the place. There is enough photographic evidence available to support the restoration of the building. - In response to the significance of the Caretaker’s Cottage, management agrees with GML that the entire complex has been assessed for heritage significance, and separate elements that contribute to the significance of the place are outlined in the Statement of Significance (under ‘What is “significant?”’). It is noted that individual elements are not typically assigned with a building category as there is no ability to distinguish significance level of individual site in the current planning scheme context. - The significance of the South Yarra Presbyterian Church complex at 603–627 Punt Road is enhanced by the retention of a complex of buildings that were and have been associated with the operation of a church. As the submission notes, the caretaker’s cottage is less substantial and has less architectural detailing, but these characteristics are typical of a caretaker’s cottage. The built fabric (including the less ornate or substantial architecture) of the caretaker’s cottage is part of the site’s key elements that evidence and contribute to our understanding the way of life in the past that was once common. - It is noted that the Statement of Significance distinguishes that more recent alterations to the Caretaker’s Cottage from the 1992 refurbishment do not contribute to the significance of the place. - Management agrees with GML that separate conservation guidelines or a management plan could be developed by the owner to inform the areas that may be tolerable to greater level of changes, if any works are to be proposed for the site.
<p>Management position</p>	<ul style="list-style-type: none"> - The place is correctly identified as an individually “significant” place. - In response to this submission it is recommended that: <ul style="list-style-type: none"> o The citation and Statement of Significance for HO1409 should be updated to reflect the fire damage to the Sunday school. o Subsequently, the following recommended changes should be reflected in the following updates to the exhibited amendment documents and circulated prior to the panel hearing: <ul style="list-style-type: none"> ▪ Amend the HO1409 South Yarra Presbyterian Church complex Statement of Significance to reflect the fire damage to the Sunday school. o The following recommended changes to the exhibited amendment documents are to be presented in documentation after the panel hearing (subject to the panel’s recommendations): <ul style="list-style-type: none"> ▪ Amend the HO1409 South Yarra Presbyterian Church complex Citation to reflect the fire damage to the Sunday school. - No changes are proposed in response to this submission.

37. Individual Submitter

Subject land	<p>41 Millswyn Street, South Yarra</p> <p><i>Proposed category change from “ungraded” in HO6 South Yarra Precinct to “contributory” in HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Objection to the proposed category of the subject site. 	
Matters raised	<ul style="list-style-type: none"> - Asserts that the proposed change of categorisation from ungraded to “contributory” is not justified. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - Management agrees with GML’s recommendation that based on the further research, the building no longer warrants a “contributory” category in HO6 due to lack of integrity. It is recommended that the building is re-categorised as “non-contributory”. 	
Management position	<ul style="list-style-type: none"> - In response to this submission it is recommended that: <ul style="list-style-type: none"> o 41 Millswyn Place be re-categorised as a “non-contributory” place in HO6. o Subsequently, the following recommended changes to the exhibited amendment documents are to be reflected in documentation circulated prior to the panel hearing: <ul style="list-style-type: none"> ▪ Remove 41 Millswyn Street from Melbourne Planning Scheme Incorporated Document: <i>Heritage Places Inventory</i>. ▪ Update the HO6 South Yarra Precinct Statement of Significance to identify 41 Millswyn Street as “non-contributory”. ▪ Update the Explanatory Report. o The following recommended changes to the exhibited amendment documents are to be presented in documentation after the panel hearing (subject to the panel’s recommendations): <ul style="list-style-type: none"> ▪ Update the <i>South Yarra Heritage Review</i>, including the Precinct Category Schedule in the HO6 citation and the recommendations in Appendix B. - Refer submission to planning panel. 	


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38. Individual Submitter

Subject land	- General Submission to Amendment C426.
Themes	<ul style="list-style-type: none"> - Supports the proposed amendment. - Proposes increased protection for certain places and streetscapes. - Open space should be preserved.
Matters raised	<ul style="list-style-type: none"> - Supports the proposed Heritage Overlays in the amendment and asserts that historic trees should also be protected. - Asserts that buildings over 30 years old should be assessed for heritage significance. - Asserts that height limits in residential and commercial should be preserved and not expanded. - Asserts that parks, trees and open space should be protected. - Stated that whole areas of old housing such as around Melbourne Grammar should be preserved. - Asserts that legislation should be introduced to prevent the loss of older better quality apartment buildings to huge, poorly populated apartment buildings. - Asserts that Fawkner Park should see no more development, expresses concern that the recent upgrade is a concrete eyesore in an inappropriate location and should not have taken place. - Asserts that community gardens are needed.
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne's heritage consultant GML Heritage. - In relation to tree controls, management agrees with GML that trees were considered and investigated in the Review. GML was guided by Planning Practice Note 1: Applying the Heritage Overlay (PPN01), and recommended applying tree controls in some cases. Important trees that warrant controls in the planning scheme are set out in each relevant Statement of Significance and the recommended changes to the schedule to the Heritage Overlay. - In relation to the suggestion that all buildings over 30 years old in South Yarra should be assessed, management notes that GML considered all buildings from the Victorian period to the late twentieth century. Examples of more recent buildings identified and recommended for protection in the Review include c1980s houses designed by architect Wayne Gillespie, and a 1920s brick garage converted to a townhouse in 1989 by architect Graeme Gunn, as well as a number of boathouses in the proposed Yarra Boathouses Precinct. - In relation to Fawkner Park, it is noted that this place is listed on the VHR and was not assessed as part of this Review. Provision of community gardens were also not within the scope of the Review.
Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to planning panel.

39. Individual Submission

Subject land	<p>General submission that references 72 Clowes Street, South Yarra</p> <p><i>Proposed category change from individually “significant” HO410 72 Clowes Street, South Yarra to “significant” in HO6 South Yarra Precinct.</i></p>	
Themes	<ul style="list-style-type: none"> - Increased protection for streetscapes. - Enforcement of heritage controls. 	
Matters raised	<ul style="list-style-type: none"> - Enquires about heritage status of subject property. - Expresses concern about unauthorised development or alterations to properties in a Heritage Overlay, and refers to the demolition of a federation property on the corner of Domain Road and Murphy Street, South Yarra. - Expresses concern about the level of protection for streetscapes, and old plants and gardens. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - GML notes that 72 Clowes Street is currently included in HO410 as an individually “significant” place. GML has recommended in the Review that it become a “significant” place in HO6. As GML notes, this would not result in any changes to the planning permit requirements as a result of the Review. - Management agrees with GML that HO6, as revised in the Review, identifies a number of mature plants that warrant protection on the planning scheme. Tree controls have been applied to protect trees that are of intrinsic significance (that is, trees and plants that contribute to the significance of the place or area), in accordance with the guidance for applying tree controls in Planning Practice Note 1: Applying the Heritage Overlay (PPN01). The Review also proposes additions and changes to the “significant streetscape” categories to help protecting the streetscapes that are important to South Yarra. In addition to the Heritage Overlay, other tools within the planning scheme could be used to control development or elements of the public realm, including the Neighbourhood Character Overlay or Environmental Significance Overlay. - In response to the concern about unauthorised development and demolition, Management advises that the demolition example given is in fact in the City of Stonington. Enforcement matters for properties in the City of Melbourne are managed by the Planning Enforcement Team and can lead to stop work notices, fines, and reinstatement of original structures depending on the circumstances. 	
Management position	<ul style="list-style-type: none"> - No changes are recommended in response to this submission. - Refer submission to planning panel. 	

40. Individual Submission


Subject land	<p>93 Park Street, South Yarra (93-103 Park Street, South Yarra) (St Arnaud)</p> <p><i>Proposed category change from “contributory” in HO6 South Yarra Precinct to “significant” in HO6 South Yarra Precinct with “significant streetscape”.</i></p>	
Themes	<ul style="list-style-type: none"> - Inadequate notification. - Objects to the proposed category of the subject site. - Currently has planning permit. - Proposed category has negative impact on development opportunities. 	
Matters raised	<ul style="list-style-type: none"> - States they were not notified of the Amendment. - States that the property should remain “contributory” in HO6 and that the existing category is appropriate and sufficient to protect the heritage significance and appropriate development outcomes of the building. - States that existing council policy is sufficient in directing outcomes for “contributory” buildings and appropriate works on the subject site. - States that a permit was granted for partial demolition of the building through a VCAT hearing, however an application to amend the permit is currently with council and would be affected by a change in category. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the concerns relating to the notification process, management advises that the Amendment has been correctly exhibited in accordance with the <i>Planning and Environment Act 1987</i>. - In response to the assertion that the building should not be categorised as “significant”, management agrees with GML that the proposed category is appropriate for the following reasons: <ul style="list-style-type: none"> o The guesthouse ‘St Arnaud’ was managed by Mrs Elizabeth Viccars, who was one of the pioneers of guesthouse operations in Park Street. The purpose-built building is highly externally intact, and is one of the only surviving examples of early guesthouses/boarding house type of buildings in South Yarra. Park Street was established with a number of guesthouses by the late nineteenth century and the beginning of the twentieth century. o 55 Park Street (formerly ‘Allonah’ and later combined with 53 as ‘Dalgety’) and 65–67 Park Street (‘The Oaks’), both categorised as “significant” places, were among other guesthouses in Park Street. Historical existence of such operations are part of the important historical layer in Area 2 and broader South Yarra, and retention of tangible examples of historical guesthouses in Park Street evidence that historical narrative. o Having operated for almost 100 years (1916 to c2016), St Arnaud was one of the longest running guesthouses in Park Street. With such a high level of intactness and 	

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	<p>integrity, and for long-standing historical use, place meets the definition for a “significant” place.</p> <ul style="list-style-type: none"> - In response to the concerns regarding the permit application and development opportunities for the place, Management agrees with GML’s response that the effect of the proposed Heritage Overlay on future development outcomes on this site or adjoining sites is not relevant to establishing whether the building meets the threshold for local significance. - Management advises that matters relating to the impact of a Heritage Overlay on potential development outcomes have been the subject of numerous Planning Panels: <ul style="list-style-type: none"> <i>The key issue at the amendment stage was the heritage significance of the property, and other matters such as competing policy settings, hardship for owners etc. should be considered when a planning application was considered (Greater Geelong C71). Matters such as personal economic impacts for the property owner of applying a Heritage Overlay, the structural integrity or condition of the buildings, and restrictions on the property owner’s ability to redevelop the property are not relevant when considering an amendment to apply a Heritage Overlay’ (Moonee Valley C195)</i>
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a “significant” place within HO6. - No changes are recommended in response to this submission. - Refer submission to planning panel.

41. Individual Submission

Subject land	<p>105-107 Park Street, South Yarra (Kilmeny)</p> <p><i>Proposed category change from “ungraded” in HO6 South Yarra Precinct to “significant” in HO6 South Yarra Precinct with “significant streetscape”.</i></p>	
Themes	<ul style="list-style-type: none"> - Inadequate notification. - Objects to the proposed category of the subject site. 	
Matters raised	<ul style="list-style-type: none"> - States they were not notified of the Amendment. - States that the property should remain “ungraded” in HO6. - Advises that further independent heritage advice has been sought and will be provided in due course. 	
Management response	<ul style="list-style-type: none"> - This submission was referred to City of Melbourne’s heritage consultant GML Heritage. - In response to the concerns relating to the notification process, management advises that the Amendment has been correctly exhibited in accordance with the <i>Planning and Environment Act 1987</i>. - In response to the assertion that the building should not be categorised as “significant”, management agrees with GML that the proposed category is appropriate for the following reasons: <ul style="list-style-type: none"> o Built in 1923, Kilmeny was one of the earliest examples of a blocks of flats in South Yarra. Within the context of metropolitan Melbourne, South Yarra was among the 	

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	<p>suburbs that saw development of earliest flats. The development of flats has been discussed in the 'Historical context' in the HO6 citation.</p> <ul style="list-style-type: none"> ○ The small group of surviving 1910s and 1920s blocks of flats are important pioneering examples that signalled popularity of flat development through to the post war period and present time. ○ With Kilmeny's refined design, high level of intactness and integrity, this place meets the definition of a "significant" place. <p>- Management notes that the submitter has not provided evidence to support an alternative category.</p>
Management position	<ul style="list-style-type: none"> - The place is appropriately categorised as a "significant" place within HO6. - No changes are recommended in response to this submission. - Refer submission to planning panel.