

Planning and Environment Act 1987

Panel Report

Port Phillip Planning Scheme Amendment C132

'Edith' 26 Stokes Street, Port Melbourne

21 April 2017

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act
Port Phillip Planning Scheme Amendment C132
'Edith' 26 Stokes Street, Port Melbourne
21 April 2017

A handwritten signature in black ink, appearing to read 'Con Tsotsoros'.

Con Tsotsoros, Chair

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List of Abbreviations

| | |
|----------------|--|
| Act | <i>Planning and Environment Act 1987</i> |
| PPN01 criteria | Assessment criteria recognised in Planning Practice Note 1 (Applying the Heritage Overlay) |

Overview

Amendment Summary

| | |
|---------------------------|---|
| The Amendment | Port Phillip Planning Scheme Amendment C132 |
| Subject land | 26 Stokes Street, Port Melbourne |
| Brief description | The Amendment proposes to apply the Heritage Overlay (HO497) to the subject land on a permanent basis |
| Planning Authority | Port Phillip City Council |
| Authorisation | 29 August 2016 |
| Exhibition | 3 October to 7 November 2016 |
| Submissions | <p>Submissions were received from:</p> <ol style="list-style-type: none"> 1. Subject land owner (objecting) 2. Linda Loose (supporting) 3. Clive Warner (supporting) 4. Tarni James (supporting) 5. George Donikian and Di Gillett (supporting) 6. Eddie Krncevic (supporting) 7. Zak Markovski (supporting) |

Panel Process

| | |
|----------------------------|--|
| The Panel | Con Tsotsoros, Chair |
| Directions Hearing | Planning Panels Victoria, Monday 6 March 2017 |
| Panel Hearing | Planning Panels Victoria, Thursday 30 March 2017 |
| Site Inspection | Unaccompanied, 17 March and 4 April 2017 |
| Appearances | <p>Port Phillip City Council represented by Ms Teresa Bisucci of Best Hooper with Ms Stevie Meyer, Senior Strategic Planner, City Strategy who called the following expert witness:</p> <ul style="list-style-type: none"> - Mr Andrew Barrett on heritage <p>Subject land owner represented by Mr Nicholas Crawford of TP Legal who called the following expert witness:</p> <ul style="list-style-type: none"> - Mr Bryce Raworth of Bryce Raworth Pty Ltd on heritage <p>Ms Tarni James</p> |
| Date of this Report | 21 April 2017 |

Executive Summary

The Port Phillip municipality comprises some of Melbourne's oldest urban areas and a significant proportion of properties have the Heritage Overlay. Port Melbourne's port attracted considerable industry within its environs. The area comprised predominantly modest dwellings to accommodate workers.

Port Phillip Planning Scheme Amendment C132 (the Amendment) seeks to apply the Heritage Overlay (HO497) permanently to 26 Stokes Street, Port Melbourne.

In November 2015, the property owner applied to demolish the dwelling and Council's Heritage Advisor considered the dwelling warranted the Heritage Overlay. In November 2016, an interim Heritage Overlay was applied to the subject land while Council prepared an amendment for the permanent planning provisions. The Amendment, which proposes the permanent planning provisions, was exhibited from 3 October to 7 November 2016 and received one objecting submission and six supporting submissions.

Key issues raised in the submission related to contradictory assessments in previous heritage assessments, the extent of comparative analysis study area, and whether 26 Stokes Street has sufficient heritage significance to warrant the Heritage Overlay. Previous heritage assessments use an old grading system and do not form a reliable basis to determine whether the Heritage Overlay should be applied to the property.

The Panel considered the assessment criteria in Planning Practice Note 1 (Applying the Heritage Overlay) and finds that 26 Stokes Street meets Criteria D (architectural significance) and E (aesthetic significance). These are complemented by the dwelling's intact original features and well preserved condition. There is insufficient justification to meet Criteria A (historical significance).

Paint on the external walls hide the bi-chrome and patterned brickwork and the solid brick front fence screens some of the dwelling when viewed from the street. Both of these alterations mask the full extent of the aesthetic significance, however, they are reversible and do not impact on the dwelling's heritage significance.

The Panel concludes that sufficient justification exists to permanently apply the Heritage Overlay to 26 Stokes Street, Port Melbourne.

(i) Recommendation

Based on the reasons set out in this Report, the Panel recommends that Port Phillip Planning Scheme Amendment C132 be adopted as exhibited subject to the following:

- 1. Amend Citation 2382 for 26 Stokes Street, Port Melbourne, in the revised incorporated document, *Port Phillip Heritage Review*, under 'Significance' to:
 - a) delete reference to Criterion A (historical significance)**
 - b) more definitively describe why the dwelling meets Criteria D**
 - c) add that the dwelling meets Criterion E and describe elements on the dwelling which contribute to its Italianate character that should be conserved.****

1 Introduction

1.1 The subject land

The Amendment applies to 26 Stokes Street, Port Melbourne, shown as HO497 in Figure 1. The property is described in Chapter 3.



Figure 1 Subject land: 26 Stokes Street, Port Melbourne

1.2 Site context

Port Phillip is a relatively compact municipality and comprises most parts of the former municipalities of South Melbourne, St Kilda and Port Melbourne. The municipality includes some of Melbourne's oldest settlement areas and a significant proportion of properties have the Heritage Overlay. The subject land is located in the former City of Port Melbourne. Port Melbourne, formerly known as Sandridge, played an important transportation role through its port and attracted considerable industry within the port's environs, including the former Swallow & Ariell biscuit factory directly opposite the subject site. The area comprised predominantly modest dwellings to accommodate those employed by these industries.

1.3 Background

| | |
|--|--|
| 21 December 2000 | Port Phillip Heritage Review 2000 was introduced into the Planning Scheme but did not include 26 Stokes Street, Port Melbourne in a Heritage Overlay. [Amendment C5] |
| November 2015 | Council received a planning permit application to construct a new building at 26 Stokes Street |
| February 2016 | Council's Urban Designer and Heritage Advisor found the existing building to be of local heritage significance An individual Heritage Overlay was recommended for 26 Stokes Street |
| 24 May 2016 | Council resolved to request the Minister for Planning approve an interim Heritage Overlay |
| 3 November 2016 | 26 Stokes Street: - had an interim Heritage Overlay applied - was the subject of Citation 2382 in the Port Phillip Heritage Review (Version 19, October 2016) - was identified as 'Significant Heritage Place – inside HO' in Port Phillip Heritage Policy Map (October 2016) [Amendment C127] |
| 26 July 2016 | The subject land owner applied to the Victorian Civil and Administrative Tribunal to consider the application [permit not determined in 60 statutory days] |
| 28 November and 8 December 2016 | The Victorian Civil and Administrative Tribunal refused the applicant's request to adjourn the hearing and the application was withdrawn |
| 30 September 2017 | The interim Heritage Overlay expires on this date |

1.4 Limitations

Submissions referred to the planning permit application proposal for 26 Stokes Street. This is not relevant to whether the subject land meets the necessary threshold to warrant the Heritage Overlay and is not discussed further in this report.

1.5 Issues dealt with in this Report

The Panel considered written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the Hearing, and observations from the site and area visits.

All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning context
- Assessment considerations
 - Earlier heritage studies
 - Comparative analysis
- Heritage Overlay rationale.

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay provisions and other relevant planning strategies.

2.1 Policy framework

(i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the State Planning Policy Framework:

Clause 15.03-1 (Heritage conservation)

Objective

To ensure the conservation of heritage significance.

Strategies

- *Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.*
- *Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.*
- *Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings whose use has become redundant.*

(ii) Local Planning Policy Framework

Council submitted that the Amendment supports the following local planning objectives:

Clause 21.05-1 (Heritage)

Objectives and strategies

- *Protect, conserve and enhance all identified significant and contributory places, including buildings, trees and streetscapes.*

...

- *Support the restoration and renovation of heritage buildings and discourage their demolition.*
- *Encourage high quality design that positively contributes to identified heritage values.*
- *Ensure that new development respects and enhances the scale, form and setbacks of nearby heritage buildings.*
- *Encourage urban consolidation only where it can be achieved without affecting heritage significance.*

...

- *Maintain the visual prominence of historic buildings, local landmarks and icons.*

Clause 22.04 (Heritage policy)

Objectives

- *To retain and conserve all significant and contributory heritage places.*
- *To discourage the demolition of significant and contributory heritage places.*
- *To ensure all new development and redevelopment of significant and contributory places is respectfully and harmoniously integrated with the surrounding character.*
- *To promote design excellence (in terms of building siting, scale, massing, articulation and materials) which clearly and positively supports the heritage significance of all Heritage Overlay areas.*
- *To ensure that new development and any publicly visible additions and/or alterations in or to a heritage place maintains the significance of the heritage place and employs a contextual design approach.*

(iii) Relevant strategic documents

Council submitted that the Amendment is supported by the Port Phillip Heritage Review. This document was originally incorporated into the Port Phillip Planning Scheme on 21 December 2000 and has been updated several times through various planning scheme amendments. Amendment C146 incorporated the updated Port Phillip Heritage Review which included Citation 2382 for 26 Stokes Street, Port Melbourne.

2.2 Planning scheme provisions

26 Stokes Street is zoned Mixed Use and subject to Design and Development Overlay Schedule 1 (DPO1-5A), Development Contributions Plan Overlay Schedule 1 and the Environmental Audit Overlay. The Amendment proposes to apply the Heritage Overlay. The Mixed Use Zone and Heritage Overlay purposes are shown in Table 1.

Table 1 Mixed Use Zone and Heritage Overlay purposes

| Mixed Use Zone | Heritage Overlay |
|--|--|
| Common purpose | |
| To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. | |
| Other purposes | |
| <ul style="list-style-type: none"> - To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality. - To provide for housing at higher densities. - To encourage development that responds to the existing or preferred neighbourhood character of the area. - To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone. | <ul style="list-style-type: none"> - To conserve and enhance heritage places of natural or cultural significance. - To conserve and enhance those elements which contribute to the significance of heritage places. - To ensure that development does not adversely affect the significance of heritage places. - To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place. |

The Heritage Overlay applies to a significant proportion of Port Phillip, as shown in Figure 2.

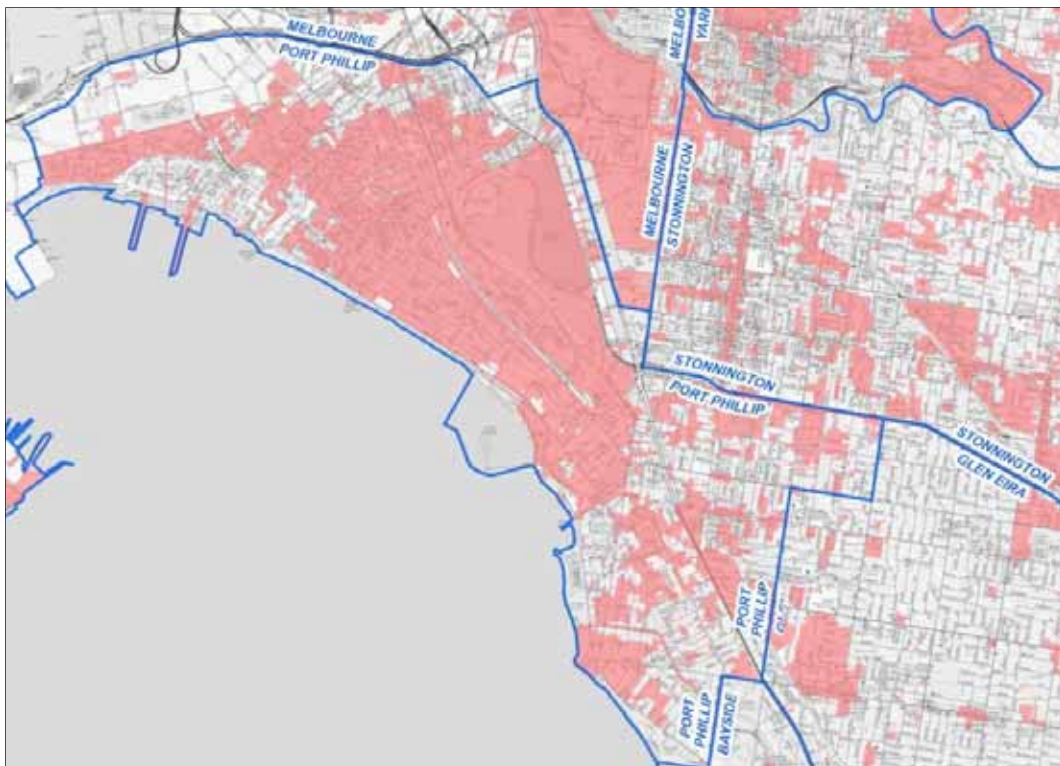


Figure 2 Heritage Overlay in Port Phillip

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment is consistent with the following Ministerial Directions:

- Ministerial Direction No 9 (Metropolitan Strategy)
- Ministerial Direction No 11 (Strategic Assessment of Amendments)
- Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

(ii) Planning Practice Note 1 – Applying the Heritage Overlay (July 2015)

Planning Practice Note 1 provides guidance about the use of the Heritage Overlay. It states that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. The Practice Note recognises the following model criteria (referred to as PPN01 criteria in this report) that have been adopted nationally for assessing the value of a heritage place:

- Criterion A: Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B: Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C: Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

Council submitted that its assessment for 26 Stokes Street was guided by the methodology in this practice note. The Panel has adopted the same methodology for the purposes of its own assessment.

3 Assessment considerations

3.1 The issues

The issues are:

- whether previous heritage studies can be relied on to identify 26 Stokes Street's heritage significance
- the study area for conducting the comparative analysis.

3.2 Earlier heritage studies

(i) Evidence and submissions

Council submitted that its Heritage Advisor prepared the Citation for 26 Stokes Street after a comprehensive assessment in April 2016. It added that the Port Phillip Heritage Review 2000 used an old grading system which identified a D Grading for 26 Stokes Street. A map in Council's submission shows 12 examples of D (or lower) Graded buildings in Port Melbourne where the Heritage Overlay was subsequently applied. This include a significant proportion of the former Swallow & Ariell Biscuit Factory directly opposite 26 Stokes Street.

In his submission, the subject land owner noted that Council's heritage assessments from 1979 to 2006 have consistently identified 26 Stokes Street as not being significant enough to warrant a Heritage Overlay. Ms Tarni, who presented to the Panel at the Hearing, questioned whether time, resources or inaccuracies with the study, resulted in this outcome.

At the Hearing, Mr Crawford, representing the subject land owner, called Mr Bryce Raworth as an expert on heritage. Mr Raworth noted that the Amendment proposes to grade the building 'significant' even though previous studies concluded differently. He stated that the *Port Melbourne Conservation Study 1979* scrutinised the subject land and consciously decided to not apply an individual Heritage Overlay. He added that the Port Phillip Heritage Review 2000 and later iterations identified the subject site as a contributory building outside of a Heritage Overlay and categorised it as a 'D Grade' building (not warranting a Heritage Overlay). Mr Raworth stated:

While the dwelling does present as a modest and reasonably intact Victorian cottage, it is not a remarkable or notable example. On this basis the likely 'D' grading applied as part of the Port Phillip Heritage Review would seem appropriate, a grading that would not typically lead to a site specific heritage overlay.

(ii) Discussion

The Panel considers previous heritage assessments for 26 Stokes Street to be unreliable for determining whether it has sufficient significance to warrant the Heritage Overlay. It is difficult to translate the old grading system in previous assessments into compatible PPN01 criteria. Notably, some D graded buildings previously outside the Heritage Overlay (categorised as 'contributory heritage places') have subsequently had the Heritage Overlay applied.

The Panel has assessed 26 Stokes Street using criteria and methods outlined in Planning Practice Note 1 to determine whether or not there is sufficient justification to apply the Heritage Overlay. At the time of the Hearing, the most recent Port Phillip Heritage Review¹ included Citation 2382 for 26 Stokes Street, which applied that criteria.

3.3 Comparative analysis

(i) Evidence and submissions

The Statement of Significances states “*Edith’ is also one of the few remaining late nineteenth century houses in Port Melbourne within the blocks closest to the bay*”. Council submitted that it used the former municipal district of Port Melbourne for its comparative analysis because the *Port Phillip Environmental History* identifies this as a distinct locality within the municipality and:

Sandridge, St. Kilda and Emerald Hill were geographically discrete townships during the 1860’s, each with its own character and purpose and interlinked by the railway system of the Melbourne and Hobsons Bay United Railway Co. Whereas Sandridge was the port town and St. Kilda the resort, Emerald Hill was the suburban retreat for what the Victorians called the commercial classes. The 1861 census vividly demonstrated this circumstance.

At the Hearing, there was disagreement between parties and experts about the study area for conducting the comparative analysis. Mr Barrett confined his comparative analysis to Port Melbourne because its industrial character was distinctly different to the predominantly residential Middle Park. Mr Raworth applied a broader study area within a few kilometres of the subject site but outside of Port Melbourne where properties comparable to 26 Stokes Street were found.

(ii) Discussion

The Panel acknowledges Port Phillip Environmental History’s description of Port Melbourne (then Sandridge) being distinctly different to other former municipalities which now form part of the Port Phillip municipality. The Panel does not dispute this. However, this should not be the basis for restricting the study area. It is likely that there were Port Melbourne business and industrial owners who resided in grander housing, similar to 26 Stokes Street, in neighbouring areas such as Middle Park.

In either case, a comparative analysis should draw on similar places, including those previously included in a Heritage Overlay. Its purpose is to substantiate whether 26 Stokes Street is comparable to other properties which met the threshold for being considered significant.

When taking into account the purpose of a comparative analysis and likely association between Port Melbourne and neighbouring areas, the Panel considers it reasonable to compare 26 Stokes Street with heritage places throughout the Port Phillip municipality.

¹ Version 20, Jan 2017.

3.4 Conclusions

The Panel concludes:

- Previous heritage studies and reviews should generally identify a property's heritage significance, however there may be circumstances where a further site specific assessment does not align with previous findings.
- A further site specific assessment of 26 Stokes Street, Port Melbourne is warranted.
- The Port Phillip municipality is a reasonable study area for a comparative analysis.

4 Heritage Overlay rationale

Statement of significance



What is significant?

'Edith', the house built in 1891 for George and Elizabeth Briggs, at 26 Stokes Street, Port Melbourne is significant. It is a late Victorian Italianate villa constructed of bi-chrome brick, which is asymmetrical in plan and has a hipped roof clad in slate. The verandah retains the original cast iron post and frieze, and tiled floor with bluestone edging, and has an end wall with a vermiculated corbel and scroll bracket (the south boundary wall has the same details). There is a four panel entrance door with sidelights and toplights and the windows to the main elevation are in a tripartite arrangement: the central window contains a double hung timber sash and the narrower flanking windows have sash windows containing etched ruby glass; all have window reveals with an ovolo profile terminating in a stop chamfer, and the window to the projecting bay has what appears to be an early timber window shade hood (these sometimes contained rolled up canvas blinds) with a serrated edge. There are eaves brackets with a moulded cement string course below. The bi-chrome brick chimneys have moulded cement details and a cornice, and terracotta pots.

Non-original alterations and additions to the house and the front fence are not significant.

How is it significant?

'Edith' at 26 Stokes Street, Port Melbourne is of local architectural and aesthetic significance to the City of Port Phillip.

Why is it significant?

Criterion A – 'Edith' is of historic significance as a reminder of the residential development that occurred within this part of Port Melbourne during the nineteenth century.

Criterion D – It is of architectural significance as a well-detailed and intact example of a late Victorian Italianate villa. While otherwise typical in form and detailing it is distinguished amongst similar houses in Port Melbourne by the tripartite window arrangement.

4.1 Submissions

Council submitted that it applied the methodology in Planning Practice Note No 1 and that a local heritage study forms the basis for the Amendment. It sought to apply the Heritage Overlay permanently to 26 Stokes Street because it assessed its significance against the PPN01 criteria and found that it meets Criterion A (historical significance) and Criterion D (architectural significance). Council said that the Heritage Overlay needed to be applied to 26 Stokes Street so that heritage matters were considered in any future permit application.

All five supporting submissions replicated the following reasons why the Heritage Overlay should remain:

- *The building is of architectural significance as a fine example of a Victoria Italianate Villa with original features in very good condition.*
- *'Edith' is distinguished by the tri-partite arrangement of the windows to the main elevation, a detail that is not found in other comparable houses.*
- *'Edith' also retains a relatively high degree of integrity including all of the original veranda fabric, paving, columns and iron lace.*
- *The house's brick walls have been over-painted, but this is a simple reversible change. The front fence is unsympathetic, but again a simple change.*
- *'Edith' is one of the few remaining late nineteenth century houses in Port Melbourne within the blocks closest to the bay.*
- *It is a great example of residential development of Port Melbourne in the nineteenth century.*
- *The proposed development of a modern four story house is completely unsympathetic to the other significant heritage-listed buildings adjoining and opposite.*

One of the supporting submissions varied the words and provided slightly more detail. At the Hearing, Ms James provided further details about her submission.

The subject land owner objected to the Heritage Overlay being applied to 26 Stokes Street. He did not consider the building at this address significant enough to justify such an overlay. Council disagreed and responded that its comprehensive assessment, using PPN01 criteria, concluded that the Heritage Overlay was warranted.

Mr Crawford acknowledged that 26 Stokes Street had heritage value but considered that it was insufficient to warrant a Heritage Overlay.

4.2 Evidence

Council called Mr Barrett as an expert on heritage and Mr Crawford called Mr Raworth as an expert on heritage.

The Citation gives reasons why Stokes Street meets Criteria A and D while Mr Barrett's evidence included a full assessment against all criteria. Mr Raworth stated that, while 26 Stokes Street had *"very limited significance to the City of Port Phillip in terms of its aesthetic, architectural or historical values"*, it was insufficient to meet any of the criteria. Table 2 compares these different opinions.

Table 2 Comparison of criteria assessments

| Assessment | Criteria | | | | | | | |
|------------|----------|---|---|---|---|---|---|---|
| | A | B | C | D | E | F | G | H |
| Citation | ✓ | × | × | ✓ | × | × | × | × |
| Mr Barrett | ✓ | × | × | ✓ | ✓ | × | × | × |
| Mr Raworth | × | × | × | × | × | × | × | × |

Evidence related to each of these criteria is provided below.

(i) Criterion A (historical significance)

Citation:

‘Edith’ is of historic significance as a reminder of the residential development that occurred within this part of Port Melbourne during the nineteenth century.

In his evidence, Mr Barrett stated:

The house has a clear association with Port Melbourne in the late-nineteenth century, part of the earliest and most significant period in the development of this suburb, which saw it evolve into a residential, industrial, shipping and commercial centre of Port Phillip, and, in a broader sense, the metropolis. This association is clearly demonstrated in the existing condition of the house that retains a high-level of nineteenth century fabric and character.

Mr Raworth disagreed and stated that Victorian cottages are common in Port Melbourne and 26 Stokes Street is a typical building type which “contributes little that is unusual or unknown to an understanding of residential development that occurred within this part of Port Melbourne during the nineteenth century”. He questioned whether this was the reason why the Citation, when explaining how 26 Stokes Street is significant, did not mention historical significance.

(ii) Criterion D (architectural significance)

Citation:

It is of architectural significance as a well-detailed and intact example of a late Victorian Italianate villa. While otherwise typical in form and detailing it is distinguished amongst similar houses in Port Melbourne by the tripartite window arrangement.

In his evidence, Mr Barrett stated:

The house is an intact example of late-nineteenth century housing in Port Melbourne. Its original owner, George Briggs, was a small business owner (tailor) in Bay Street. The scale of the house, larger than many others in the suburb, and grander in character, demonstrates a type of dwelling of the middle-class in this community, in contrast to the more modest working-class housing in the area.

Mr Raworth stated that the overall form and detailing at 26 Stokes Street is a relatively undistinguished example of a 'modest Victorian cottage'. He added that the dwelling's iron lacework, tiled verandah, four panelled entrance door and bi-chrome brick chimneys are typical and unremarkable features which were mass-produced products.

Mr Raworth considered the window arrangement to be a variation of the common tripartite window formation used during that time and was not of sufficient architectural interest or distinction. To support his point, he referred to examples of triple and double window arrangement in the Port Phillip municipality and other parts of Melbourne.

(iii) Criterion E (aesthetic significance)

The Citation did not include Criterion E but Mr Barrett considered that the subject place met the Criterion. In his evidence, he stated:

The house is an intact well-detailed Italianate-style house. It is a well-composed design that incorporates elements representative of its period and style, including asymmetrical composition, and a high degree of detailing. Its tripartite window arrangement is also of note, as an uncommon and more elaborate method of applying a tripartite window treatment. It can be considered to be of importance as exhibiting the aesthetic characteristics of a late nineteenth century house designed in the Italianate-style.

Mr Barrett recommended that the Citation's Statement of significance be revised to add Criterion E and explain which elements on the dwelling contribute to its Italianate character and should be conserved. Mr Raworth agreed that the dwelling is substantially intact but added that its appearance has been marred by the overpainting of the original bi-chrome brickwork and tall solid brick fence. He did not consider the dwelling to be a remarkable or notable example.

4.3 Discussion

There were robust and well-argued reasons presented to the Panel for why the Heritage Overlay should, and should not, be applied to 26 Stokes Street. This made the Panel's task more difficult. While not essential, it would have been helpful if Mr Raworth referred to relevant PPN01 criteria when explaining his reasons for not applying the Heritage Overlay. The Panel accepts Mr Barrett's evidence that 26 Stokes Street does not meet Criteria B, C, F, G or H. The Panel has therefore considered the extent to which the dwelling meets Criteria A, D and E and other associated heritage matters.

(i) Heritage assessment

Criterion A (Historical significance)

The Citation states that Port Melbourne comprised a swamp, low lying land, and a lagoon in the Edwards Park and Lagoon Reserve area. It had a significant industrial history which included the port, railway line and factories. Predominantly modest dwellings were constructed to accommodate workers employed by the port, surrounding factories and associated industries.

The Citation's response to Criterion A states the obvious that the residential dwelling is a reminder of residential development that occurred during that time. This broad statement is generally associated with a heritage precinct. It does not explain why 26 Stokes Street is important to the course or pattern of Port Melbourne's cultural or natural history. Criterion A requires a more focussed and better justified response for an individual heritage place.

In his evidence, Mr Barrett states the house has a "*clear association with Port Melbourne in the late-nineteenth century*" which is "*clearly demonstrated in the existing condition of the house...*" The Panel agrees with these statements but all intact late-nineteenth century dwellings have a clear association with Port Melbourne and it does not automatically qualify them for Criterion A. The existing condition of the house is more aligned with Criteria D and E. Mr Barrett's response to questions during cross examination did not provide the Panel with further insight or justification.

Grander dwellings are rarer in Port Melbourne when compared to the relatively large stock of workers dwellings. However, there are existing buildings with a Heritage Overlay in Port Melbourne and in other parts of the Port Phillip municipality which represent the type of housing that business owners would have resided in.

Mr Briggs was the original owner of 26 Stokes Street and his tailoring business was located at O'Brien's Terrace in Bay Street, Port Melbourne. This building exists today. The site of the tailoring business better represents Port Phillip's cultural history.

The Panel finds that there is insufficient information to explain why 26 Stokes Street is important to the course or pattern of Port Phillip's cultural or natural history. It therefore agrees with Mr Raworth's evidence that 26 Stokes Street does not meet Criterion A. The Panel may have taken a different view if the dwelling formed part of a heritage precinct or if it formed part of a shared thematic Heritage Overlay.

Criterion D (Architectural significance)

26 Stokes Street is an intact late Victorian dwelling which incorporates typical intricate iron lacework detailing, complex tiled patterns on the verandah floor, moulded features and multi-coloured brickwork. The multi-coloured brickwork is evident by the textural change beneath the paint. It has unaltered and intact bi-chrome brick chimneys with original moulded cement details and a cornice with terracotta pots.

Three-part windows (referred to by its Latin term 'tripartite' in the Citation) were an emerging style of late Victorian houses and are commonly found in houses throughout inner Melbourne, including Port Melbourne and South Melbourne. There were some fine examples shown in comparative buildings listed in the Citation. At the Hearing, there was considerable debate between parties and experts about the degree of significance of the windows arrangement at the dwelling's main frontage.

Late Victorian three-part windows generally comprised three panels in a single frame. 26 Stokes Street differs because it has three independent windows which are separated by brickwork. They comprise a central window and two narrow ruby glass windows on either side. Directly above the windows is a decorative timber window shade. The proportions of the three windows and the timber shade have been designed to work together as a single arrangement to create the appearance of the more traditional late Victorian three-part

window. The window arrangement at 167 Danks Street, South Melbourne², is similar to 26 Stokes Street but the Panel found these to be rarer examples.

The Panel finds that 26 Stokes Street meets Criterion D.

Criterion E (Aesthetic significance)

26 Stokes Street compares well to other comparable buildings referenced in the Citation and by Mr Barrett and Mr Raworth. The dwelling is in a well preserved condition and its original features are intact. The dwelling's painted exterior walls veils the aesthetic significance normally appreciated through unpainted polychrome brickwork. The front painted brick fence makes the building less visible from the street. However, the front fence and painted poly-chrome bricks are reversible and do not impact the dwelling's heritage significance.

The Panel finds that:

- 26 Stokes Street meets Criterion E
- the Citation's Statement of significance should be revised to reflect this and explain which elements on the dwelling contribute to its Italianate character that should be conserved.

(ii) General discussion

The *Port Phillip Heritage Review* document, among other purposes, informs about the Heritage Overlay which applies to a considerable proportion of the municipality (Figure 2). The misalignment between previous assessments for 26 Stokes Street and what is being sought by the Amendment raises questions about the accuracy of assessments in the Heritage Review document. The Panel sympathises with the property owner who simply sought to develop a property which, at the time of his proposal, had no Heritage Overlay. The contradiction between previous assessments and the current assessment has resulted in a costly process for both the property owner and Council.

However, the Panel's task is to consider whether the Heritage Overlay should be permanently applied and to weigh up the net community benefit. It's task was made more difficult by well-argued cases on both sides of the equation.

The Panel assessed the significance of 26 Stokes Street using PPN01 criteria and other related factors. After considering all submissions and evidence, the Panel finds that 26 Stokes Street meets Criteria D and E, which are supported by the dwelling's relatively intact late Victorian (including Italianate) features and well preserved condition. The unsympathetic external wall painting and high brick wall are reversible and do not reduce the dwelling's significance. The external wall paint hides the true extent of the dwelling's aesthetic significance and perhaps may be unveiled one day. The Panel finds that 26 Stokes Street compares well with other similar dwellings subject to the Heritage Overlay throughout the municipality.

The Panel finds that the net community benefit resulting from the Heritage Overlay being applied outweighs the individual disbenefit to the property owner.

² Document 3.

4.4 Conclusion

The Panel concludes:

- There is sufficient justification to permanently apply the Heritage Overlay to 26 Stokes Street, Port Melbourne.

4.5 Recommendation

The Panel recommends:

1. **Amend Citation 2382 for 26 Stokes Street, Port Melbourne, in the revised incorporated document, *Port Phillip Heritage Review*, under 'Significance' to:**
 - a) **delete reference to Criterion A (historical significance)**
 - b) **more definitively describe why the dwelling meets Criteria D**
 - c) **add that the dwelling meets Criterion E and describe elements on the dwelling which contribute to its Italianate character that should be conserved.**

Document list

| No. | Description | Tabled by |
|-----|--|-------------|
| 1 | Submission | Council |
| 2 | Photos – Comparable heritage buildings referenced in the Citation | Mr Crawford |
| 3 | Photos – Examples of other heritage buildings in Port Phillip | Mr Crawford |
| 4 | Panel report – Bayside Planning Scheme Amendment C29 Part 2, January 2004 (extract) | Mr Crawford |
| 5 | Port Melbourne Conservation Study, Jacob Lewis Vines Architects and Conservation Planners, July 1979 (extract) | Council |
| 6 | Submission – Subject land owner | Mr Crawford |
| 7 | Photos – 26 Stokes Street, Port Melbourne and surrounds | Mr Crawford |