



**ORDINARY  
MEETING OF  
COUNCIL**

**AGENDA**

**1 FEBRUARY 2017**

## Ordinary Meeting of Council

### Welcome

Welcome to this Meeting of the Port Phillip City Council.

Council Meetings are an important way to ensure that your democratically elected representatives are working for you in a fair and transparent way. They also allow the public to be involved in the decision making process of Council.

### About this meeting

There are a few things to know about tonight's meeting. The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening.

Each report is written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. Council will consider the report and either accept the recommendation or make amendments to it. All decisions of Council are adopted if they receive a majority vote from the Councillors present at the meeting.

### Public Question Time

Provision is made at the beginning of the meeting for general question time from members of the public. Questions relating to a topic on the agenda are not permitted during this time but can be asked prior to the discussion of that item.

If you would like to ask a question during Public Question Time, please fill in the blue 'Do You Wish to ask a Question or make a Public Comment' form located outside the chamber and give it to the Administrative Officer.

### Public Comment / Question

Any person who has made a written submission on an item and requested that she or he be heard in support of that written submission pursuant to section 223 of the Local Government Act will be entitled to address Council.

If you would like to address the Council and / or ask a question on any of the items being discussed tonight, please fill in the blue 'Do You Wish to ask a Question or make a Public Comment' form located outside the chamber and give it to the Administrative Officer.

When your item is being discussed the Chairperson will call your name and ask you to address the Council. The length of time available to each speaker will be at the Chairpersons discretion.





## PORT PHILLIP CITY COUNCIL ORDINARY MEETING OF COUNCIL

### To Councillors

Notice is hereby given that an **Ordinary Meeting of Council** of the **Port Phillip City Council** will be held in **Port Melbourne Town Hall** on **Wednesday, 1 February 2017 at 6.30pm**. At their discretion, Councillors may suspend the meeting for a short break at 8pm and 10pm as required.

### AGENDA

#### 1 APOLOGIES

#### 2 MINUTES OF PREVIOUS MEETINGS

*Minutes of the Statutory Planning Committee Meeting of the Port Phillip City Council held on 6 December 2016.*

*Minutes of the Ordinary Meeting of Council of the Port Phillip City Council held on 13 December 2016.*

#### 3 DECLARATIONS OF CONFLICTS OF INTEREST

#### 4 PETITIONS AND JOINT LETTERS

*Nil*

#### 5 SEALING SCHEDULE

*Nil*

#### 6 PUBLIC QUESTION TIME

#### 7 COUNCILLOR QUESTION TIME

#### 8 PRESENTATION OF REPORTS

8.1 *Amendment C122 - St Kilda Road South - Consideration of Submissions and Decision to Refer Submissions to Planning Panel..... 11*

8.2 *Inner Melbourne Action Plan (IMAP) Committee Update of Delegation.....25*

#### 9 NOTICES OF MOTION.....31

#### 10 REPORTS BY COUNCILLOR DELEGATES

#### 11 URGENT BUSINESS



**3. DECLARATIONS OF CONFLICTS OF INTEREST**



**4. PETITIONS AND JOINT LETTERS**

Nil



**5. SEALING SCHEDULE**

Nil



**6. PUBLIC QUESTION TIME**



**7. COUNCILLOR QUESTION TIME**





## 8. PRESENTATION OF REPORTS

8.1	<i>Amendment C122 - St Kilda Road South - Consideration of Submissions and Decision to Refer Submissions to Planning Panel.....</i>	<i>11</i>
8.2	<i>Inner Melbourne Action Plan (IMAP) Committee Update of Delegation.....</i>	<i>25</i>



## **9. NOTICES OF MOTION**

**I, Councillor Marcus Pearl, give notice that I intend to move the Motion outlined below at the Ordinary Meeting of Council on 01 February 2017:**

That Council:-

1. Supports the submission made by the Hon. Barry Jones AC and Mr Tom Harley to the Hon Josh Frydenbeg MP, Minister for the Environment and Energy, dated 16 January 2017 requesting the Emergency Listing of St Kilda Road and Environs on the National Heritage List.
2. Writes to the Hon Josh Frydenbeg MP providing our in principle support for the Emergency Listing of St Kilda Road and Environs on the National Heritage List.

### **Supporting Information**

- Please see the attached letter.
- St Kilda Road and Environs is one of the richest urban cultural landscapes in Australia.
- The precinct has been at centre of the cultural heritage for modern day Melbourne for more than 120 years.
- Its founding premise of grandeur and other aesthetic qualities have been responded to and drawn upon by the ensemble of buildings, public artworks, public institutions, commemorative structures, major celebrations and private developments.
- The plans associated with the Melbourne Metropolitan Rail project will do major damage to the heritage values associated with the area.
- The damage is likely to be very significant and will degrade the heritage values of the place.
- The threat is imminent given the release of the Environment Effects Statement (EES) Metro Tunnel on December 21 2016 and the Assessment of the Minister for Planning under the Environment Effects Act 1978 released the same day.

16 January 2017

Hon Josh Frydenberg MP  
Minister for the Environment and Energy  
Member for Kooyong  
C/- 695 Burke Road  
Camberwell VIC 3124

Dear Minister

### **Emergency Listing of St Kilda Road and Environs on National Heritage List**

We are writing to request an emergency listing to St Kilda Road and Environs - being the streetscape and associated parkland - on the National Heritage List. The place satisfies the statutory threshold for listing, by being of outstanding heritage value to the nation under several of the National Heritage List Criterion.

We also believe it is under threat, as defined in Environment Protection and Biodiversity Conservation Act 1999 (EPBC) Section 324JL.

1. The place is entirely within the Australian jurisdiction EPBC S324C(2)(a);
2. Under Section 324JL (1)(a) EPBC Act the place qualifies by having, in our view, at least one and, likely, more than one National Heritage Value;
3. We believe the values are under threat EPBC S324JL(1)(b); and
4. We believe that the threat is both likely and imminent EPBC S324JL(1)(b).

We request the immediate Gazettal of the place and we request that you ask the Australian Heritage Council to assess the place EPBC S324JM against the National Heritage Criteria EPBC S324D1.

### **Why is the Area Significant and Why Should It Be Seen as a Whole?**

St Kilda Road and Environs is one of the richest urban cultural landscapes in Australia. From its planner's earliest aspiration to build a grand Boulevard, it has accumulated significance through its association with many of the major events of Australia's history over the last 120 years. Its founding premise of grandeur and other aesthetic qualities have been responded to and drawn upon by the ensemble of buildings, public artworks, public institutions, commemorative structures, major celebrations and private developments. There is no comparable place in Australia, and its design and development are a remarkable technical

achievement, it has profound value to many social groups – especially to the veteran community and it is closely connected with many significant people in the nation’s history.

St Kilda Road is approximately four kilometres in length. It is a tree-lined Boulevard which includes the road reserve commencing at Princes Bridge, Melbourne to a point close to the intersection with Henry Street, Windsor near the St Kilda Junction. It is listed on the Victorian Heritage Register (VHR) H2359. The place includes a wide carriageway, comprising a central roadway with tram tracks, flanked by medians, outer traffic lanes, and wide footpaths and surrounding parklands. St Kilda Road has important associations with the Shrine of Remembrance. The Shrine was built to draw on the Boulevard for its significance and the Boulevard gained in its significance by virtue of the Shrine’s relationship with the Boulevard.

For much of its length between Linlithgow Avenue and High Street, the central roadway and outer traffic lanes are separated by median plantings of Plane Trees (*Platanus x acerifolia*). There are border plantings of Elms: *Ulmus procera* (English Elms), *Ulmus x hollandica* (Dutch Elms) and *Ulmus x hollandica 'purpurascens'* (Purple-leaved Dutch Elms) along the east and west edge of the outer traffic lanes. Plantings along St Kilda Road vary in age and maturity.

This site is part of the traditional land of the Kulin Nation. One of the important sites acknowledging the past indigenous heritage values, is within the nominated place the reburial site within the King’s Domain. The precinct has a very high level of significance to indigenous communities. Much of this under researched and this nomination is regrettably light in dealing with the Place’s indigenous significance.

### **St Kilda Road developed from Baxter's Track which led from Melbourne to Baxter's Stockyard in St Kilda from the 1830s**

As early as the 1840s, the east side of St Kilda Road was chosen as the location of public institutions, such as the first Immigrants Home (demolished), and Governor La Trobe reserved a site for a Government House in the nearby Domain by 1840. By the early 1850s St Kilda Road was a main thoroughfare and more institutions were built along it, such as Victoria Barracks (1856-72) Commonwealth Heritage List (CHL), Melbourne Grammar School (1856) VHR H0019, Wesley College the Observatory (1861) VHR H1087 and the School for the Blind (1866) VHR H1002. In the mid-1870s, the first allotments along St Kilda Road, near Fawkner Park, were auctioned for residential development. Improvements were undertaken to St Kilda Road in the late 1880s, prompted by the introduction of cable tramways along the length of the road in 1888. The remnants of the cable tramways network are preserved at a number of sites in the nominated place.

The road was soon after referred to as a 'Boulevard'. The ceremonial and symbolic importance of St Kilda Road was both used and enhanced with the construction of the Shrine of Remembrance VHR H0848 in 1934 which incorporated the vista along St Kilda Road to the south and along St Kilda Road and Swanston Street to the North. With the 1950s rezoning of

land along St Kilda Road to allow for non-residential development, the character of the built form along St Kilda Road began to change, with the demolition of nineteenth century residences and construction of commercial and office buildings. The road itself has remained a Boulevard, and community appreciation of it continues. St Kilda Road is the southern gateway to Melbourne and an important thoroughfare connecting the southern suburbs with the city. It holds an important role as a location for public ceremonies, such as the annual Anzac Day parade, and many other gatherings.

Given its early designation for both ceremonial purposes and those of public betterment it developed in a way that reflected many of the characteristics the fledging Australian society wished to demonstrate:

- elegance with the Boulevard design;
- loyalty and civic pride through a series of statues to monarchs;
- respect for service and sacrifice with its war memorials and other commemorative statues;
- a focus for communities involved in major conflicts – the Greek, Turk and other monuments;
- education with two large public schools and in more recent times the Victorian College for the Arts and the Arts school of the National Gallery of Victoria;
- philanthropic endeavour with fountains and memorials to major philanthropists of the city – Macpherson, Clarke, Walker and civic achievement – Fitzgibbon;
- the arts – Arts Centre Melbourne, National Gallery of Victoria, and Sidney Myer Music Bowl;
- Security and public order with the establishment of Victoria Barracks and the Police College and Hospital an memorial to police service;
- it has become an area of display of art and sculpture and other forms of public performance - particularly now with the innovation of the M Pavillion which uses the parks and their proximity; and
- advancing the causes of those with disabilities – the blind, deaf and mute, with major institutions.

St Kilda Road has to be seen as an evolving cultural landscape - an ensemble of places whose heritage values are interrelated. There is both cause and effect. The major institutions that populate the Boulevard are situated only in part for utility - because it is a key access point to the city. Many are located on St Kilda Road because the Boulevard was designed and constructed to have a beauty and grandeur that would enhance the institutions. By dint of the history of the Boulevard, other institutions and monuments have been erected that derive their standing from their positions as part of the Boulevard.

The decision to place the Shrine of Remembrance in the centre of the Boulevard is the most outstanding example of this process. The Shrine – almost more than any other institution on the Boulevard, gains its standing from the integrity of the Boulevard. Most of the other institutions have a similar relationship.

In the second half of the twentieth century the placement of the Victorian Arts Centre, Hamer Hall, National Gallery of Victoria and Victorian College of the Arts on the Boulevard both drew upon and added to the Boulevard's significance. A forerunner to their construction was the major philanthropic step taken when the Sidney Myer Trust gave funds for an outdoor concert pavilion – The Myer Music Bowl which was added to the NHL In 2002. Its placement in the Environs of St Kilda Road was the result of some deep thinking. Harold Desbrowe-Annear, in his book *For Every Man his Home*, published a plan for the redevelopment of Melbourne in which the King's Domain was the new cultural heart of the city, flanked by the city's major arts institutions. One of these was to be an open-air auditorium for about 5,000 people situated where the Sidney Myer Music Bowl stands today. Desbrowe-Annear chose the site as it was visible from Flinders Street and the city. In 1929, Sidney Myer, a lover of music, established the 'Music for the People' series of free open-air concerts by the Melbourne Symphony Orchestra in the Botanical Gardens, and had expressed a wish that a permanent home for such performances be constructed in Melbourne.

The Victoria Barracks have prime position on the Boulevard opposite the avenues that are the entries to Government House. For nearly one hundred years and through the greatest conflicts faced by Australia, the barracks housed the military high command and in the second world war the War Cabinet.

The southern end of St Kilda Road from the Shrine south are where some of the most intact plantings survive and it houses the schools – Melbourne Grammar and Wesley College plus two pioneering institutions built to a grand scale in the gothic style - The Victorian Institute for the Blind and the former Victorian Deaf and Dumb Institution. Up until the Boulevard was rezoned for commercial use in the 1970s the Boulevard was filled with large Victorian mansions - some of which took on institutional purposes.

Looking north from the Southern end of St Kilda Road, the tree-lined Boulevard is crowned by the Shrine, each drawing from the other the Boulevard and the building for impact. The inspiration for the design has been variously suggested as the Mall in Washington with The Lincoln Memorial which can be viewed from both East and West, the Arc de Triomphe in Paris with the Champs-Élysées and the Mall in London leading to Admiralty Arch from Buckingham Place. There is no doubt that these boulevards and others were the reference points for the design.

It is not surprising that the Boulevard with its own grandeur became the ceremonial gateway to the city on the Nation's grandest occasions:

- The first Royal Visit by the Duke of Edinburgh in 1867.
- The opening ceremony for the Grand Exhibition 1880.

- The visit by the Duke of York to open the First Federal Parliament in 1901.
- The procession for the Visit of the Great White Fleet in 1904.
- After the Shrine's construction it became the route for ANZAC Day commemorations and most other events commemorating sacrifice in wars.
- It has been the Boulevard for many celebrations of a more local nature.

We believe St Kilda Road will satisfy the thresholds for significance on its comparative standing, its current integrity and authenticity

### **Threat and Imminence**

The plans associated with the Melbourne Metropolitan Rail project will do major damage to the heritage values associated with the area. The damage is likely to be very significant and will degrade the heritage values of the place.

The threat is imminent given the release of the Environment Effects Statement (EES) Metro Tunnel on December 21 2016 and the Assessment of the Minister for Planning under the Environment Effects Act 1978 released the same day.

Enabling works are underway which, under the Minister's amending order, are excluded from the EES process. This enabling works present a potential threat to the Heritage values.

The Minister's assessment completes the EES and finishes the EES process and concludes that the environmental effects of the Project are acceptable, provided appropriate mitigation and management is implemented. The Project should be approved, subject to the key findings outlined in the Minister's letter.

### **The Nature of the Threat and the Inadequacy of the Response – So Far**

The EES acknowledges the significance of the potential impact and the need to do something about it. However it does not seem to see the tree removal in the context of the whole Boulevard.

To demolish, as is proposed, more than 100 trees out of the Boulevard (numbers vary and are not final) and environs will irreparably damages the integrity of the Boulevard. That the trees may be regrown over the next 60 years is not an adequate response to the loss of Heritage value. The Project should examine other options particularly going deeper and using other spaces for work sites that do not require tree removal.

The EES concludes as follows under "Arboriculture impacts" – "As proposed, the Project is likely to have a significant impact upon existing substantial trees, some of which enjoy heritage protection, and many of which contribute to the distinctive character of the precincts where they are located and to the character of Melbourne as a whole. It is appropriate to manage the impact of the Project on trees by the use of EPRs, but the EPRs considered by the IAC should be strengthened to place a greater emphasis on avoiding tree removal where possible, and to more carefully explore the option of temporary relocation of significant trees,

to be replanted following completion of the main works – particularly in the Parkville and Domain Precincts. This is a matter which will also be considered under the Heritage Act for some of these trees affected by the Project as they are subject to heritage protection.”

It is possible that actions may be taken under the heading of enabling or preparatory works that may damage the heritage values:

### **The Works Programme**

It is noted that in the Ministers statement he says:

“Enabling works - works identified in Victorian Government Gazette No. S361 (24 November 2015) are excluded from assessment under the EES, and may commence prior to the completion of this Assessment.”

### **Preparatory Works**

Preparatory works are referred to in the EES, and are intended to commence prior to the approval of the EMF and EPRs plans and other requirements relevant to the construction of the Early Works and Main Works. They include preparatory steps, such as:

- works, including vegetation removal, that would not require a permit under the provisions of the planning schemes that, but for this document, would apply to the relevant land;
- investigations, surveys, testing and preparatory works to determine the suitability of land;
- creation of construction access points;
- establishment of environmental and traffic controls; and
- fencing and temporary barriers to enable preparatory works.

### **Early Works**

Early works are referred to in the EES, and are intended to commence prior to the approval of Development Plans but after the approval of the EMF and EPRs. They include works, such as:

- utility service relocation and protection of utility assets;
- site preparation works, including demolition works, removal or relocation of trees and monuments, minor road/transport network changes; and
- works for construction of shafts at CBD North and CBD South station precincts.

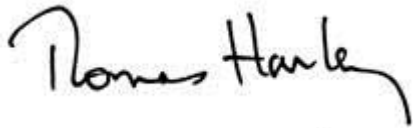
“The assessments that have been conducted to date appear to deal with the impact on a case by case basis and does (sic) not look at the cumulative impact on the cultural landscape.”

We regard these statements as justifying the view that the threat is imminent.




We request your immediate attention as we believe a place of great National Heritage Significance is under imminent threat. We hope that emergency listing may enable the heritage values to be protected through an appropriate management plan.

Yours sincerely

A handwritten signature in black ink that reads "Tom Harley". The letters are cursive and connected.

**Tom Harley**

A handwritten signature in black ink that reads "Hon Barry Jones AC". The signature is highly stylized and cursive.

**Hon Barry Jones AC**

## **Emergency National Heritage Listing for St Kilda Road**

Emergency listing is sought for the area delineated on the attached map. There is an immediate threat from the proposed Melbourne metro rail project works which has variously proposed the demolition of trees along the Boulevard and in its broader precinct. The nature of the threat is defined in the Environment Effects Statement released on 21 December 2016. Works sites are in place and there is a concern that the plan will be put into effect imminently.

### **The threat is recognised in the EES**

#### **5.15 Arboriculture**

Evaluation objective – To avoid or minimise adverse effects on trees as far as practicable, having regard to heritage, landscape, amenity, biodiversity and other values of trees in the vicinity of Project works.

Arboriculture impacts are addressed in Chapter 16 and 21 and Technical Appendices R and S of the EES and in Chapter 18 of the IAC Report. EPRs AR1 to AR5 deal with matters relating to arboriculture and some of these EPRs have been the subject of IAC recommended amendments.

#### **Assessment Context**

The Project area contains some of Melbourne's most noted parks and gardens, treed avenues and urban areas where trees make a significant contribution to landscape character and amenity. The EES suggested that approximately 900 trees will be removed to accommodate construction sites, construction access and temporary services for the Project. Design changes put forward by the MMRA during the IAC Hearing reduced that number, with MMRA advising that the final tree loss is likely to be further reduced through the design process development.

Trees will be removed across all the Project's precincts, with the highest impacts in the Parkville and Domain precincts. Within these precincts, tree removal will occur within the Royal Parade and Grattan Street, Domain Parklands and the Shrine of Remembrance Reserve, St Kilda Road and Albert Reserve. Some of these trees are subject to heritage protection and this is discussed further in

#### **Section 5.8**

Impacts from tree removal would be mitigated in part through a tree replacement program, established in consultation with relevant parties.

#### **Discussion**

A number of submissions to the IAC emphasised the significant contribution that trees make to the city through their amenity, landscape, ecological and heritage values and mitigation of the urban heat island. Given their value, retaining as many trees as possible is an appropriate goal for the Project, as articulated in EPR AR1. During the IAC Hearing, MMRA submitted

modifications to the concept design to retain 69 trees in Fawkner Park and 46 in Domain Parklands. Mature trees, especially but not only those in avenue and parkland settings, are an intrinsic element of the character of Melbourne. Their contribution to the essence of the city must not be underestimated. As an overarching principle, I endorse the premise of EPR AR1 that maximum possible tree retention be an objective of the Project's detailed design stage.

Unlike many other impacts arising from the construction phase, the impacts resulting from tree removal will not cease as soon as construction is complete. Replacement trees can be planted, but it may take decades for the replacement trees to reach the stature of the mature trees that may have been lost.

A number of trees could be impacted by the proposed Linlithgow Avenue temporary access shaft location in the Domain Parklands. The City of Melbourne submitted an alternate site, within Tom's Block adjacent to Linlithgow Avenue, which may have less landscape impact as it would be closer or adjacent to existing hardstand areas. My findings in regards to the Linlithgow access shaft location are further discussed in Section 5.1.

The Arboriculture EPRs will guide the selection of appropriate strategies for tree replacement along avenues as well as within parks and other public spaces. In avenue plantings such as Royal Parade and St Kilda Rd, where like-for-like replanting will occur, MMRA stated that Block replacement strategies can mitigate against wholesale removal and loss of amenity along an entire avenue by staged replacement of discrete sections within the avenue. The tree replacement program would be guided by the Cities of Melbourne, Port Phillip and Stonnington urban forest strategies and requirements of relevant conservation management plans for places included on the Victorian Heritage Register (such as St Kilda Road).

The IAC made comment on the use of "advanced" or "super advanced" tree stock, which may be appropriate in some instances to achieve quicker canopy cover, but noting that this needs to be balanced with the potential for problems with long-term survival associated with larger stock. I support the IAC's recommendation that protocols be established to govern the use of advanced and super advanced trees. Similarly, in response to submissions calling for transplanting of existing trees, MMRA's expert arborist Mr Patrick noted that such practices have low success rates and it is preferable to plant new, vigorous, young trees with a secure future contribution than to move store and re-plant mature and over-mature vegetation. The EES noted that exceptions to this principle include palms such as Canary Island Palm and Cotton Palm which transplant readily and their relocation and reinstatement are addressed in EPR AR1.

While I note the IAC's consideration of the expert evidence it heard regarding the challenges of transplanting mature specimens of other tree species, I consider that all practicable options should be explored to avoid the loss of mature trees, especially where removal is needed only for the construction phase of the Project.

## **Conclusion**

It is my assessment that the likely effects on arboriculture can be adequately managed through the EPRs, as amended, although I acknowledge that there will be residual impacts, particularly in the Parkville, Domain and Eastern Portal Precincts. Those residual impacts should be minimised as far as practicable through prioritising retention of trees at the detailed design stage unless removal is unavoidable.

## **6 CONCLUSION**

I have concluded that the Project has the potential to, and in some instances will, have significant effects upon the environment. I have also concluded that, having regard to the nature of the Project, the environmental effects can be adequately mitigated and managed within acceptable parameters in the manner set out in this assessment.

The EES highlights that the benefits of the Project, in terms of both direct improvement in metropolitan rail network capacity, and catalysing the broader transformation of the network to a more modern, efficient system integrated with other transport modes, will contribute to Melbourne's sustainability and liveability for many decades.

The process has also highlighted that the most significant adverse environmental effects occur during the construction phase.

The inner urban nature of the Project corridor means that construction phase environmental effects, in particular in areas such as noise and vibration, transport connectivity, heritage, landscape, social cohesion, business functionality and general amenity will be disruptive, and at times very difficult for those directly affected. The EES process has shown that those effects, while acknowledged as serious issues for the Project, can be addressed in the context of the environmental management framework to be put in place under the proposed planning approval for the Project.

The environment where the Project is to be built is itself the product of an iterative and ongoing urban development process that has continued for almost two centuries. It is not in the dynamic nature of cities to be static or "finished." None of the significant improvements to public infrastructure that are presently enjoyed occurred without inconvenience. The only way for Victorians to capture the benefits that this Project will deliver, is for them to recognise that in the short term there will be disruption.

The adverse effects of the Project will occur over a relatively short period compared with the lasting benefits of the Project – those benefits are inseparable from the effects of construction. At the same time, it is incumbent on government, all Victorians and in particular the MMRA to recognise that while the benefits of the Project will be enjoyed by many, the burdens of the construction phase will be borne by relatively few, and that those burdens will at times result in significant impacts upon the lives of ordinary people, where they live and work, go to school, recreate and travel.

The MMRA, as a representative of the State, is entrusted to take a responsive and responsible attitude to managing those effects and protecting the legitimate interests of its neighbours and stakeholders.

**The National Heritage criteria against which the heritage values of a place are assessed are:**

**Criteria (A): Events and processes**

The place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

St Kilda Road and Domain Parklands is Melbourne's main processional, ceremonial and commemorative Boulevard and has been at the centre of key national events.

The national significance comes in part because of Melbourne being variously Australia's largest city and National Capital for the last part of the nineteenth century and capital up until 1927. It was also the capital de facto for a long time after Canberra was established with the headquarters of many national institutions and functions located in Melbourne e.g. The Defence and Intelligence functions, many government departments etc. Major institutions are located along the Boulevard and associated precincts. The institutions have played important parts in Australia's national development and life.

It is an area where major monuments commemorate events and people in the Nation's history. The setting of parklands of large trees, Boulevards and vistas are integral to these heritage values. The integrity of the parklands is threatened by the removal of many trees and the disruption of vistas and Boulevards.

No other street and precinct in Australia has such a concentration of major institutions and public spaces:

- Arts Centre Melbourne - comprising of Hamer Hall, Theatres Building and Sidney Myer Music Bowl
- National Gallery of Victoria
- Victoria Barracks
- Victorian College of the Arts
- King's Domain
- Government House
- La Trobe's Cottage
- Shrine of Remembrance
- Melbourne Grammar School
- Wesley College
- First Church of Christ Science

- Blind Institute
- Deaf Institute
- Royal District Nursing Service – 452 St Kilda Rd

It also contains some of the most significant memorials to Australian servicemen and women, its war heroes and leaders.

- Field Marshal Sir Thomas Blamey
- Edith Cavell
- Turkish war dead
- Greek war memorial
- General Sir John Monash
- Sir Edward (Weary) Dunlop,
- South African Soldier memorial
- Cobbers Memorial
- Boer War Monument

It is also a place that has commemorates Australia's heads of State with memorials to

- Queen Victoria
- King Edward VII and
- King George V
- Marquis of Linlithgow

Monuments to community service:

- the Police Memorial

Location of monuments erected by or in honour of or by major public philanthropists

- Walker Fountain
- MacPherson Memorial Fountain
- Janet Lady Clarke

The remnants of a number of Melbourne's grand Victorian mansions still survive in St Kilda Road.

The remnants of the Chevron Hotel – now apartments

The place satisfies the criteria in the following respects:

Importance is established because of the National significance of the place in Australia's history in the following respects:

- As seat of the national government, the First and second world Wars were directed from within the area with the political and military leadership operating out of buildings in the area.

- Both wars had massive impacts on Australia. The loss of life and related injuries from the First World War crippled Australia's development and led to profound outpouring of grief and distress. This is reflected in the construction of the Shrine and the plethora of sites associated with the Boulevard and the Shrine itself.
- ANZAC and other commemorations associated with Australia's conflicts centre on this area. The places are interlinked. Australia's participation in the Boer war was run from the barracks which was Britain's military headquarters in this region moving from Sydney in the third quarter of the nineteenth century. The Boer War was the first war Australia fought as a nation – after Federation. The Boer war memorials are both in St Kilda Road. One will have its whole setting and aesthetic destroyed by the project. The Barracks was a central recruiting station in the First World War and a major station for dispensing relief with the establishment of the ANZAC Buffet at No5 Australian General Hospital in St Kilda Road.

The successor to the same group provided coffee after the Dawn Service at the entrance to the Barracks until the catering was institutionalised ten years ago.

- The Ball Room of Government House in Melbourne was turned into a hospital during the First War and the records of the Red Cross were kept in its stables. The inter relationship of the buildings are highly significant to understanding Australia's war effort, welfare for soldiers and their families and commemoration.
- The Second World War was directed from St Kilda Road with the war cabinet meeting at the barracks.
- The Boulevard and surrounding parkland were developed to be major statements about the significance of Australia. It was the main thoroughfare to Government House – residence of the Governor General until 1927. It was shaped as an Australia's equivalent of London's Mall.
- The Shrine of Remembrance is of National historical significance as a memorial that demonstrates many great national values and the significance of the war on the nation. It was the largest and most important war memorial in Australia (until the Australian War Memorial was opened in 1941). It reflects the community's need for a public expression of grief and of commemoration for the sacrifice of life in war. A vast number of memorials, in many different forms, were constructed in the State from the end of World War I and into the 1920s. When the project was conceived, Melbourne was the seat of Federal Parliament and this resulted in the grandest memorial in Australia.
- The Boulevard was the site of the procession for the Duke of York who opened Australia's First Parliament in Melbourne in 1901. Triumphal arches were built spanning the Boulevard – similar arches were built for the centenary celebration in 2001.

St Kilda Road is historically significant as one of Australia's longest and grandest major thoroughfares. For over a century this European-style Boulevard has had an iconic status as the southern gateway to the city. Dating from the 1850s, St Kilda Road was developed into a magnificent tree-lined Boulevard during the late nineteenth century and was the location of some of Victoria's major public institutions. From the 1880s Melbourne's wealthy constructed impressive residences at this prestigious address and from the 1950s it became a centre for commercial activity. St Kilda Road has been used for ceremonial and celebratory processions including those associated with the Duke of Edinburgh's visit to Melbourne in 1867, the opening of the International Exhibition of 1880, and the opening of the Australian Federal Parliament in 1901. It remains the site of Victoria's annual ANZAC Day march, Moomba parades, political protests and public events.

Victoria Barracks Melbourne, built substantially in the late 1850s-early 1860s, with some additions in later periods, is highly significant. Historically, the precinct is associated with a vast span of Australia's defence history. The Barracks were built when Imperial forces defended the Australian colonies. With the departure of British forces, the change to colonial defences and then with Federation and the Commonwealth's assumption of responsibility for defence matters, the Barracks' accommodation role changed and the complex was used increasingly for offices.

Victoria Barracks became the headquarters for Australia's defence administration, and the complex retained this role until the Department of Defence moved to Canberra in the late 1950s. Victoria Barracks played a crucial role during both World Wars, and this was especially so during the Second World War when the War Cabinet met within the complex. Also, nearly all wartime comedy radio programmes emanated from Victoria Barracks. It was the Headquarters for Australia's intelligence services. Both ASIS and ASIO had their offices in the precinct until they moved to Canberra. The ASIO office in St Kilda Road was "raided" by the then Attorney General Lionel Murphy – a nationally significant event.



## **Criteria (b): Rarity**

The Boulevard is rare and uncommon in Australian urban development. Sydney's topography and development restricted the use of the Boulevard design. Adelaide developed some but not all of the scale or significance. Other cities were restricted by land use, geography or other circumstances. Many of the other cities preferred native plantings.

It was because of Melbourne's wealth and period as national capital that the Boulevard and its associated institutions took shape.

### **Another aspect of rarity is found in the construction of the Shrine.**

The monumental war memorial movement after the First World War was an important social movement that sought to establish monuments to the dead and the values associated with the First War. The Shrine of Remembrance was a prize winning entry in 1922. The state opted for a grand monument in a formal and impressive setting. It was dedicated by Henry Duke of Gloucester before a massive crowd of 327,000 – three times as many as had gathered in Sydney for an equivalent event (Inglis, 1998) John Monash wrote the texts for the Shrine engravings (Inglis, 1998). It was his last gift to the city. His memorial service was held at the Shrine in 1931, with 50,000 in attendance and 250,000 lining St Kilda Road from the Shrine to his burial in Brighton Cemetery. Monash was instrumental in having the Shrine design selected – inspired in part by the Lincoln Memorial in Washington – with its monumental approaches from both the East and West. Monash executed the design using his engineering skills and raised the public monies £160,000 pounds compared with Sydney's public fundraising of £10,000.

The First statue of an AIF figure was located in the nominated place Simpson and his Donkey in 1936. The whole precinct was designed and prosecuted when there was no certainty that the federal capital would have a war memorial. The RSL was headquartered in Melbourne.

The monument movement was controversial. Many wanted more utilitarian war memorials such as Hospitals and bridges. Melbourne in large part because it was the National Capital, promoted the largest and most impressive monument in the country dominating the city landscape.

The State Heritage list makes particular reference to the Shrine's standing in the landscape and the plantings surrounding it. The design relies on the standing given by its landscaping. To damage the integrity of the landscaping will do damage to the heritage values of the Shrine.

Furthermore the shrine and its grounds house many related monuments – arguably no other comparable collection exists in Australia except that developed and developing around the National War Memorial in Canberra which is NHL Listed:

These include:

- The Eternal Flame;
- The Cenotaph commemorating the Second War;
- The Gallipoli Memorial;
- The Man with His Donkey;
- The Horse Trough Monument erected by the Purple Cross Society;
- Driver and Wipers Statues;
- The Legacy Garden of Appreciation including Louis Larmen's sculpture Widow and Children;
- The Remembrance Garden commemorating post second world war conflicts;
- Lawn memorial for Australian Independent Companies Commando Squadrons ;
- Lawn memorial for World War Two Airborne Forces; and
- Lone Pine planted within the Shrine reserve. It is an early example and one of a small number.

No other cultural landscape in the Country combines so many significant institutions to the conduct of the Nation's affairs until the construction of Canberra – the Governor General's seat, the Nation's military command in a designed landscape that evolved into a national centre for commemorating the First World War.

### **Criterion (d): Principal characteristics of a class of places**

St Kilda Road and Environs provide Australia's longest and grandest Boulevard with one of Australia's most highly developed cultural landscapes. The planning and gradual development of the Boulevard has cumulatively built an ensemble of major buildings, institutions, memorials and public artworks that draw on each other and the Boulevard to enhance their values.

It was one of the first of Melbourne's main roads (Royal Parade, Flemington Road, Dandenong Road and Queens Parade) to be laid out as a Boulevard around 1889, and is the longest metropolitan Boulevard in Australia. Boulevards are wide and tree-lined roads which often separate traffic types with medians strips. They are an urban design form which characterised the development of European cities from the 1750s and became evident in Australia from the mid-nineteenth century. St Kilda Road demonstrates the characteristics of a Boulevard at a high level, with consistent medians and trees extending almost the whole length of the road, for approximately four kilometres, although there is variation in the intactness of some of the plantings. St Kilda Road has developed over time to safely accommodate many different forms of traffic, including trams, cars, bicycles and buses.

There is a strong functional relationship between all the buildings and the surrounding parklands, to address or draw upon the Boulevard. The manner in which facades, grand entrances and vistas have been created render a sophistication in urban design and development of exceptional significance.

Vice Regal Power was expressed on a scale and grandeur unmatched in the rest of the country in the Melbourne design, St Kilda Road and Environs are central to that plan. Aspects include the use of parklands, avenues, Boulevards, and formal entrances, the scale of Government House Melbourne, use of statuary, and proximity to seat of Military authority combined with the majesty of the Boulevard both to and from the city. This was later augmented by the positioning of the Shrine.

### **Criterion (e): Aesthetic characteristics**

The characteristics are found in several aspects of the nominated place – all of them are interrelated.

The Shrine: The Victorian Heritage Register asserts that “The Shrine of Remembrance is of aesthetic significance for its design within the landscape, which ensures prominence and vistas from all directions. The array of war memorials and plantings, some of which are formal and others that relate symbolically to the wars of the twentieth century, add to this aesthetic landscape. It is significant as a place of ceremonial purpose, a place of separateness and grandeur which is heightened by its isolated and elevated siting on the edge of the city, and its highly formal and axial planning.

See more at: <http://vhd.heritagecouncil.vic.gov.au/places/806#statement-significance>

#### **St Kilda Road**

It demonstrates the Boulevard feature in urban design to a greater extent than any other comparable place in Australia. This is demonstrated by its length, the number of places of significance, the manner in which they draw on the majesty of the Boulevard for their standing, the relative intactness of its plantings. The Boulevard and associated parkland are defining elements of the city’s identity – the significance of this to the Nation rests in part upon Melbourne’s role as Capital for the first quarter of last century and the formative influence its layout played in the formation of the nation.

The parklands represent the most significant intact area of mature trees adjacent to the CBD. It provides Melbourne’s special character of the Garden State and a city of parklands. St Kilda Road is of aesthetic significance as an iconic Boulevard which has been recognised as a place of beauty and a visually outstanding element in Australia's urban landscape. A broad and stately thoroughfare, its intact and impressive plantings of mature Elm and Plane trees beautify the southern access to the city. The overarching tree canopies are of considerable visual appeal, provide a sense of enclosure and exemplify the aesthetic use of trees as a road design device. The sweeping views between the Shrine of Remembrance, St Kilda Road and Swanston Street are significant for their emphasis on St Kilda Rd as a processional route between the Shrine and the city. There are also important visual associations with the Queen Victoria Garden and Domain parklands to the east.

## **Victoria Barracks**

The statement of significance in the CHL for Victoria Barracks captures the issue – “With its many bluestone buildings and their hipped roofs (a number clad with slate), the complex has a very definite historical character. This ambience, together with the complex's axial planning, the views within the complex over the Parade Ground and associated buildings, the complementarity of the materials, the architectural styles of the buildings, the relatively low scale of the structures, the landscaping, and the formal and imposing face that the Barracks shows toward busy St Kilda Road, all contribute to significant aesthetic qualities.”

## **The Trees**

The aesthetic value of mature plantings of European trees is highly valued by the Australian community as giving Melbourne its particular “European” characteristic. No other Australian city uses Boulevards to the same affect. Royal, Wellington and Victoria Parades and Flemington Road have similar characteristics but nothing like the length and distribution of major institutions. The European plantings especially the planning of the parklands surrounding the CBD are Melbourne’s greatest natural feature. They are to Melbourne what Sydney Harbour is to Sydney. The relationship of parklands – the Domain and Botanical gardens, the Boulevard its ceremonial buildings and major institutions is not seen elsewhere in Australia.

## **Criterion (f): Creative or technical achievement**

The Domain Parklands contain a number of well-established and intact avenues and groups of trees to create a landscape of outstanding quality and diversity. There are avenues, rows and/or specimen trees of *Ulmus*, *Platanus*, *Populus*, *Quercus*, *Ficus*, *Eucalyptus*, *Corymbia*, *Angophora*, *Callitris*, *Agathis*, *Schinus*, *Juniperus*, *Pittosporum*, *Erythrina*, *Rapanea*, *Brachychiton*, *Elaeodendron*, *Calodendrum*, *Cedrus*, *Pinus*, *Cupressus*, *Araucaria*, *Olea*, *Cinnamomum*, *Magnolia*, *Grevillea*, *Fraxinus*, *Alectryon*, *Agonis*, *Syncarpia*, *Syzygium*, *Lophostemon*, *Lagunaria*, and *Butia*, *Phoenix* and *Washingtonia* palms. The wide variety of tree forms, evergreen, deciduous trees providing autumn colour, leaf shapes and palm fronds, dense conifer foliage (green, golden and blue), bark texture and colour, all combine to give a contrasting and diverse landscape of high landscape and aesthetic value.

The technical achievement in getting the trees to grow was important and was achieved after many false starts. The research around this issue merits further work. It was part of the inspiration for Weston's plan for Canberra.

The landscaping specifically the placement of buildings (particularly the Shrine) and the location of statuary, institutional structures in relation to the Boulevard combine to give the Boulevard a potency that has been continually enhanced. The nearest to it the same quality of landscaping in the Boulevard form in Australia are the avenues of Canberra. St Kilda Road and associated parklands have been developed in a more difficult planning environment.

The creation of a special feeling of solemnity and significance is associated with the Shrine and its environs and its dominance of the Boulevard. The public response to the area is palpable in its acceptance as the main place for commemoration of sacrifice and service in war. The area has transferred these notions to other groups it is notable that the police force, rotary, nursing and others chose the area to commemorate service in those fields. The attraction of the area for parades and expressions of community celebrations of both sorrow and success is in part because of the aesthetics achieved by its grandeur and attendant institutions.

The manner in which the major buildings address the Boulevard is a further technical achievement that lends significance to the place.

- Hamer Hall and the Arts Centre Theatre buildings and particularly its spire provide a visual gateway to the city when travelling north and a dramatic entry to the Boulevard when travelling south;
- The National gallery with its moat and set back of blue stone panels defines a monumental grandeur that replicates the pre-existing facades of its neighbours (below);
- the Old Police Depot now the Victorian College of the Arts with its neo classical presentation of pillars and pediment;
- the long façade of Victoria Barracks with its dramatic set back with cannons;

- The Old Repatriation Outpatients building to its south controversially used brick to contrast with the blue stone of the barracks (criticised by Sir Arthur Streeton);
- The parklands to the east are planted to enhance the visual splendour of the Boulevard and to provide grand entrances to the Vice Regal precinct with less formal curving avenues contrasting with St Kilda Roads symmetry;
- The Shrine Crowns the impact and the pedestal that was built for it both gave it prominence from below but also gave it the vistas and sense of detachment from below.
- The Church of the Christian Scientists draws on the sense of place to achieve its significance;
- Melbourne Grammar, Wesley College, The Blind Institute and the former Deaf and Dumb Institution all use the Boulevard to achieve a standing a less auspicious setting would not afford. The few remaining mansions of St Kilda Road also draw on the same;

The Shrine is separately noted for its architectural merit: The Shrine of Remembrance is of architectural significance as a large and imposing memorial building, one of seven erected in Australia between 1925 (Hobart) and 1941 (Canberra). It is a distinctive classically derived design which draws on symbolic Greek sources and incorporates carefully considered architectural refinements to correct optical illusions. It is important for its prominent siting, strong axially, the variety of materials used, which are all Australian in origin, the unusual emphasis placed on the interior space, the ray of light in the sanctuary and the array of major sculptural works, executed by a number of accomplished sculptors.

## Criterion (g): Social value

The social significance of the place is demonstrable in several respects:

- It is and has been since the start a focus for public events including regal and vice regal processions, fun runs, Moomba and sporting parades.
- It is a place where many community groups choose to memorialise their achievements and history
- It is a place where some of the most notable figures in the Nation are celebrated.
- The parklands with their displays of public artworks and open air performances have a major social relevance established through the response levels.
- Private philanthropy has been a characteristic of the National development and a measure of the social value of the place. St Kilda Road and environs display many aspects of this:
  - Philanthropy connected with the Arts Centre and National Gallery are very significant both institutionally (the Felton Bequest) and in large scale manifestations such as the Sidney Myer Music Bowl;
  - M Pavilion and many of the public sculptures
  - Fountains connected with the Walker and Macpherson families
  - The Shrine received large levels of private support;
  - Many institutions celebrated in the gardens are based on private support or service e.g. Legacy, Rotary and the Nursing organisations;
  - Francis Ormond gave a great deal of support to the Institute for the Blind;
  - Both Wesley College and Melbourne Grammar relied heavily at their foundation for private support;
  - Many of the monuments in the parklands have been funded by private subscription;
  - The site on the southern side of the Park Street St Kilda Road Intersection on the western side of St Kilda Road was one of Melbourne's most important undertakers, partly because of this and the use of St Kilda Road to approach St Kilda, Caulfield and Brighton Cemeteries St Kilda Road was used for some of the nation's most significant funeral processions – sportsmen, gangsters (Squizzy Taylor), and figures of greater repute.

The Shrine has a dominant impact on the precinct its social significance is defined in the State Heritage register as follows:

“The Shrine of Remembrance is of social significance as the pre-eminent war memorial in the State. It has provided a focus for public events, a gathering place, and place for private reflection since its completion in 1934.



The Shrine of Remembrance is of social significance as it reflects the rare level of public support given to this building. Despite the Depression, fundraising was very successful and a large crowd was present at the building's dedication. This highlights the magnitude of the importance of the memorial to the Australian public

The Shrine and its precinct is a place of extraordinary significance to veterans and to the community in general. It was built at a time of great hardship in Australia from public subscriptions. It reflected the communities need to express its grief and gratitude. The setting of the Shrine in the line of the main Boulevard of the city supported by plantings was part of a grand plan to commemorate the war dead and the huge sacrifices and privations from service in World War One.

The precinct provides a solemnity and significance that attracts diverse groups to make public commemorations of their special events.

Landscaping around St Kilda road provided employment for men (many returned servicemen from WW1) during the depression. The integral nature of the Boulevard and shrine is reflected by its placement in the centre of the avenue making it visible from both the North and the South. The plan uses the Boulevard to magnify the significance and standing of the Shrine as being in the centre of the grandest Boulevard in the city of the Shrine and the plantings around it were key to the plan. It is many of these plantings that will be destroyed under the proposed plan.

Due to its 150 year association with defence and military history, and its place within inner Melbourne, Victoria Barracks has considerable social significance for both the military community and the general public.

## **Criterion (h): Significant people**

St Kilda Road and Environs are of historical significance due to its associations with a wide range of prominent individuals.

The Australian forces in the Boer War were commanded from Melbourne. It was the First War that Australia as a federated nation fought in. The place has a special association with the outstanding figure of the First World War Sir John Monash – whose statue is in the precinct, whose company built Princess Bridge which opens the Boulevard, who was responsible for leading much of the effort to build the Shrine. Sir Thomas Blamey used Victoria Barracks as his headquarters in between serving in the Middle East and going to PNG in the Second War. His statue is in the precinct. General Douglas MacArthur came to Melbourne after his retreat from the Philippines, and much of the defence of Australia from the Japanese was planned from Melbourne with most of the commanders visiting the precinct.

Victoria Barracks as a whole is associated with a large number of significant Australians and others. These people include Prime Ministers - Menzies, Curtin and Chifley, Secretaries of the Department of Defence, senior military figures, and military leaders from Allied countries, notable military planners, significant architects, and wartime entertainers.

The Domain Parklands is of historical significance for its associations with important figures in Australia, including Ferdinand von Mueller, Government Botanist (1853-96) and first Director of the Royal Botanic Gardens (1857-73), who established the initial layout and planting of the Domain; William Guilfoyle, von Mueller's successor as Director who was responsible for the late 19th century layout and planting of the Domain and Government House to Joseph Sayce's plan; Carlo Catani, Chief Engineer of the Public Works Department, who was the main influence in the design of Alexandra Avenue, Alexandra Gardens and the Queen Victoria Gardens and Hugh Linaker, prolific public landscape designer in Victoria and responsible for the layout of the King's Domain.

The schools in the precinct schooled five Prime Ministers – Deakin, Bruce, Menzies, Holt and Fraser and one Governor General – Casey.

The Boulevard hosted processions for the Duke of York – later King George V, Queen Elizabeth II, and President Lyndon Johnson – the first incumbent US President to visit Australia.

**Proposed boundaries please see attached map**

Commencing at the south eastern end of Princess Bridge, it follows the river to Swan Street bridge then crosses Alexandra Avenue to the north western point of the Royal Botanical Gardens then follows the gardens fence line with the Alexandra and Domain Gardens until Government House fence commences, it follows Government House fence line (including the observatory until Dallas Brooks Drive and follows its Eastern side until Domain Road then it includes the southern side of Domain Road to the title with Melbourne Grammar and follows that around into St Kilda Road then follows the title line between the owners of properties facing St Kilda Road on the eastern side until Henry Street Windsor.

It includes the reserve opposite the synagogue at the intersection of St Kilda Road and Toorak Road. At Henry Street, the border crosses St Kilda Road and then includes everything between the Eastern border as defined above and the point between title owners and the St Kilda Road footpath along the western side of St Kilda Road until the intersection with Albert Road where it includes the Boer War memorial and triangle of parkland. From Park Street to the north it will include all the road and plantations and footpaths plus the grounds of Victoria Barracks and the Victorian College of the Arts between St Kilda Road and the facades of the buildings. The area will continue to include all areas up to the title lines along the western side until Princes Bridge.



**I, Councillor Dick Gross, give notice that I intend to move the Motion outlined below at the Ordinary Meeting of Council on 01 February 2017:**

That Council:-

1. Requests officers to assist in facilitating and advising on how this Council might work with the State government to pilot the provision of pill testing facilities at consenting clubs, festivals and dance parties in the City of Port Phillip to minimise the harms associated with illicit drugs in a pill based form;
2. Calls on the State government to pass the requisite legislation to enable these pilot facilities;
3. Communicates these proposed pilot facilities to all residents and visitors to the City;
4. Given this is a State responsibility, the Council receives sufficient funding for the provisions of these pilot measures;
5. As this is a matter of urgency, the strategic planning, legislative amendment and financial accommodation is finalised before the end of the financial year.

### **Supporting Information**

- A significant number of visitors to festivals and venues in Port Phillip will take unlawful drugs contained in pills;
- These pills may contain contaminants, adulterants and uncertain strengths that lead to avoidable morbidity and mortality;
- These harms could be minimised if pill testing is deployed;
- According to annual research among 1,000 ecstasy users, 70% of these pills are taken in a public setting at clubs, festivals and dance parties of the sort that are offered in Port Phillip;
- 82% of young people surveyed would use pill testing if it were provided.
- Local government is well placed to facilitate pill testing. Local governments provide or facilitate this service in several European countries including the Netherlands, Switzerland, Austria, Belgium, Germany, Spain and France.



**10. REPORTS BY COUNCILLOR DELEGATES**



## **II. URGENT BUSINESS**