

Planning and Environment Act 1987

Panel Report

**Port Phillip Planning Scheme Amendment C186port
Permanent heritage controls for the Montague
Commercial Precinct**

22 October 2020

How will this report be used?

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

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

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

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

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

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Port Phillip Port Phillip Planning Scheme Amendment C186port

Permanent heritage controls for the Montague Commercial Precinct

2222 October 2020



John Roney, Chair

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Glossary and abbreviations

1998 Heritage Review	Port Phillip Heritage Review 1998
2013 Study	Fishermans Bend Heritage Study 2013
2015 Assessments	Fishermans Bend Additional Heritage Places Assessments 2015
Act	<i>Planning and Environment Act 1987</i>
Amendment	Port Phillip Planning Scheme Amendment C186port
Council	Port Phillip City Council
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
LPPF	Local Planning Policy Framework
Montague Commercial Precinct Heritage Review	Fishermans Bend Heritage Review: Montague Commercial Precinct, 2019
MPS	Municipal Planning Strategy
MSS	Municipal Strategic Statement
Plan Melbourne	Plan Melbourne 2017-2050
Planning Scheme	Port Phillip Planning Scheme
PPF	Planning Policy Framework
PPN01	Planning Practice Note 1 Applying the Heritage Overlay
VPP	Victoria Planning Provisions

Overview

Amendment summary	
The Amendment	Port Phillip Planning Scheme Amendment C186port
Common name	Permanent heritage controls for the Montague Commercial Precinct
Brief description	The Amendment proposes to implement the findings of the <i>Fishermans Bend Heritage Review: Montague Commercial Precinct, 2019</i> by providing permanent heritage protection to properties in the Montague Commercial Precinct
Subject land	496 - 546 City Road, South Melbourne 151 - 163 Montague Street, South Melbourne Laneways R3087, R3091 and R3093 (behind 524-530, 512-522 and 500-510 City Road, South Melbourne respectively).
Planning Authority	City of Port Phillip
Authorisation	20 December 2019
Exhibition	16 January to 28 February 2020
Submissions	Number of Submissions: 10 Opposed: 9

Panel process	
The Panel	John Roney (Chair)
Directions Hearing	29 July 2020 by video conference 16 September 2020 by video conference
Panel Hearing	5 and 6 October 2020 by video conference
Site inspection	Unaccompanied, 15 October 2020
Parties to the Hearing	Refer Appendix B
Citation	Port Phillip PSA C186port [2020] PPV
Date of this Report	22 October 2020

Executive summary

Port Phillip Planning Scheme Amendment C186port (the Amendment) seeks to give statutory effect to the findings of the *Fishermans Bend Heritage Review: Montague Commercial Precinct, 2019* (Precinct Heritage Review) by providing permanent heritage protection to properties in the Montague Commercial Precinct (the Precinct).

The Montague Commercial Precinct includes 20 properties and 3 laneways centred around the intersection of City Road and Montague Street, South Melbourne.

The Precinct Heritage Review concluded the Precinct is of Historical (Criterion A), Rarity (Criterion B), Representative (Criterion D) and Aesthetic significance (Criterion E) to Port Phillip and recommends its inclusion in the Heritage Overlay.

The Amendment proposes to:

- apply a Precinct Heritage Overlay (HO513) with an associated Statement of Significance
- make related changes to the Port Phillip Heritage Review (an Incorporated Document) including:
 - a new Precinct citation
 - changes to gradings on the City of Port Phillip Heritage Policy Map and City of Port Phillip Neighbourhood Character Map
 - amendments to the citation for 506 City Road, South Melbourne, which is of individual significance and is located within the Precinct
- make a range of associated changes to various related planning provisions.

Council received 10 submissions (including 5 late submissions) in response to the exhibition of the Amendment. Of the submissions received:

- 1 submission (South East Water) raised no objection
- 9 submissions objected the Amendment.

The objections were generally from land owners within the Amendment area and related to issues including:

- Precinct wide issues such as:
 - lack of strategic justification for the Amendment
 - conflict between the Heritage Overlay and the strategic direction for Fishermans Bend
 - impact on development potential
 - impact on property values
 - concerns over the structural conditions of buildings
- Site specific issues regarding the degree of intactness and integrity of individual properties to be included in the Heritage Overlay.

Strategic justification

The Panel agrees with Council that the Amendment is consistent with the future strategic direction for Fishermans Bend as expressed in the Fishermans Bend Framework and the zoning and overlays that apply to the Montague Commercial Precinct. The proposed Heritage Overlay will help to protect parts of the built form that provide interest and identity to the area.

The Panel considers the Amendment appropriately deals with heritage protection in an integrated framework consistent with the requirements of Clause 71.02-3 (Integrated decision making) of the Port Phillip Planning Scheme.

The Amendment is supported by extensive research and various studies over a long period. The most significant of these is the Precinct Heritage Review in 2019. This is a thorough report that adopts an appropriate methodology with soundly based conclusions and recommendations.

The Panel is satisfied that the extent of research regarding the Montague Commercial Precinct is sufficient to justify the proposed Heritage Overlay. The Panel considers that the Precinct is highly intact and the boundaries are appropriate.

The Precinct demonstrates three phases of commercial development that extend from a Victorian 'core' near the intersection of City Road and Montague Street to a Federation era and then Interwar development on the periphery.

The properties in Montague Street demonstrate the transformation from former timber buildings used for residential purposes (associated with the Montague slum residential neighbourhood) to new masonry buildings associated with commercial uses.

It is clear that the Montague Commercial Precinct includes buildings from the Victorian, Federation and Interwar periods and this is expressed in the Statement of Significance. The Panel is satisfied that the Statement of Significance for the precinct is consistent with the heritage assessment for the area. The Statement of Significance is generally acceptable subject to minor changes in response to submissions and evidence.

Site specific issues

The Panel considers that the proposed gradings of the buildings within the Precinct are appropriate except that the grading of 544-546 City Road should be changed from Significant to Contributory. In response to submissions from the owner of the property, further research by Council and its expert witness confirmed that the extent of alterations to the shopfront of this property is more extensive than originally assessed in the Precinct Heritage Review.

The following proposed Incorporated documents should be amended to reflect the change of grading for 544-546 City Road:

- the Montague Commercial Precinct Statement of Significance
- the Port Phillip Heritage Review, Chapter 6.40 'Montague Commercial Precinct - HO513'
- the Heritage Policy Map.

Further research completed by Council since the exhibition of the Amendment has also confirmed some minor changes to the dates of construction for several buildings within the Precinct. Other minor changes to the property descriptions for two properties should be made to correct minor errors in fact. The Port Phillip Heritage Review should be amended to reflect these changes.

Other matters

The Panel considered objections regarding the impact on development opportunities, property values and the structural condition of buildings and concludes:

- The Amendment will not create an unacceptable burden on the owners of the land affected by the Amendment.
- Future redevelopment opportunities are immaterial to this stage of the planning process and more appropriately considered at the planning permit stage.
- The structural integrity or condition of a building should not be a criterion for assessing heritage significance.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Port Phillip Planning Scheme Amendment C186port be adopted as exhibited subject to the following:

- 1. Amend the heritage grading of 544-546 City Road, South Melbourne from Significant to Contributory and update the following Incorporated documents to reflect this change:**
 - a) the Montague Commercial Precinct Statement of Significance for HO513 as shown in the Panel preferred version in Appendix D1**
 - b) the Port Phillip Heritage Review Volume 1, Chapter 6.40 Montague Commercial Precinct – HO513 as shown in the Panel preferred version in Appendix D2**
 - c) the Heritage Policy Map as shown in the Panel preferred version in Appendix D3.**
- 2. Amend the Port Phillip Heritage Review Volume 1, Chapter 6.40 Montague Commercial Precinct – HO513 to modify the property description for 540-542 and 544-546 City Road, South Melbourne as shown in the Panel preferred version in Appendix D2.**
- 3. Amend the Port Phillip Heritage Review Volume 1, Chapter 6.40 Montague Commercial Precinct – HO513 to modify the property description for 151, 153-155 and 163 Montague Street, South Melbourne as shown in the Panel preferred version in Appendix D2.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The Amendment proposes to give statutory effect to the findings of the *Fishermans Bend Heritage Review: Montague Commercial Precinct* (RBA Architects and Conservation Consultants, 2019) (the Precinct Heritage Review) by providing permanent heritage protection to properties in the 'Montague Commercial Precinct' (the Precinct).

Specifically, the Amendment proposes to make the following changes to the Port Phillip Planning Scheme (Planning Scheme):

- Amend the Schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Map 3HO to:
 - apply Heritage Overlay HO513 (Montague Commercial Precinct) to 496–546 City Road, 151-163 Montague Street, South Melbourne and laneways R3087, R3091 and R3093, behind 524-530, 512-522 and 500-510 City Road, South Melbourne on a permanent basis and list the Statement of Significance
 - remove 512-512A, 516, 518, 522 and 524-528 City Road, South Melbourne from HO442 as the properties will now be included in HO513
 - amend the HO442 heritage place name and description to remove references to the Part Montague Precinct
 - delete interim HO442 (Albert Park Residential Precinct / Part Montague Precinct)
- Amend the Schedule to Clause 72.04 (Documents incorporated in this scheme) to list the Statement of Significance for the new HO513 Montague Commercial Precinct
- Amend the incorporated *Port Phillip Heritage Review Volumes 1-6* to:
 - add a new precinct citation for HO513 (Montague Commercial Precinct).
 - amend existing Citation 2371 relating to 506 City Road, South Melbourne.
 - remove Citations 2370 (496-498 City Road, South Melbourne) and 2372 (159-163 Montague Street, South Melbourne) as these places contribute to the significance of the Montague Commercial Precinct, but are not of individual significance
 - list the *Fishermans Bend Heritage Review: Montague Commercial Precinct (2019)* (RBA Architects and Conservation Consultants, October 2019) as a heritage study that has informed an update to the incorporated document
- Amend the incorporated *City of Port Phillip Heritage Policy Map* to apply 'Significant Heritage Place', 'Contributory Heritage Place' and 'Nil / Non-contributory Place' gradings to properties in HO513 in accordance with the Review
- Amend the incorporated *City of Port Phillip Neighbourhood Character Map* to remove the 'Contributory Outside HO' grading applying to 151 Montague Street, South Melbourne as it is now included in HO513
- Amend Clause 22.04 (Heritage Policy) to list the *Fishermans Bend Heritage Review: Montague Commercial Precinct (2019)* (RBA Architects and Conservation Consultants, October 2019) as a background document
- Make other consequential changes to Clauses 21.07 (Incorporated Documents), Clause 22.04 (Heritage Policy) and the Schedule to Clause 72.04 (Documents incorporated in this scheme) to update the version number and date of the *Port*

Phillip Heritage Review (including the City of Port Phillip Heritage Policy Map and the City of Port Phillip Neighbourhood Character Map).

(ii) The subject land

The Amendment applies to land within the Montague Commercial Precinct of Fishermans Bend at the following addresses:

- 496 - 546 City Road, South Melbourne
- 151 - 163 Montague Street, South Melbourne
- Laneways R3087, R3091 and R3093 (behind 524-530, 512-522 and 500-510 City Road, South Melbourne respectively).

The Amendment applies to land shown in Figure 1.

Figure 1 Exhibited planning scheme map 3HO



1.2 Background

Council submitted that there were a large number of background studies and events that provided important context to the Amendment.

Port Phillip Heritage Review (1998)

The *Port Phillip Heritage Review 1998* (1998 Heritage Review) built on a number of previous heritage studies undertaken by the former municipalities of Port Melbourne, South Melbourne and St Kilda and sought to establish a consistent approach to heritage conservation across Port Phillip.

The 1998 Heritage Review identified heritage precincts and individual heritage places including statements of significance. It includes six volumes and two maps.

Volume 1 outlines the methodology employed for the study, provides a thematic environmental history and makes recommendations for the protection of identified heritage places. This volume also contains citations for Port Phillip's heritage precincts.

Volumes 2-6 contain citations for individual heritage places. Not all significant places that form part of a heritage precinct have individual citations.

The 'Heritage Policy Map' identifies the heritage grading afforded to all properties affected by the Heritage Overlay within the municipality. Properties affected by the Heritage Overlay are coloured according to classification:

- 'Significant Heritage Places' are coloured red
- 'Contributory Heritage Places' are coloured green
- 'Non-contributory Properties' have no colour applied.

The 'Neighbourhood Character Map' identifies 'Contributory Heritage Places' outside areas deemed to be insufficiently intact to warrant a Heritage Overlay. These properties have not been classified for their heritage value but do contribute to neighbourhood character. They are coloured yellow.

Council explained that properties are removed from the Neighbourhood Character Map when they are included in a Heritage Overlay and are then represented on the Heritage Policy Map.

The 1998 Heritage Review was introduced as an Incorporated document in the Planning Scheme via Amendment C5, which also introduced:

- the Port Phillip Heritage Policy at Clause 22.04
- the Schedule to the Heritage Overlay (Clause 43.01)
- the Heritage Policy Map and the Neighbourhood Character Map as Incorporated documents.

The 1998 Heritage Review has been updated a number of times through subsequent planning scheme amendments to reflect more recent heritage studies completed by Council. The Amendment updates Volume 1, the Heritage Policy Map and the Neighbourhood Character Map.

City of Port Phillip Heritage Program

Council submitted it is currently undertaking a four-year strategic heritage program to review and update the Port Phillip Heritage Review and associated controls and policies in relation to

the conservation of heritage across the municipality. This includes a review of its Heritage Overlay precincts.

Fishermans Bend Heritage Study (2013)

Places Victoria commissioned Biosis Pty Ltd to undertake a limited heritage assessment and historical account for the Fishermans Bend Urban Renewal Area.

In 2013, the *Fishermans Bend Heritage Study* (the 2013 Study) was finalised and identified 14 sites of potential heritage significance that were not included in a Heritage Overlay, including 496-498 and 506 City Road and 157-63 Montague Street.

Fishermans Bend Additional Heritage Place Assessments (2015)

In 2014, Council commissioned Biosis Pty Ltd to undertake further investigation of the places identified in the 2013 Study, and to recommend where identified places required additional heritage protection.

That work resulted in the *Fishermans Bend Additional Heritage Place Assessments* (September 2015) (the 2015 Assessments) which recommended the existing Heritage Overlay HO442 (Albert Park Residential Precinct) be extended to include:

- shops at 157 – 163 Montague Street
- shops at 496 – 498 City Road
- a house at 506 City Road.

Amendment C117

Amendment C117 was prepared by Council to implement the recommendations of the 2013 Study and 2015 Assessments, including (among others) to extend HO442 (Albert Park Residential Precinct) to include 496-510 City Road and 157-163 Montague Street. At that time, HO442 already included 512-528 City Road.

Following exhibition of Amendment C117, Council received 10 submissions (with 6 opposing the Amendment). Opposing submissions from the affected landowners of the shops at 157-163 Montague Street and the house at 506 City Road were presented at a Panel hearing that considered the amendment.

The panel report for Amendment C117 ultimately recommended the Amendment be adopted subject to changes, however it found that the buildings on the corner of City Road and Montague Street did not have a historical relationship with precinct HO442 (Albert Park Heritage Precinct) and should not be included within the precinct. With respect to specific properties, it said:

... 157-163 Montague Street has been heavily modified and its residential component is neither intact, nor does it have integrity to its original form. The Panel accepts that at first glance its scale and form are characteristic of late nineteenth century, however the majority of the building (excluding the two-storey component) is largely unoriginal and is therefore not significant and is contributory at best.

506 City Road on the other hand is largely intact, despite the changes to the building they are reversible and has retained its integrity. It is demonstrative of development of the former Montague slums area. In this context, the Panel considers the building is potentially significant, subject to further research of the Montague Precinct.

The C117 panel recommended the “former Montague slum neighbourhood” should be assessed for potential heritage significance as a potential precinct, a series of individual buildings/ infrastructure items or serial listing.

Council submitted that Amendment C186 was consistent with the recommendations of the panel report regarding Amendment C117. Various parties disagreed with that view and these matters are discussed in further detail in later sections of this report.

At its Ordinary Council meeting on 13 December 2016, Council resolved to adopt Amendment C117 with changes. Council did not accept the panel’s recommendations to remove 157-163 Montague Street and 496-510 City Road.

On 26 March 2017, Amendment C117 was approved by the Minister for Planning (the Minister), with changes. The Minister supported the panel’s recommendation and removed the properties at 157-163 Montague Street and 496-510 City Road from Amendment C117.

Council submitted that the Minister recommended Council liaise with the Fishermans Bend Taskforce to undertake further strategic work in the form of a heritage study of the precinct to establish the significance of the properties.

Amendment C117 was gazetted on 4 May 2017.

Life on the Bend – A Social History study of Fishermans Bend (2017)

In 2017, the Fishermans Bend Taskforce commissioned Context heritage consultants to prepare a social history of the Fishermans Bend area, including Montague. The report *Life on the Bend – A Social History Study of Fishermans Bend* was used to support the preparation of the *Fishermans Bend Framework* (2018).

The Context report did not extend to identifying any specific fabric for heritage protection.

Council submitted that the *Fishermans Bend Framework* identifies a number of properties for further heritage investigation and Council was undertaking this work in consultation with the Fishermans Bend Taskforce. It said in order to provide certainty to landowners it was important to finalise the heritage controls for the Montague Commercial Precinct separate to this broader study, noting that interim heritage controls are in place.

Fishermans Bend Heritage Review: Montague Commercial Precinct (2019)

Council submitted that a draft citation for the proposed Montague Commercial Precinct was prepared by Council’s heritage advisor in response to the recommendations of the Amendment C117 Panel. Council’s heritage advisor also recommended extending this potential precinct to include several additional properties in City Road and Montague Street not identified in the 2015 Assessments.

Council commissioned RBA Consultants to undertake a peer review of the draft citation prepared by its heritage advisor. The *Fishermans Bend Heritage Review: Montague Commercial Precinct* (Precinct Heritage Review) considers whether the Precinct meets the threshold for local significance and whether the proposed boundaries, including the extended area, are logical and justified.

The Precinct Heritage Review is discussed further in chapter 2.2.

1.3 Interim heritage controls

The properties at 496, 498, 500-502, 506, 508-510, 530, 532, 534, 536, 540-542, 544-546 City Road and 151, 153, 155, 157-161 and 163 Montague Street, South Melbourne are currently subject to the interim HO442.

In 2016 the existing interim HO442 was extended via Amendment C115 to the Planning Scheme to provide interim heritage protection to additional properties at 157-163 Montague Street and 496-510 City Road, while Amendment C117 was being considered.

The expiry date of the interim HO442 was subsequently extended by Amendment C146, C152, C157 and C185port to provide heritage protection while permanent controls were being pursued.

In addition to extending the expiry date of interim HO442, Amendment C185port (gazetted 22 January 2020) extended the interim control to also include additional properties at 151-155 Montague Street and 530-546 City Road, given Council's resolution to prepare Amendment C186port to apply the permanent controls to these properties to implement the recommendations of the Precinct Heritage Review.

Council advised the Panel that the Minister for Planning has approved an extension of interim HO442 until 30 April 2021.

1.4 Procedural issues

(i) The Panel

Ms Carlisle was originally appointed to hear this matter and she presided over the first Directions Hearing. Due to the unavailability of Ms Carlisle, the Panel was reconstituted and Mr Roney was appointed in her place. Mr Roney conducted the second Directions Hearing and the main Hearing.

Mr Roney declared that he was a member of the Fishermans Bend Standing Advisory Committee. This Committee was appointed by the Minister for Planning to provide advice on outstanding issues relating to site specific planning controls to facilitate proposals to redevelop land within Fishermans Bend prior to the introduction of an Infrastructure Contributions Plan. At the time of this report, no matter had been referred to the Committee that related to land within the Amendment area. No party raised any issue with this declaration.

(ii) Adjournment

In correspondence dated 15 July 2020 and at the first Directions Hearing held on 29 July 2020 the Panel indicated it intended to commence the main Hearing on 24 August 2020.

The Panel received a letter on 7 August 2020 from Planning and Property Partners Pty Ltd on behalf of Mr Field advising that due to an error in communications it was unaware of the Directions Hearing. The letter noted:

- Mr Field made a submission to the exhibited Amendment
- Planning and Property Partners and Mr Field had not received any notice of the forthcoming Hearing
- Mr Field intended to participate in the Hearing and would be calling an expert witness

- more time was needed to secure the services of an expert witness.

Following consultation with all parties, the Panel wrote to all parties on 13 August 2020 advising of an adjournment until 5 October 2020. The letter included various Directions, a Hearing timetable and an opportunity was provided for any party to request a second Directions Hearing if the revised dates for the Hearing were problematic. On the basis of responses, the Panel held a second Directions Hearing on 16 September 2020, where it was confirmed that the Hearing would commence on 5 October 2020. All parties agreed to this date.

(iii) Hearing format

Due to COVID-19 and the associated physical distancing requirements, the Hearing was conducted using the video conferencing platform Microsoft Teams. Details regarding these arrangements were distributed to all parties before the commencement of the Hearing. No party objected to the Hearing proceeding by video conference.

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

The Panel acknowledges that the COVID-19 pandemic created challenges with respect to the conduct of this Panel Hearing. The health and safety of all parties and the wider community was paramount in the decision of the Panel to vary the usual Hearing process.

The Panel was also cognisant of the need to ensure that all parties were provided with appropriate procedural fairness. The Panel is satisfied that the Hearing provided all parties with a reasonable opportunity to be heard and appreciates the co-operation of all parties in these unusual circumstances.

1.5 Summary of issues raised in submissions

Council received 10 submissions (including 5 late submissions) in response to the exhibition of the Amendment. Of the submissions received:

- 1 submission (South East Water) raised no objection
- 9 submissions objected to the Amendment.

The objections were generally from land owners within the Amendment area and related to issues including:

- Precinct wide issues such as:
 - lack of strategic justification for the Amendment
 - conflict between the heritage overlay and the strategic direction for Fishermans Bend
 - impact on development potential
 - impact on property values
 - concerns over the structural conditions of buildings
- Site specific issues regarding the degree of intactness and integrity of individual properties to be included in the Heritage Overlay.

No submission was resolved to the satisfaction of the submitter and Council before the Hearing.

1.6 The Panel's approach

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

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

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- Site specific issues regarding:
 - 506 City Road
 - 530-546 City Road
 - 151-163 Montague Street
- Other issues

1.7 Limitations

No submission was received relating to the proposed application of the Heritage Overlay to several properties within the Montague Commercial Precinct. The Panel has not considered the merits of the application of the Heritage Overlay to those places or the specific gradings of those properties.

2 Planning context

2.1 Planning policy framework

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

Victorian planning objectives

The Amendment implements the following objectives of planning in Victoria, under Section 4 of the *Planning and Environment Act 1987*:

- 4(1)(d) – to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- ...
- 4(1)(f) – to facilitate development in accordance with the objectives set out in paragraphs ... (d), ...
- 4(1)(g) – to balance the present and future interests of all Victorians.

Council submitted the Amendment is consistent with these objectives by ensuring that the heritage significance of buildings is protected and that heritage matters are considered as part of any planning permit applications for the nominated sites.

Clause 15 (Heritage)

The Planning Policy Framework (PPF) at Clause 15.03-1S of the Planning Scheme includes the objective to ensure “*the conservation of places of heritage significance*” and a range of Strategies including:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements of a heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Clause 21 (the Municipal Strategic Statement)

The Amendment is consistent with the objectives and strategies outlined in the Local Planning Policy Framework (LPPF), particularly the vision set out at Clause 21.01-1 of the Municipal Strategic Statement (MSS).

Clause 21.05-1 seeks the conservation and enhancement of the architectural and cultural heritage of Port Phillip, with policy seeking to:

- Protect, conserve and enhance all identified significant and contributory places, including buildings, trees and streetscapes;
- Protect the original subdivision patterns within heritage places;

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;

Protect the identified significant heritage features and qualities of Port Phillip's gardens and parks;

Ensure that development in public spaces is consistent with the identified heritage characteristics of Port Phillip's heritage places;

Maintain the visual prominence of historic buildings, local landmarks and icons; and

Conserve, enhance and recover the traditional character of laneways and narrow streets.

Clause 22 (local planning policies)

Clause 22.04 (Heritage Policy) provides guidance to assist in the exercise of discretion regarding planning permit applications. The policy contains provisions regarding a wide range of matters including:

- objectives
- alterations and additions to heritage places
- new development in Heritage Overlay areas
- demolition
- car parking
- laneways, kerbs and channels
- street furniture
- application requirements
- other matters.

The policy defines the following terms:

Significant heritage places include buildings and surrounds that are individually important places of either State, regional or local heritage significance and are places that together within an identified area, are part of the significance of a Heritage Overlay. These places are included in a Heritage Overlay either as an area or as an individually listed heritage place and are coloured "red" on the City of Port Phillip Heritage Policy Map in the Port Phillip Heritage Review, Volume 1-6.

Contributory heritage places include buildings and surrounds that are representative heritage places of local significance which contribute to the significance of the Heritage Overlay area. They may have been considerably altered but have the potential to be conserved. They are included in a Heritage Overlay and are coloured "green" on the City of Port Phillip Heritage Policy Map, in the Port Phillip Heritage Review, Volume 1-6.

Amendment VC148

Council submitted that it is undertaking a Planning Scheme review that includes a translation of the existing MSS and LPPF into the Municipal Planning Strategy and Planning Policy Framework as required by Amendment VC148.

The Planning Scheme review includes a review of the Council's Heritage Policy at Clause 22.04. Council said a planning scheme amendment process to introduce these changes is expected to commence in early 2021.

Council submitted the Planning Scheme review process will not impact the way in which Council applies the Heritage Overlay throughout the municipality.

2.2 Other relevant planning strategies and policies

(i) Plan Melbourne

Plan Melbourne 2017-2050 (Plan Melbourne) sets out strategic directions to guide Melbourne's development to 2050, to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. Outcomes that are particularly relevant to the Amendment are set out in Table 1.

Table 1 Relevant parts of Plan Melbourne

Outcome	Directions	Policies
4 Melbourne is a distinctive and liveable city with quality design and amenity	4.4 Respect Melbourne's heritage as we build for the future	4.4.1 Recognise the value of heritage when managing growth and change 4.4.3 Stimulate economic growth through heritage conservation 4.4.4 Protect Melbourne's heritage through telling its stories

(ii) Fishermans Bend Framework, October 2018

Council submitted that the Fishermans Bend Framework (October 2018) has a vision for Montague including:

A diverse and well-connected mixed-use precinct celebrating its significant cultural and built heritage and network of gritty streets and laneways.

Council said the inclusion of the Montague Commercial Precinct in a Heritage Overlay is consistent with the following objectives and strategies outlined in the Fishermans Bend Framework:

Objective 3.9: Protect architectural and cultural heritage to strengthen the sense of place and community.

Strategy 3.9.1: Continue to evaluate locations, sites and buildings for their potential heritage value.

Strategy 3.9.2: Protect and enhance the existing heritage fabric.

(iii) Fishermans Bend Heritage Review: Montague Commercial Precinct (2019)

The context for the preparation of the Fishermans Bend Heritage Review: Montague Commercial Precinct (Precinct Heritage Review) is discussed in chapter 1.2.

The Precinct Heritage Review was prepared in accordance with (among other things):

- the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance, 2013 (Burra Charter)
- Planning Practice Note 1
- the Hercon criteria.

The Precinct Heritage Review confirmed that the proposed Montague Commercial Precinct at 496-546 City Road and 151-163 Montague Street meets the threshold for local significance. The Precinct Heritage Review included a recommendation to expand the proposed precinct to include properties not included in the 2015 Assessments, comprising:

- the Federation period group of shops at 532-538 City Road
- the Interwar period buildings at 540-542, 544-546 City Road and 151, 153-155 Montague Street
- the Post WWII shop at 530 City Road (non-contributory grading)
- the basalt paved laneway to the rear of Montague Street places.

In light of the expanded period of significance resulting from the inclusion of Interwar period buildings within the Montague Commercial Precinct, the Precinct Heritage Review recommended revisions to the draft citation for the precinct, including a revision of the history, description and Statement of Significance components of the draft citation to recognise the Interwar phase and also more generally as a result of further research and observation.

The final citation and Statement of Significance prepared for the Montague Commercial Precinct states that the Precinct is of local historical (Criterion A and B), aesthetic (Criterion E) and representative (Criterion D) significance to Port Phillip.

The Precinct Heritage Review recommended that the Montague Commercial Precinct be included in the Heritage Overlay, and that places within the precinct are afforded the following gradings:

- 'Significant' heritage place gradings – 151 and 163 Montague Street and 496 & 498, 506, 512 & 514, 516 & 518, 520 -522, 524 – 528, 532, 534, 536, 538 and 544 – 546 City Road
- 'Contributory' heritage place gradings – 153, 155, 157 – 161 Montague Street and 540 – 542 City Road
- 'Non-Contributory' places– 500-502, 508-510, 530 City Road.

The Precinct Heritage Review also recommended an update to the citation for 506 City Road, which was considered to be of individual significance to Port Phillip as one of few remaining examples of an early 20th century house associated with the former Montague neighbourhood (Criterion A) and as a good and largely intact example of a Federation period residence (Criterion E).

2.3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(i) Zone

The land is in the Capital City Zone - Schedule 1 Fishermans Bend Urban Renewal Area (CCZ1). The purposes of the CCZ1 are:

To create a thriving urban renewal area that is a leading example for design excellence, environmental sustainability, liveability, connectivity, diversity and innovation.

To create a highly liveable mixed-use area where the scale of growth is aligned with the provision of public transport and other infrastructure.

To create a world leading sustainable urban renewal area that incorporates best practice sustainable design into all developments and supports sustainable transport patterns.

To provide public benefit in the form of Social housing where development exceeds the nominated Dwelling density.

To support the continued operation of strategically important existing uses and existing industrial uses that provide services to the construction industry, and ensure new development includes measures to mitigate potential amenity impacts from those industrial uses.

(ii) Overlays

The land is subject to Overlays including:

- Design and Development Overlay – Schedule 30 Fishermans Bend Montague Precinct (DDO30)
- Environmental Audit Overlay (EAO)
- Heritage Overlay 442 (HO442) – an overlay pending resolution of Amendment C186
- Infrastructure Contributions Overlay – Schedule 1 Fishermans Bend Contributions Plan (ICO1)
- Parking Overlay – Schedule 1 Fishermans Bend Urban Renewal Area (PO1)
- Special Building Overlay – Schedule 2 Port Phillip City Council Local Drain (SBO2) applicable to part of the City Road and Montague Street road reserves.

The purposes of the proposed Heritage Overlay are:

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Amendment is consistent with the Form and Content of Planning Scheme Ministerial direction under Section 7(5) of the *Planning and Environment Act 1987* (the Act).

The Amendment is consistent with Ministerial Direction 15 pursuant to section 12 (aa) and (ab) of the Act that requires planning authorities to have regard to the Victoria Planning Provisions, the Municipal Strategic Statement, as well as any strategic plan, policy statement, code or guideline which forms part of the Planning Scheme.

The Amendment is consistent with Ministerial Direction No. 9 – Metropolitan Strategy pursuant to Section 12 of the Act - that requires planning authorities to have regard to the Metropolitan Strategy (Plan Melbourne).

Planning Practice Notes

Planning Practice Note 1 Applying the Heritage Overlay (PPN01) provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

PPN01 specifies 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. It recognises the following model criteria (the Hercon criteria) that have been adopted 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).

3 Strategic justification

3.1 Evidence and submissions

Council submitted that the strategic basis for applying the Heritage Overlay is well founded in the State policy provisions of the scheme as well as the objectives of the Act. It said the Amendment was based on substantial research and this had evolved through numerous studies. The Panel has summarised these studies in chapter 2 of the report.

Several submissions (for example, Submissions 3, 8, 9 and 10) raised concerns that the Heritage Overlay conflicts with the strategic direction for Fishermans Bend and in particular:

- the Fishermans Bend Framework
- the Capital City Zone - Schedule 1 Fishermans Bend Urban Renewal Area (CCZ1)
- Design and Development Overlay Schedule 30 (DDO30).

Council submitted that the protection of the Montague Commercial Precinct through the application of the Heritage Overlay to the HO513 is entirely consistent with the strategic direction for Fishermans Bend. It said the importance of recognising and protecting places of heritage significance is clearly expressed in the Fishermans Bend Framework and the vision for Fishermans Bend refers to *“a diverse and well-connected mixed-use precinct celebrating its significant cultural and built heritage and network of gritty streets and laneways.”*

Council said other objectives and strategies in the Fishermans Bend Framework¹ refer to protecting heritage areas to strengthen the sense of place and community and it was appropriate that future development of the area respects the heritage precinct.

Council submitted that DDO30 also recognises and seeks to protect heritage fabric. It includes a design objective which states:

To ensure, in Montague South, a mid-rise scale encouraging hybrid and tooth and gap typology, supported by infill row, terrace and shop top developments that preserve identified character buildings and sensitively respond to heritage fabric.

Council referred to several specific built form provisions in DDO30 regarding building heights and street walls that also recognises heritage fabric in the area.

Council acknowledged that the initial attempt to apply a precinct control over properties near the corner of City Road and Montague Street was not supported by the panel that considered Amendment C117. It said Amendment C117 had sought to extend an existing residential precinct (HO442 Albert Park Heritage Precinct) to a series of generally commercial buildings and the panel had concerns about the historical relationship between the two areas.

Council said the panel report for Amendment C117 recommended further research to assess the “former Montague slum neighbourhood” for potential heritage significance as a potential precinct, a series of individual places or serial listing. Council submitted that Amendment C186 forms part of the research recommended by the panel, but not all of it.

Council said broader research is currently underway in conjunction with the Fishermans Bend Taskforce to more comprehensively assess places of significance in Montague related to the

¹ As referred to in chapter 2 of the Panel report

former slum neighbourhood. It noted that the former slum neighbourhood is essentially a residential precinct, although little of the residential heritage fabric remains.

Council submitted that the commercial precinct the subject of this Amendment is on the southern boundary of the former residential precinct. It noted that although the Montague Commercial Precinct and the Montague residential slum neighbourhood have related history, there are differences in these historical precincts and it was appropriate to treat them as separate heritage areas.

In addition, Council said it was important to provide certainty to the landowners in the Montague Commercial Precinct in circumstances where interim controls have been applied to this area for several years. It said the significance of the commercial precinct is clearly outlined within the Precinct Heritage Review and it is appropriate the Amendment proceed and not be further delayed.

The Precinct Heritage Review forms the strategic basis of the Amendment and it was completed by Mr Hemmingway of RBA Architects and Conservation Consultants. Council submitted that Mr Hemmingway's methodology was consistent with standard heritage practice in Victoria and the report found that the Montague Commercial Precinct (HO513) meets the threshold of local significance.

Properties within HO513 are proposed to be graded as being either 'Significant', 'Contributory', or 'Non-contributory' in accordance with Council's local heritage planning policy (Clause 22.04). These grading are reflected on the City of Port Phillip Heritage Policy Map (an Incorporated document).

In his evidence statement, Mr Hemmingway provided a comparative assessment of other Significant and Contributory buildings.

The proposed Statement of Significance for the Montague Commercial Precinct was prepared in accordance with PPN01 and, as exhibited, it states:

What is significant?

The Montague Commercial Precinct, comprising 496-546 City Road and 151-163 Montague Street, South Melbourne is significant. This small precinct comprises a group of late nineteenth century and early twentieth century buildings (encompassing the Victorian, Federation and Interwar periods) situated around the intersection of City Road and Montague Street in South Melbourne. The buildings mostly comprise two storey buildings originally constructed as shops and residences, and single storey shops. There is also a former hotel and a house.

The two storey Victorian and Federation era former shops and residences are similar in form materials, finishes and detailing. All are of masonry construction and are smooth rendered with upper levels that are often enlivened by cement-rendered ornament. Some retain early or original shopfronts (Nos. 496, 498, 514, 518, 524-28, 544-546 City Road). The Interwar period shops are all single storey and masonry. The former Hotel Nelson is a typical corner hotel with a splayed corner entrance and later Interwar alterations with restrained classical detailing. The only house in the precinct at 506 City Road is a single fronted terrace with a hip roof and a projecting gabled bay in the Queen Anne style with some Victorian detailing.

The streets have basalt kerbs and channels and there are nineteenth century pitched basalt lanes with central one-pitcher drain between the Hotel Nelson and 163 Montague Street and at the rear of 153-161 Montague Street and 524-28 City Road.

The buildings at 496 & 498 (shops & residences), 506 (house), 512 & 514 (shops & residences), 516 & 518 (shops & residences), 520-522 (former Hotel Nelson), 524-528

(shops & residences), 532 & 534 & 536 & 538 (shops & residences), 544-546 (shops) City Road and 151 (shop), 163 (shop & residence) Montague Street, and the basalt kerb and channel and laneways are Significant to the precinct.

The buildings at 540-542 (shop) City Road and 153 & 155 (shops), 157-161 (shops) Montague Street are Contributory to the precinct.

The buildings at 500-502, 508-510 and 530 City Road are Non-Contributory.

How is it significant?

The Montague Commercial Precinct of local historical, aesthetic and representative significance to the City of Port Phillip.

Why is it significant?

The Montague Commercial Precinct is historically significant as a remnant of the former Montague neighbourhood, home to a tight knit working class community since the 1860s/70s, which was designated a slum by authorities and otherwise almost entirely demolished and replaced with industrial and commercial buildings from the early 20th century onwards. It is reflective of the earlier finer subdivision pattern in Montague, which has changed due to the redevelopment of land for industry during the mid-20th century. The precinct also includes a house dating to 1914, one of few surviving in the Montague area. As such, the precinct is associated with a now disappeared aspect of South Melbourne's history. (Criteria A & B)

The precinct is significant as a representative and largely intact example of a typical small local commercial centre surrounding an intersection and on a former tram route. The precinct is defined by two prominent corner buildings, the former Hotel Nelson at 520-522 City Road and the shops and residences at 524-528 City Road. It is also distinctive within the Montague area as a remnant group of late nineteenth and early twentieth century buildings, encompassing the late Victorian, Federation and Interwar periods, in an area that has otherwise been redeveloped. In addition, several early 20th century shopfronts survive. (Criteria D & E)

In his evidence statement, Mr Hemmingway noted that the three phases of commercial development extend from a Victorian 'core' near the intersection of City Road and Montague Street to a Federation era and then Interwar development on the periphery. Although the corner buildings were originally Victorian, Mr Hemmingway said that they were refurbished in the Interwar years and were also clearly identifiable from that period.

Mr Hemmingway gave evidence that the building fabric from the Interwar period is very important to the understanding of the heritage significance of the precinct. For example, many of the properties in Montague Street demonstrate the transformation from former timber buildings used for residential purposes (associated with the Montague slum residential neighbourhood) to new masonry buildings with commercial uses.

Mr McKendrick, on behalf of Mr Field (the owner of 157-163 Montague Street), submitted that the Amendment should not proceed with respect to the properties in Montague Street because it was unclear what impact the further research currently underway for the broader Montague slum neighbourhood might have for the commercial precinct. He said it was necessary to understand the full story of the area before applying heritage controls.

In cross-examination by Mr McKendrick, Mr Hemmingway said that it was not necessary to consolidate the heritage reviews for the area and it is common for heritage controls to be introduced in a series of separate amendments rather than a single amendment. He said while heritage overlays might optimally be completed at the same time, there were often many reasons why this does not occur.

Mr McKendrick called Mr Trethowan, a heritage architect, to give evidence. Mr Trethowan stated:

The *raison d'être* for the current proposed amendment appears to be simply to retain a collection of nineteenth and early twentieth century shops under the guise that they demonstrate the history of Montague. This is not the case. The collection of buildings cited for heritage controls are a typical small inner suburban nineteenth century local shopping precinct lining a principal artery of the city. This is not to degrade their importance, as the initiative to retain these buildings is well founded. While they were part of the Montague neighbourhood, they do not demonstrate any element of the issues that resulted in the housing investigations, urban renewal and displacement that took place in the residential precinct of Montague; far from it. Furthermore, the area cited for controls omits a series of nineteenth century buildings that were once part of this commercial shopping strip. Such an approach ignores broader issues and will only fracture the heritage value of this section of City Road further.²

Mr Trethowan said Montague should be considered in two parts. First, the residential precinct with its community focus and the subject of twentieth century slum investigation and urban renewal. Second, the commercial precinct which stands apart from the residential area and forming, along with City Road, a boundary between residential Montague and other residential areas of South Melbourne. He said this general approach should be reflected in the designation of heritage controls.

Mr Trethowan said the inclusion of properties with frontage onto Montague Street in the proposed Montague Commercial Precinct is 'meaningless' as these properties' relevance is related to the Montague residential precinct and not the commercial precinct.

Mr Trethowan said that:

- the boundary to the commercial precinct should be amended by:
 - extending the precinct to include all properties with a frontage onto City Road between Ferrars Street and Boundary Street
 - deleting all properties with an address to Montague Street
- the Statement of Significance should be amended to:
 - record the precinct's significance as a remnant of the Montague neighbourhood
 - delete any reference to slums and fine grain development
 - note that the remaining house at 506 City Road is the last survivor of a residential building within the commercial precinct.

In conclusion, Mr Trethowan said:

In terms of residential Montague, it is my opinion that this area deserves much further and detailed consideration into how its heritage values can be transferred into statutory controls. This has not yet materialised. In the meantime, any consideration of properties within this area should be set aside until an holistic evaluation of this area takes place. This situation applies to the buildings [in Montague Street]. These buildings form part of the Montague residential precinct. They were assessed by the Panel into Amendment C117 as not warranting a significant grading. I agree with this assessment and also with the Panel's recommendation that 'the "former Montague slum neighbourhood" be assessed for potential heritage significance as a potential precinct, a series of individual buildings/infrastructure items or serial listing.'³

In response to Mr Trethowan's evidence, Council submitted:

² Document 16, para 7

³ Document 16, para 9

- although the late 1800's may have been a period in which the slums were established, the focus of the Amendment is on the commercial precinct, not the residential slum
- the focus of the commercial precinct is its development from late in the 1800's to the interwar period
- Mr Trethowan has not properly considered the Interwar period of development in his assessment of the precinct
- the history of the broader Montague area, bounded by City Road, Boundary Road, and the Port Melbourne and St Kilda Railway lines is detailed in the history section of the Citation included in the Precinct Heritage Review
- the additional properties along City Road between Boundary Road and Ferrars Street which are not proposed to be included in the HO513:
 - are few in number (possibly only 4 or 5) and are spread out over approximately 300 metres, which would be very difficult to justify within a heritage precinct
 - are outside the scope of the Amendment and any future heritage work required in relation to those properties should not prevent the proposed HO513 being applied now to ensure protection for the properties subject of the Amendment
- Mr Trethowan's evidence on the boundary of the precinct has conflated design and development related issues about building height (which are dealt with by DDO30) with matters of cultural significance
- it is important to include the properties fronting Montague Street in the HO513 because the precinct history in the citation recognises that Interwar period single storey shops on Montague Street replaced previous residential buildings
- the transition from residential to commercial and industrial between the late 1800's through Federation and into the Interwar period is what is recognised in HO513 and this is because it reflects an important period of Melbourne's history in this part of Montague which is related to the growth in manufacturing in Victoria after Federation in 1901
- the commercial buildings constructed between the late 19th century and the Interwar period clearly turned the corner into Montague Street as early as 1895 (per MMBW map) and continued to do so until at least 1920
- it is inappropriate to draw a distinction between the properties fronting Montague Street and City Road on the basis of the residential and commercial distinction set out in Mr Trethowan's evidence and such an approach would undermine an understanding of the narrative in the Statement of Significance
- the proposition that the precinct should encompass the commercial buildings along Montague as well as City Road, is entirely sound and consistent with the Statement of Significance.

With respect to Mr Trethowan's comments on the Statement of Significance for the precinct, Council noted the evidence of Mr Hemmingway, who said:

The finer subdivision pattern in the precinct is demonstrative of that which characterised the Montague area generally prior to the mid-20th century when land was consolidated and redeveloped for industrial/commercial purposes. The historic subdivision pattern of an area typically has a fundamental influence on the development of the built environment, particularly in urban areas, and it is highlighted in the statement of significance for this reason.⁴

⁴ Document 15, para 46

Council did not accept the differentiation of the residential or ‘slum’ and commercial areas of Montague made by Mr Trethowan. The Statement of Significance describes the proposed HO513 as *“a remnant of the former Montague neighbourhood, home to a tight knit working class community since the 1860s/70s, which was designated a slum by authorities and otherwise almost entirely demolished and replaced with industrial and commercial buildings from the early 20th century onwards.”* Council considered this description is accurate to the Montague Commercial Precinct and reflects the residential to commercial and industrial transition which is recognised in the Statement of Significance.

3.2 Discussion

The Amendment supports a variety of planning policies outlined in chapter 2 of this report including the heritage related policies, objectives and strategies in:

- the Act
- the PPF (Clause 15 Heritage)
- the MSS (Clause 21)
- the LPPF (Clause 22.04 Heritage)
- Plan Melbourne.

The Panel agrees with Council that the Amendment is consistent with the future strategic direction for Fishermans Bend as expressed in the Fishermans Bend Framework and the zoning and overlays that apply to the Montague Commercial Precinct. The proposed Heritage Overlay will help to protect parts of the built form that provide interest and identity to the area.

The Panel considers the Amendment appropriately deals with heritage protection in an integrated framework consistent with the requirements of Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel acknowledges that the Amendment is supported by extensive research and various studies over a long period. The most significant of these is the Precinct Heritage Review in 2019. This is a thorough report that adopted an appropriate methodology with soundly based conclusions and recommendations.

The Panel agrees with Council that the Amendment is consistent with the recommendations in the panel report for Amendment C117. Although that panel report recommended further research into the Montague area, it was not prescriptive about how that should be done. Indeed, it is noted that the C117 panel foreshadowed a variety of possible implementation options including a precinct, a series of individual places or a serial listing.

It is acknowledged that Amendment C186 is one part of the further research recommended by the panel in C117. Other research is in progress which may (or may not) lead to further heritage controls in the Montague area. Any further controls would be subject to separate planning scheme amendments. This is an entirely appropriate approach, and the Panel is not convinced that the Amendment should be deferred or delayed until this further work has been completed. The planning process has already taken significant time to get to this point and the Panel agrees with Council it is appropriate to finalise the heritage controls for the commercial precinct as soon as possible.

The Panel is satisfied that the extent of research regarding the Montague Commercial Precinct is sufficient to justify its own heritage precinct. Mr Trethowan said the Montague Street

properties are related to the Montague residential precinct and not the commercial precinct. On this basis, he said that the Montague Street properties would be more appropriately considered as part of the further work that Council is completing regarding the Montague residential slum. The Panel does not agree with this assessment.

It is clear from the evidence presented by Mr Hemmingway that the properties in Montague Street do not represent residential buildings. Indeed, their inclusion within HO513 is precisely because they replaced residential buildings during the Interwar period. This is referred to in the Statement of Significance. If these buildings were assessed as part of the broader Montague residential precinct then it would be difficult to see what residential heritage fabric could be managed. The Panel considers it is necessary and appropriate to consider the Montague Street properties as part of the Montague Commercial Precinct.

For the reasons outlined by Council, the Panel does not agree with Mr Trethowan that the precinct boundary should be modified. It does not agree that additional properties on City Road should be added to HO513. The Panel notes that 'Attachment 2' in the explanatory report associated with the exhibited Amendment lists the gradings for the 20 properties within HO513. The overwhelming majority (85 per cent) of properties are 'Significant' or 'Contributory', including:

- Significant – 13 properties (65 per cent)
- Contributory – 4 properties (20 per cent)
- Non-contributory – 3 properties (15 per cent).

The Panel considers that the precinct has a high level of intactness. The extension to the precinct recommended by Mr Trethowan would debase the integrity of the precinct and include many non-contributory properties.

If there is merit in including any additional properties within a Heritage Overlay (for example, as individual places or as part of a serial listing) this should be implemented following detailed assessment and a separate planning scheme amendment.

The Panel considers that Mr Trethowan has misunderstood the intent of the Statement of Significance for the precinct. It is clear that the commercial precinct includes buildings from the Victorian, Federation and Interwar periods and this is expressed clearly in the Statement of Significance. The Panel accepts this is a legitimate and appropriate assessment based on the research that has been presented.

3.3 Conclusion

The Panel concludes:

- The Amendment is supported by and implements the relevant sections of the Act, PPF, LPPF and various planning policies including the Fishermans Bend Framework.
- The Amendment is consistent with the requirements of Clause 71.02-3 (Integrated decision making) of the Planning Scheme.
- The Fishermans Bend Heritage Review: Montague Commercial Precinct, 2019, is based in sound research and detailed heritage assessment sufficient to justify the proposed heritage controls.
- The Amendment should not be delayed or deferred pending the outcomes of further separate heritage studies for the broader Montague area.
- The boundary of HO513 is appropriate and should not be modified.

- The Statement of Significance is soundly based and is generally satisfactory subject to minor changes in response to submissions and evidence as discussed in later chapters.
- The Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4 Site specific issues

4.1 Introduction

(i) Background

Most submissions included site specific objections relating to matters such as:

- the extent of alterations to the property
- the lack of heritage significance to the place
- the proposed grading of the significance of the building.

For the purposes of this report, these submissions have been considered in three groups:

- 506 City Road
- 530-544 City Road
- 151-163 Montague Street.

All submissions are included in one of these groups.

The property numbers and the phases of the development of the commercial precinct are shown in Figure 2. The properties at 500-502, 508 and 530 City Road are included in HO513 but they are not coloured in Figure 2 because they are 'Non-contributory' buildings.

Figure 2 Plan showing property numbers and the progressive development of the Montague Commercial Precinct according to period: Victorian Period (red); Federation Period (orange); Interwar Period (yellow)
 Source: Document 15



A photograph and detailed description of each property is provided in the Citation shown in Appendix D2.

The aerial photograph in Figure 3 provides further context for the precinct.

Figure 3 The Montague Commercial Precinct – Nearthmap June 2020. Source: Document 15



(ii) The issues

The issues are:

- Whether there is sufficient heritage fabric to justify including the properties within the Heritage Overlay
- Whether the heritage citation and Statement of Significance is appropriate
- Whether the grading of the buildings is appropriate.

4.2 506 City Road

Figure 4 506 City Road. Source: Document 15



(i) Evidence and submissions

Council submitted that 506 City Road was a Significant graded heritage site within the precinct. Mr Hemingway said it was elevated to such an extent that it warranted its own heritage citation within the Port Phillip Heritage Review and the Amendment updated this citation. The revised Statement of Significance in the citation follows:

What is significant?

The Former Cogan Residence at 506 City Road, South Melbourne, which was built in 1914 for Mary Alice Cogan. Significant elements of the single storey brick house include the hip roof form, pair of red brick chimneys with rendered tops and terracotta pots, gable end with a rising sun motif (comprising battens and render, partly roughcast) and timber console brackets, presumed red brick walls (now overpainted) with remnant tuck pointing, wing walls with arched niches, verandah with cast iron column and remnant cast iron frieze, exposed rafters ends to verandah roof, tessellated tiling to deck, bay window with presumed timber window frames, timber entrance unit with panelled door with glazing to upper half, and decorative sidelight and toplight.

Non-original alterations and additions are not significant.

How is it significant?

The Former Cogan Residence at 506 City Road, South Melbourne, is of local historical and aesthetic significance to the City of Port Phillip.

Why is it significant?

The Former Cogan Residence is of historical significance as one of the few remaining examples of an early 20th century house associated with the former Montague neighbourhood. It is the only surviving house in this part of City Road, where previously there had been others interspersed among the commercial buildings. The house also

has a strong historical association with the Cogan family, long-time Montague residents who owned and occupied the site for almost a century between 1868 and 1965. The three Cogan siblings were closely involved with various local organisations and actively worked to improve the welfare of the Montague community during the first half of the 20th century. Robert Hennessey Cogan was a local councillor throughout the 1930s and served as mayor of South Melbourne between 1937 and 1938. (Criterion A)

The Former Cogan Residence is of aesthetic significance as a good and largely intact example of a Federation period residence. While the format is more typically associated with Victorian period row houses, the Arts and Crafts influenced design is characteristic of the Federation period, although the overpainting has diminished the original contrasting effect of the materials and finishes. With its prominent gable end and rising sun motif, it is the most distinctive of the few surviving Federation period houses in the Montague area. (Criterion E)

The owner of the property objected to the application of the Heritage Overlay on the site (Submission 7). It noted that a multi-storey development has recently been constructed next door to the property (at 506 City Road) and the new development “*towers over and causes overshadowing issues*”. The submitter did not request to be heard by the Panel and did not provide any further submissions or evidence.

Council acknowledged that a multi-storey development has been approved next door to the property, however it said the development has no bearing on whether the Heritage Overlay should be applied to 506 City Road.

Council noted that the panel report regarding Amendment C117 found that the house at the property was potentially significant, subject to further research. This further research was completed through the Precinct Heritage Review. Mr Hemingway confirmed the building satisfied the definition of a Significant place.

(ii) Discussion

Council has completed a thorough review of the heritage significance of the site and this has provided a sound basis upon which to apply the proposed grading and citation.

The Panel is satisfied that the property at 506 warrants inclusion in the HO513 precinct with a Significant grading.

The Panel considers the exhibited citation for the property is clear and appropriate.

(iii) Conclusions

The Panel concludes:

- The dwelling at 506 City Road should be included in HO513 as a Significant graded building.
- The exhibited heritage citation for 506 City Road is appropriate.

4.3 530-546 City Road

(i) Background

Table 2 530-546 City Road property details

Property Address	Description	Submission Number	Exhibited Grading
530 City Road	None	1	Non-contributory
532 City Road	Shop and residence	None	Significant
534 City Road	Shop and residence	3	Significant
536 City Road	Shop and residence	3	Significant
538 City Road	Shop and residence	3, 6	Significant
540-542 City Road	Shop	5	Contributory
544-546 City Road	Shop	5	Significant

(ii) Evidence and submissions

530 City Road

Figure 5 530 City Road. Source: Document 15



530 City Road is a single storey Post WWII shop and is graded Non-contributory. Submission 1 objected to the application of the Heritage Overlay on the site. It said the site has no historical or cultural importance and no architectural or artistic significance.

Council submitted that the site's grading acknowledges that the site does not contribute to the Montague Commercial Precinct.

Mr Hemmingway gave evidence that it was appropriate to include the site within HO513 due to its location amongst places that are graded Significant. He noted it was common for heritage precincts to include a small proportion of Non-contributory places.

Council submitted that development on the property could have an impact on the heritage characteristics of the adjoining sites and the precinct. Accordingly, it was appropriate for HO513 to include the property with a Non-contributory grading to ensure that any development on the property considers the impact on the heritage values of the HO513.

532-538 City Road

Figure 6 532-538 City Road. Source: Document 15



532, 534, 536 and 538 City Road form part of a group of four two storey Federation period shops with a dwelling on the first floor. All of the buildings are graded Significant.

Submissions 3 and 6 objected to the inclusion of these properties in HO513 on the basis that these buildings:

- have been altered and are in poor condition
- do not have architectural or cultural significance to warrant the Significant grading.

Council submitted that the four properties demonstrate key elements which are representative of the heritage values of the heritage precinct. The properties were built in 1910 and include key elements of the Federation period such as face brick with rendered elements such as band, frieze, parapet, Queen Anne sills and casement windows. Victorian detailing is also included in the form of brackets with vermiculated panels, urns, and the scroll brackets to the parapet.

Council acknowledged that some alterations have been made to the group of properties but said the extent of alterations have not compromised the heritage place or its contribution to HO513.

Mr Hemingway addressed these alterations in his evidence:

There have been some alterations, but most of these are potentially reversible. For instance, it would be possible to replace the missing or broken decorative elements to the upper level (e.g. the urns and cornice above the shopfronts), based on the surviving detail elsewhere on the building. The painted finish could be readily removed from

Numbers 534, 536 and 538 to reinstate the original face brick presentation. Despite the replacement of the ground floor shopfronts (a common alteration for historic commercial buildings) a sense of the original format with stall boards has nonetheless been retained, and when considered overall, the loss of the shop fronts is compensated by the largely intact upper floor.⁵

540-546 City Road

Figure 7 540-542 City Road. Source: Document 15



Figure 8 544-546 City Road. Source: Document 15



540-542 and 544-546 are two single storey shops from the Interwar period and the citation as exhibited notes:

- 540-542 is graded Contributory and:
 - has a stepped parapet (partly obscured) characteristic of the Interwar period

⁵ Document 15, para 42

- the ground floor shopfront has been altered
- has a rendered façade, although was possibly face brick originally.
- 544-546 is graded Significant and:
 - is a pair of shops with a wide brick parapet with rendered panels
 - a pier divides the façade into two parts
 - the shopfront is largely intact with timber window frames and doors and rendered stallboard with vents.

The separate owners of these properties made a joint submission (Submission 5) and were represented at the Hearing by Mr Manion, a town planner from JM Planning. He submitted:

- each of the buildings have undergone extensive alterations and additions and any heritage value that may have once been present has been altered or removed
- it is incorrect to say that the shopfront of 544-546 is 'largely intact' because:
 - the original façade has been sandblasted to reveal the face brick
 - the original upper leadlighting windows have been replaced with new timber frames and clear glazing
 - the original tiles below the main window have been removed
 - the original timber front doors and metal and timber window frames have been replaced with new timber framed glazed doors and windows.
- both properties are devoid of any heritage character elements that would warrant their inclusion with a Heritage Overlay
- the properties are distinct and separate from the row of adjoining two storey terrace buildings to the east extending to Montague Street which have clear heritage value
- HO513 should terminate at the western boundary of 538 City Road.

Mr Manion called Mr Briggs, an architect and conservation consultant from John Briggs Architects Pty Ltd, to give evidence. Mr Manion said:

... these two buildings that are proposed to be included in the extension to the precinct have no visual or historical connection with the 42 metres of earlier building form that occupies City Road between 540 City Road, with its entirely modern expression, and the Montague Street corner. Whilst the brick construction of the building at 546 presents as older character the pair of properties have no other elements of period character or appearance and are not a part of an identifiable place that has any cohesive heritage value. Accordingly there appears no clearly established heritage importance for this pair of buildings that might justify their inclusions in the Montague Commercial Precinct.⁶

Mr Briggs agreed that the buildings were constructed in the Interwar period, however he said:

... the existence of these two buildings, which present very utilitarian presence, in this street is unedifying and without evident or demonstrable heritage value. Historical value cannot be attributed to this pair of properties on the basis of what they replaced. The building at 540 is without any premodern character as it expresses today other than perhaps the stepped parapet that is so hidden by the awning as to be only visible from some 30 metres away. This is a building that has been changed beyond recognition of its origins as it generally presents to the public realm. It may be advanced that the buildings of similar period on the east side of Montague Street can be appreciated as being a group or row of similar buildings and as collectively establishing a streetscape of prevailing inter-war and heritage presence, at least for some short distance. In City Road however the sand blasted brickwork of 546 City Road exists in complete isolation from any other similar character let alone heritage character from the same period.⁷

⁶ Document 18, page 2

⁷ Document 18, page 4

Mr Briggs said that the shopfront at 544-546 City Road has been substantially modified and it was incorrect for the citation and the Statement of Significance to suggest that it was intact. He concluded that:

It would appear that the assessment of individual significance has been based upon the mistaken premise that the timber shopfronts at 546 City Road date from between the war rather than being late century. If the shopfronts had been intact and original it may well be that they would have imparted individual heritage significance to the property. As this is not the case it is my recommendation that both properties be excluded from the Heritage Overlay.⁸

Mr Hemingway, a heritage architect, gave evidence on behalf of Council. He said when the extant brick shops at 540-542 and 544-546 City Road were built (c.1935 and 1922 respectively), they replaced smaller Victorian era timber buildings (probably shop residences). This was a typical scenario in Montague where a large proportion of the original Victorian era buildings had been timber and redevelopment of sites during the Federation and Interwar periods with more permanent brick building stock was common.

Mr Hemingway noted the composition of the Montague Commercial Precinct follows a common pattern demonstrating the growth of commercial centres over time, whereby the earlier Victorian buildings are at the core, with later Federation and Interwar buildings at the edges. This was clearly evident in City Road, west of Montague Street, and the properties at 540-546 play an important part in representing the Interwar period within this overall narrative.

With respect to 540-542 City Road, he noted:

- it has a broad stepped parapet, that also steps forward of the main wall, characteristic of the Interwar period and which is rendered (although may have originally been face brick)
- the extant non-original signage obscures rather than alters the parapet and could be readily removed to reveal the central, broad peak/pediment
- the hipped roof, clad in corrugated sheet metal, is visible from some vantage points
- the shopfront has been replaced, which is a common alteration for historic commercial buildings
- the east side wall along the narrow walkway is intact with red brick, concrete lintels, and openings, whereas the rear wall has been partly altered
- the property satisfies the definition of a 'contributory' place because it is a 'representative' example of an Interwar period shop which, despite some alterations, remains legible as such and has the 'potential to be conserved'
- the place is commensurate with comparative examples in HO7 at 274-278 Carlisle Street, Balaclava and 172-180 Carlisle Street, St Kilda.

With respect to 542-544 City Road, Mr Hemingway gave evidence that:

Based on my initial inspection, and without evidence to the contrary, I previously considered that the extant timber shopfronts of nos 544-546 may have been original because their format is indicative of the period. However, I accept the evidence of the property owner that the extant shopfronts are later replacements (since the 1980s) and that the original shopfront had leadlighting to the upper part.

⁸ Document 18, page 7

It is common for historic commercial buildings to have later shopfronts. While the shopfronts are not original, the façade nonetheless retains its original configuration – surviving elements include the stallboard (although the tiles have been removed), the vents, the central pier, and the entrances locations to the sides. The replaced shopfronts, albeit generic, are indicative of an earlier format in that they have highlight windows and framing.

Originally, the brickwork would have been unpainted. The removal of the later paint finish has restored the original face brick presentation, although it is unfortunate that this was achieved by sandblasting, a method which is damaging to the surface of bricks.

In response to the extent of alterations to the shopfront of no's 544-546 identified in the submission, I now consider that a 'contributory' grading is more appropriate than 'significant' as was originally proposed in the Fishermans Bend Heritage Review: Montague Commercial Precinct. It satisfies the definition of a 'contributory' place, in that it is a 'representative' example of an Interwar period shop which, despite some alterations, remains legible as such has the 'potential to be conserved'. They are commensurate with the aforementioned examples in HO7 at 274-278 Carlisle Street, Balaclava and 172-180 Carlisle Street, St Kilda ...⁹

As a result of his revised assessment and further research completed for the Panel Hearing, Mr Hemmingway also concluded that the property description in the Precinct Heritage Review should be amended for:

- 540-542 City Road to refer to the date of construction as 'Built c. 1935'
- 544-546 City Road to:
 - refer to the date of construction as 'Built c. 1922'
 - replace the words 'largely intact' with the words 'later replacement' in relation to the shopfront.

Council supported these recommendations and noted that some minor changes to the Incorporated documents are also required to ensure these documents align with the property descriptions and the revised grading of 544-546 City Road. Changes were identified as necessary to:

- the Montague Commercial Precinct Statement of Significance under the heading 'What is significant?' and the 'Place schedule'
- the Port Phillip Heritage Review, Chapter 6.40 'Montague Commercial Precinct - HO513', and in particular:
 - section 6.40.6 Description
 - section 6.40.8 Statement of Significance
- the Heritage Policy Map.

(iii) Discussion

530 City Road

The Panel agrees with Council and Mr Hemmingway that it is appropriate to include 530 City Road within HO513 as a Non-contributory building. Although 530 City Road is not of heritage significance, it is surrounded by properties that are of heritage value and the properties either side of 530 City Road are graded Significant.

This is an example where the integrity of the heritage precinct requires the inclusion of a Non-contributory building to ensure that any development on the property considers the impact

⁹ Document 15, paras 61-64

on the heritage values of the adjoining places and the streetscape. The Panel considers this is a common occurrence and an appropriate response when delineating a heritage precinct.

532-538 City Road

The Panel agrees with Council and Mr Hemingway that the properties at 532-538 City Road should be included within HO513. It acknowledges that these buildings have been modified, however sufficient fabric remains to clearly understand these places are from the Federation period and to warrant a Significant grading. The replacement of the ground floor shopfronts is a common alteration for historic commercial buildings, however the Panel agrees with Mr Hemingway that the original format with stallboards has been retained and the largely intact upper floors provide strong heritage references.

540-546 City Road

The Panel agrees that the properties at 540-546 City Road should be included within HO513 and graded as Contributory buildings.

The Panel considers that the properties represent the evolution of the Montague Commercial Precinct in the Interwar years as described in the Statement of Significance and this is an important narrative. The Panel does not accept the views of Mr Briggs that the significance of the buildings are diminished because the buildings are 'isolated' from the other Interwar shops at 151-163 Montague Street. To the contrary, the Panel considers that their significance is enhanced because the story of the progression from Victorian to Federation to Interwar is clearly demonstrated in a relatively short section of development in City Road from Montague Street to 544 City Road.

Clause 22.04-5 defines a Contributory heritage place as including *"buildings and surrounds that are representative heritage places of local significance which contribute to the significance of the Heritage Overlay area. They may have been considerably altered but have potential to be conserved."*

The key factor in the attribution of heritage significance to individual places within a precinct is the contribution of the extant fabric to the heritage value of the streetscape. That is, the degree of intactness and the relevance to the precinct's period of significance. The Panel considers that although both buildings have been altered, sufficient fabric remains to warrant a Contributory grading.

The parapet of 540-542 City Road provides a strong underlying reference to the Interwar period. Although it is currently partly obscured by various advertising signs and graphics, the Panel could clearly discern the form of the parapet while walking along the footpath on the north side of City Road from the east and west of the property. The parapet is also visible from the footpath on the south side of City Road and from within the park directly opposite the site on the south side of City Road. The Panel considers the advertising signs are relatively ephemeral and could readily be removed without impacting the existing heritage fabric. The fact that temporary signage obscures the heritage fabric is not a reason to discount the fabric as not contributing to the significance of the place.

The narrow pedestrian walkway along the east side boundary of 540 City Road provides an opportunity to observe the building within a 3-dimensional form and this assists in the understanding of the place.

The Panel agrees with Mr Hemingway that the extent of alterations to 544-546 City Road warrants changing the grading from Significant to Contributory. This is an appropriate response. The Panel agrees with the assessment of Mr Hemingway that sufficient heritage fabric remains to interpret the building as clearly from the Interwar period and it satisfies the definition of a Contributory building.

Mr Hemingway provided comparative assessments regarding the gradings for the properties at 540-546 City Road. Mr Briggs did not provide any comparative assessment other than referring to the Interwar properties at 151-163 Montague Street, which are part of the Amendment.

The Panel agrees with Council that it is appropriate to update the heritage citation and the Statement of Significance to reflect the changes recommended by Mr Hemingway. The Panel agrees that changes should be made to:

- the Montague Commercial Precinct Statement of Significance under the heading 'What is significant?' and the 'Place schedule'
- the Port Phillip Heritage Review, Chapter 6.40 'Montague Commercial Precinct - HO513', and in particular:
 - section 6.40.6 Description
 - section 6.40.8 Statement of Significance
- the Heritage Policy Map.

These documents are all Incorporated documents in the Planning Scheme.

The Panel makes no specific recommendation regarding consequential changes to the *Fishermans Bend Heritage Review: Montague Commercial Precinct, 2019* because this document is only proposed to be included as a reference document referred to in:

- Clause 22.04
- the Port Phillip Heritage Review.

That said, the Panel accepts it is appropriate to refer to the *Fishermans Bend Heritage Review: Montague Commercial Precinct, 2019* as a reference document in Clause 22.04 and the Port Phillip Heritage Review as it clearly has provided the basis for the Amendment. No party objected to the inclusion of this document as a reference document.

The Panel notes that a reference document does not form part of the Planning Scheme. It is mentioned in the Planning Scheme only to provide information about the background work that supports the provisions (including Incorporated documents) included in the Planning Scheme. Reference documents are not to be relied upon to help exercise discretion in the issuing of planning permits.

It is not up to the Panel to recommend changes to the reference document. Although it would be acceptable (and even preferable) to update the content of the proposed reference document to match the content of the Incorporated documents, the Panel considers that ultimately this is a matter for Council to determine.

(iv) Conclusions and recommendations

The Panel concludes:

- The properties at 530-546 City Road should be included in HO513.
- It is appropriate that 530 City Road is graded Non-contributory.

- It is appropriate that the properties at 352-538 City Road are graded Significant.
- It is appropriate that 540-546 City Road is graded Contributory.
- The grading of 544-546 City Road should be changed from Significant to Contributory.
- The following proposed Incorporated documents should be amended to reflect the change of grading for 544-546 City Road:
 - the Montague Commercial Precinct Statement of Significance
 - the Port Phillip Heritage Review, Chapter 6.40 'Montague Commercial Precinct - HO513'
 - the Heritage Policy Map.
- The Port Phillip Heritage Review, Chapter 6.40 'Montague Commercial Precinct - HO513' should be amended to:
 - modify the date of construction for 540-542 City Road from 'Probably Interwar (or mid-20th century)' to 'Built c.1935'
 - include the date of construction for 544-546 City Road as 'Built c.1922'
 - modify the property description for 544-546 City Road to delete reference to the shopfront as 'largely intact' and note that it is a 'later replacement'.
- It is appropriate to include the *Fishermans Bend Heritage Review: Montague Commercial Precinct, 2019* as a reference document and Council should consider updating it to match the content of the modified Incorporated documents.

The Panel recommends:

- 1. Amend the heritage grading of 544-546 City Road, South Melbourne from Significant to Contributory and update the following Incorporated documents to reflect this change:**
 - a) the Montague Commercial Precinct Statement of Significance for HO513 as shown in the Panel preferred version in Appendix D1**
 - b) the Port Phillip Heritage Review Volume 1, Chapter 6.40 Montague Commercial Precinct – HO513 as shown in the Panel preferred version in Appendix D2**
 - c) the Heritage Policy Map as shown in the Panel preferred version in Appendix D3.**
- 2. Amend the Port Phillip Heritage Review Volume 1, Chapter 6.40 Montague Commercial Precinct – HO513 to modify the property description for 540-542 and 544-546 City Road, South Melbourne as shown in the Panel preferred version in Appendix D2.**

4.4 151-163 Montague Street

(i) Background

Table 3 151-163 Montague Street property details

Property Address	Description	Submission Number	Exhibited Grading
151 Montague Street	Shop	10	Contributory
153 Montague Street	Shop	8	Contributory
155 Montague Street	Shop	8	Contributory
157 Montague Street	Shop	4	Contributory
159 Montague Street	Shop	4	Contributory
161 Montague Street	Shop	4	Contributory
163 Montague Street	Shop and residence	4	Significant

(ii) Evidence and submissions

151 Montague Street

Figure 9 151 Montague Street. Source: Document 15



The single storey shop at 151 Montague Street is one of several in the proposed precinct constructed during the Interwar period, and Mr Hemingway gave evidence that it was likely to have been built c.1925. The building has a tall decorative parapet with central pediment, large keystones, central panel, dentillation, roughcast and smooth render finishes. It is proposed to be graded as a Significant building.

The owner of the property objected to the inclusion of the site within HO513 (Submission 10). The submission stated that the shop façade has been extensively altered and it has no heritage character apart from the parapet wall. It said the streetscape has no identity.

Mr Hemingway gave evidence that the primary alteration has been the replacement of the shopfront. He said this was common for historic commercial buildings and as a proportion of the overall building the impact is minor.

Mr Hemingway noted that the site sits within a collection of other Interwar period buildings to the south that were all once timber residences. He said this group of buildings demonstrated the transition from residential to commercial and industrial that occurred in Montague at that time. Mr Hemingway said these shops form a consistent Interwar period streetscape displaying a variety of design approaches including concealed and visible roofs with the most elaborate parapet at 151 Montague Street, which created a definitive 'bookend' at the northern end of the precinct.

Mr Hemingway said as a largely intact Interwar period shop the site warrants inclusion in the Montague Commercial Precinct and is consistent with the definition for a 'significant' grading.

Council submitted it supported the findings of Mr Hemingway and agreed it should be included within HO513 with a Significant grading. It also submitted that the construction date in the heritage citation be amended from '1920s' to 'c. 1925' as a result of the additional research completed by Mr Hemingway.

153-155 Montague Street

Figure 10 153-155 Montague Street. Source: Document 15



The single storey pair of shops at 153-155 Montague Street is part of the collection of Interwar commercial premises in this section of Montague Street. Mr Hemingway gave evidence that it was likely to have been built c. 1924.

The owner of the property objected to the inclusion of the site within HO513 (Submission 8). The submission stated that *"there is no real heritage appearance in respect of either properties. Whilst the properties may have been built during a period of other buildings in the area, the façade is of simple brick construction of no historical appearance"*.

Mr Hemingway gave evidence that the building has a simple brick parapet with plain divisions typical of the period. He said the ground floor shopfront is partly intact and the original façade configuration with stallboards and a central pier has been retained so it continues to read as

two premises. Mr Hemingway said replacement of the shopfronts is common for historic commercial buildings and as a proportion of the overall building the impact is minor.

Mr Hemingway concluded that although an undistinguished building, its parapet design is indicative of commercial buildings of the Interwar period and as such satisfies the definition of a 'contributory' place.

Council submitted it supported the findings of Mr Hemingway and agreed it should be included within HO513 with a Contributory grading. It also submitted that the construction date in the heritage citation be amended from '1930s' to 'c. 1924' as a result of the additional research completed by Mr Hemingway.

157-163 Montague Street

Figure 11 157-163 Montague Street. Source: Document 15



157-161 Montague Street consists of 3 single storey shops that were constructed c.1920, replacing earlier residences on the site. The shops have a curved rendered parapet and pilasters with brackets typical of the late Federation and early Interwar periods. The roof is clad in corrugated sheet metal and is comprised of a transverse gable (partially visible) at the front with two sawtooth sections (circa mid-20th century) at the rear.

The two northern shops have modern plate glass shopfront windows and the southern shop façade has a full width roller door. Mr Hemingway gave evidence that the changes to the shopfronts represent a considerable proportion of the façade within the context of single storey buildings with low parapets. He said this was an important factor in attributing a Contributory grading.

Mr Hemmingway noted that the current buildings at 157-161 Montague Street replaced earlier residences. He said these places demonstrate the transition from residential to commercial and industrial that was occurring in Montague in the Interwar period.

In contrast, 163 Montague Street is a two storey Victorian period shop and residence constructed during 1890-91. The rendered façade features hood mouldings, frieze, brackets, and panelled parapet. The roof is hipped and there is a visible chimney typical of the period. At ground floor the arched residential entry survives set between Tuscan order pilasters. The

heritage citation refers to the 'original timber panelled door', however submissions noted that this has been replaced by a modern glass door. The Panel observed a glass door during its site inspection.

Mr Hemingway gave evidence that the primary alteration to the building has been the replacement of the shopfront, however he said this has been relatively sympathetic in that timber framing has been employed and the window is multi-paned rather than having only one large pane of glass.

Mr Hemingway said it was possible that the parapet was partly remodelled (for example, the urn and scroll ornaments may have been removed) around 1920 to integrate it with the later shops adjacent at 157-161 Montague Street, which at the time were also in the same ownership as 163 Montague Street. He said if this was the case, it nonetheless remains intact to its Interwar period state which is recognised as being within the period of significance for the precinct. Moreover, the two corner buildings (former Nelson Hotel and 524-528 City Road) are both Victorian period buildings that have been similarly partly remodelled during the Interwar period.

Mr Hemingway said as a largely intact late Victorian era shop, the site warrants inclusion in the Montague Commercial Precinct and is consistent with the definition for a Significant grading.

The owner of 157-163 Montague Street objected to the inclusion of the properties within HO513 on the basis that:

- none of the buildings are of any heritage significance
- the buildings have been substantially altered and are not intact
- the site and the Montague Commercial Precinct fail the Hercon threshold.

Mr Trethowan gave evidence on behalf of the owners and said that:

- the buildings on each of these four properties were originally constructed in about 1892 and were numbered 1, 3, 5 and 7 Montague Street (1 Montague Street correlates with what is 163 Montague Street today)
- an MMBW plan of 1895 shows that
 - 1 Montague Street was built hard up to the title boundary and the Sands and McDougall directories from the period 1892 onwards confirm that it was used as a shop
 - 3, 5 and 7 Montague Street (today known as 157-163 Montague Street) were constructed with verandas to the property boundary, indicating residential use
- the street numbering changed in 1903 to the current arrangement
- 163 Montague Street remained as a shop with residence up to 1921
- in 1921 all four properties became occupied by the head office of 'Zmood & Co' (General Drapers, Manufacturers and Importers) and this appears to be the time that numbers 157-161 were converted from residential to commercial use
- it is most likely that as part of the conversion from residential to commercial use, the original houses at 157-161 were rebuilt if not entirely demolished and reconstructed.

Mr Trethowan referred to the panel report for Amendment C117 and noted that it concluded:

... 157-163 Montague Street has been heavily modified and its residential component is neither intact, nor does it have integrity to its original form. The Panel accepts that at first glance its scale and form are characteristic of late nineteenth century, however the

majority of the building (excluding the two-storey component) is largely unoriginal and is therefore not significant and is contributory at best.¹⁰

Mr Trethowan said:

... the panel dealing with Amendment C117 found that the subject site at 157-163 Montague Street did not warrant a significant grading. I agree with this finding of the previous panel. I note that no additional information in relation to the property has been provided as part of the Amendment C186 proposal that would justify a change to the previous panel's findings and on this basis it is reasonable that the earlier panel's findings should be upheld. Having revisited this area of the City of Port Philip I am of the view that the buildings on the subject site make no contribution to the Montague commercial precinct. If and when a study is undertaken of the Montague residential precinct it may be that the buildings on the subject site are deemed to contribute to it. However, this depends on the strategy taken to acknowledge the residential precinct and whether it is deemed necessary at all to initiate heritage controls given the degree of redevelopment that continues to take place in this area.¹¹

On the other hand, Mr Hemingway said the comments in the Amendment C117 panel report indicate that there was apparently a perception that the shops are altered versions of the earlier residences on the site. He said:

Whilst it is possible that some of the 1890s fabric survives to the front part of 157-161, regardless of whether it is fully replaced or modified earlier fabric it nonetheless presents as an early 20th century/Interwar period building and relates to the precinct's period of significance.¹²

Council submitted that Mr Trethowan's position was based on the premise that the properties from 151-163 Montague Street do not form part of the commercial precinct which is proposed to be reflected in the HO513 and are instead relevant to the 'residential' aspect of the Montague area. It did not accept that the C117 panel concluded that 163 Montague Street is not a Significant building and also noted the panel was considering the buildings within a residential rather than commercial context.

Mr McKendrick, on behalf of the owner of the properties, submitted that:

- (i) that the Amendment should be changed to remove the Subject Site (and the adjoining properties on Montague Street from the proposed HO513 and all supporting documents (Citation, Statement of Significance and Heritage Review)
- (ii) in the alternative, the building at 163 Montague Street should be attributed a Contributory grading in the Heritage Review and Citation.¹³

(iii) Discussion

151 Montague Street

The Panel agrees with Council and Mr Hemingway that 151 Montague Street should be included within HO513. The building forms an important part in the narrative of the Interwar period of development of the Montague Commercial Precinct and is consistent with the Statement of Significance.

The Panel acknowledges that the building has been modified, however sufficient fabric remains to clearly understand that it is from the Interwar period to warrant a Significant

¹⁰ Panel Report Amendment C117, page 47

¹¹ Document 16, para 41

¹² Document 15, para 54

¹³ Document 24, para 13

grading. Although the original shopfront has been replaced, this is a common alteration for historic commercial buildings as evident in several other buildings graded Significant within the precinct.

The Panel supports amending the construction date in the heritage citation from '1920s' to 'c. 1925' as a result of the additional research completed by Mr Hemingway.

153-155 Montague Street

The Panel agrees with Council and Mr Hemingway that 153-155 Montague Street should be included within HO513. The buildings form part of the narrative of the Interwar period of development of the Montague Commercial Precinct and are consistent with the Statement of Significance.

The Panel acknowledges that the buildings have been modified, however sufficient fabric remains to clearly understand that they are from the Interwar period and to warrant a Contributory grading. The Panel agrees with Mr Hemingway that it is a relatively 'undistinguished building', however the basis for a Contributory grading should not be determined based on the extent of architectural detail or elaborate motifs. The design of the parapet is clearly indicative of commercial buildings of the Interwar period and, combined with the other supporting features identified by Mr Hemingway, the building is a representation of the period.

The Panel supports amending the construction date in the heritage citation from '1930s' to 'c. 1924' as a result of the additional research completed by Mr Hemingway.

157-163 Montague Street

The Panel considers the three single storey shops at 157-161 Montague Street should be included within HO513. It agrees with Mr Hemingway that sufficient heritage fabric of the building remains to justify its association with the Interwar development phase of the Montagu Commercial Precinct.

Mr Trethowan gave evidence that around 1921 the original houses at 157-161 Montague Street were either significantly rebuilt or entirely demolished and reconstructed as part of their conversion from residential to commercial use. As such, the current buildings are clearly commercial buildings relating to the Interwar period. Little or no remaining fabric relates to the former residential buildings that once occupied the site. Mr Hemingway agreed with Mr Trethowan's account of the development of the site.

This assessment of events is consistent with the findings of the panel regarding Amendment C117. In that case, it could not see how the buildings had a relationship to the Statement of Significance associated with HO442, which was within the context of a residential precinct. The context for the assessment and grading of the buildings within Amendment C186 relates to their significance as commercial buildings within a commercial precinct, which is different to Amendment C117.

The Panel considers that Mr Hemingway and Council have appropriately assessed the buildings within its correct context and consistent with the Statement of Significance for HO513. It agrees with Mr Hemingway that the buildings are representative heritage places of local significance which contribute to the significance of the precinct and they meet the threshold to warrant a Contributory grading.

The Panel considers the 2 storey shop-residence at 163 Montague Street should also be included in HO513. Records demonstrate the current building has been used for a variety of commercial purposes since its original construction in 1890-91. Although generally Victorian in character (and distinct from the adjoining Interwar properties to the north) it is still consistent with the narrative in the Statement of Significance. There is also some evidence to suggest that the building was 'integrated' with 157-161 Montague Street through some minor works about the same time as the adjoining properties were rebuilt in 1921.

The panel report for Amendment C117 specifically excluded the property at 163 Montague Street from its finding that 157-163 Montague Street "*is largely unoriginal and is therefore not significant and is contributory art best*". The panel for Amendment C117 made no comment about the appropriate grading for 163 Montague Street.

The Panel agrees with Mr Hemingway's assessment that the building at 163 Montague Street retains sufficient fabric to warrant grading as a Significant building. It notes, however, that the description of the property in the Port Phillip Heritage Review, Chapter 6.40 'Montague Commercial Precinct -HO513' should be amended to delete reference to "*the original timber panelled door*" because the original timber door has been replaced with a glass door.

(iv) Conclusions and recommendations

The Panel concludes:

- The properties at 151-163 Montague Street should be included in HO513.
- It is appropriate that 151 and 163 Montague Street are graded Significant.
- It is appropriate that the properties at 153-155 and 157-161 Montague Street are graded Contributory.
- The Port Phillip Heritage Review, Chapter 6.40 'Montague Commercial Precinct - HO513' should be amended to:
 - modify the date of construction for 151 Montague Street from '1920s' to 'c. 1925'
 - modify the date of construction for 153-155 Montague Street from '1930s' to 'c. 1924'
 - modify the property description for 163 Montague Street by deleting reference to the original panelled door.

The Panel recommends:

- 3. Amend the Port Phillip Heritage Review Volume 1, Chapter 6.40 Montague Commercial Precinct – HO513 to modify the property description for 151, 153-155 and 163 Montague Street, South Melbourne as shown in the Panel preferred version in Appendix D2.**

5 Other issues

5.1 Restricting development opportunities and impact on property values

(i) The issue

The issue is whether applying the Heritage Overlay will create an unacceptable burden on the owners of the properties.

(ii) Submissions

Several submissions (for example, Submissions 1, 6, 7, 8, 9 and 10) raised concerns that the Heritage Overlay would limit current and future redevelopment opportunities and others raised concerns related to the potential negative impact on property values (for example, Submissions 1, 5, 6, 7 and 8).

No party presented any evidence to demonstrate the impact that the proposed controls may have on property values.

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

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

Council referred to the panel report for Amendment C14 to the Latrobe Planning Scheme where, under the heading 'Economic and Personal Factors', the panel commented:

Panels have repeatedly ruled that such issues are not material to this stage of the planning process – a position supported by Practice Notes and numerous VCAT decisions. This view maintains that although it is appropriate for the responsible authority to consider all the objectives of the Planning and Environment Act 1987 - including, inter alia, fair, orderly, economic and sustainable use, and development of the land (s.4(1)(a)) ... and ... to balance the present and future interests of all Victorians (s.4(1)(g)) – the question of personal economic impact or potential constraint on development are matters for the next stage of the planning process i.e. at the time a permit is applied for.

This approach has the merit of separating two distinct issues: assessment of the significance of the place, and the question of its conservation, adaptation, alteration or demolition. This conforms with proper heritage conservation practice and mirrors the processes of the Victorian Heritage Act 1985. It reflects the desirability of considering long term matters (if we accept that heritage significance is likely to be somewhat enduring, if not immutable) at one point in time; and, shorter term matters (personal desire, financial considerations and economic circumstances) when they are most relevant.

The Panel observed that in the long life of many heritage properties economic uses can rise and fall – sometimes with no impact on owners, sometimes with substantial impact. In many cases threats to continuing economic viability may be mitigated by permit allowances or use changes. In other cases, personal situations change. In some cases demolition may be an appropriate response. In all these situations it would seem highly

desirable for all parties that consideration is: (a) based on clear understanding of significance; and (b) at a time when action is real and current, not conjectural.

The so-called two-stage process also underlines the proposition that heritage assets (unlike some other aspects of planning) are often irreplaceable and it is important that neither the Planning and Environment Act 1987 nor the Latrobe Planning Scheme envisage their loss on the basis of personal preference or desire in a continually changing economic or financial environment.

(iii) Discussion

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

The Panel also agrees with Council and the long held principle that concerns relating to future redevelopment opportunities are immaterial to this stage of the planning process and more appropriately considered at the planning permit stage. This approach correctly recognises the importance of prioritising enduring and long term matters such heritage protection and conservation over matters of development potential, building condition, economic matters and planning approvals which are, by contrast, short- term in nature.

(iv) Conclusions

The Panel concludes:

- The Amendment will not create an unacceptable burden on the owners of the land affected by the Amendment.
- Future redevelopment opportunities are immaterial to this stage of the planning process and more appropriately considered at the planning permit stage.

5.2 Structural condition

(i) The issue

The issue is whether the structural condition of a building is a relevant consideration when assessing heritage significance.

(ii) Submissions

Several submissions (for example, Submissions 3 and 6) stated that their buildings were in poor structural condition and as a result the Heritage Overlay should not be applied to their properties.

Council submitted the structural integrity or current condition of the buildings forming part of the Amendment do not warrant consideration as part of this Amendment process. It referred to the *Review of Heritage Provisions in Planning Schemes Advisory Committee Report, 2007*, that states:

Structural integrity or condition should not be a criterion in assessing heritage significance. It would be contrary to the fundamental principle in the Burra Charter that ... the consideration of significance should not be coloured by consideration of the management consequences of listing. There are also good policy reasons why condition should not affect the assessment of criteria: if it were to be a factor, it would encourage

owners of heritage properties who were opposed to listing to allow them to fall into disrepair.¹⁴

Council agreed that if heritage controls for a property were dismissed on the basis of its poor condition, it may motivate some property owners potentially subject to heritage controls to allow remnant heritage fabric to fall into a state of disrepair. It said in the context of a planning system which does not compel property owners to actively undertake restorative works, it is appropriate that heritage fabric be identified for protection at a separate stage of the process from when redevelopment or demolition proposals are brought to the Responsible Authority.

Council submitted that the identification and protection of heritage places at the Amendment stage allows the structural integrity or condition of buildings to be properly assessed against identified heritage values at the planning permit application stage. This allows for the most appropriate balancing of competing priorities (in cases where a redevelopment proposal might undermine the heritage significance of a place).

(iii) Discussion

The Panel acknowledges that not all buildings covered by the Amendment may be in perfect condition, however, the condition of a building does not diminish heritage significance.

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

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

(iv) Conclusion

The Panel concludes:

- The structural integrity or condition of a building should not be a criterion for assessing heritage significance.

¹⁴ Section 2.2.2

Appendix A Submitters to the Amendment

No.	Submitter
1	Ms Donnebaum
2	South East Water
3	Monjon Pty Ltd
4	Mr Field
5	Mr Stackpoole and Mr Ducas
6	Ms Fanous
7	Mr Stamatelatos
8	Mr Stewart
9	Mr Latras
10	Ms Tzikas

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Port Phillip City Council	Mr Terry Montebello of Maddocks, who called expert evidence on: <ul style="list-style-type: none">- heritage from Anthony Hemingway of RBA Architects and Conservation Consultants
Mr Stackpoole and Mr Ducas	Mr Jack Manion of JM Planning, who called expert evidence on: <ul style="list-style-type: none">- heritage from John Briggs of John Briggs Architects Pty Ltd
Mr Field	Mr Rob McKendrick of Planning and Property Partners, who called expert evidence on: <ul style="list-style-type: none">- heritage from Bruce Trethowan of Trethowan Architecture
Mr Latras	

Appendix C Document list

No.	Date	Description	Provided by
1	15/7/20	Letter – from Panel to parties attaching draft Directions	Panel
2	7/8/20	Letter – from Maddocks on behalf of Council to Panel attaching submitter location map	Ms Eastaugh
3	7/8/20	Letter – from Planning and Property Partners on behalf of Mr Field requesting adjournment	Mr Rath
4	10/8/20	Email – from Panel to all parties regarding Document 3	Panel
5	11/8/20	Letter – from JM Planning on behalf of Mr Stackpoole and Mr Ducas responding to Document 4	Mr Manion
6	12/8/20	Letter – from Maddocks on behalf of Council responding to Document 4	Ms Eastaugh
7	13/8/20	Letter – from Panel to all parties advising of adjournment and including revised directions and timetable	Panel
8	14/8/20	Email – from Panel to all parties regarding updated Distribution List Version 2	Panel
9	11/9/20	Letter – from Maddocks on behalf of Council responding to Document 8	Ms Eastaugh
10	11/9/20	Email – from Planning and Property Partners on behalf of Mr Field responding to Document 8	Mr McKendrick
11	11/9/20	Email – from JM Planning on behalf of Mr Stackpoole and Mr Ducas responding to Document 8	Mr Manion
12	14/9/20	Letter – from Panel to all parties advising of second Directions Hearing to be held 16 September 2020	Panel
13	16/9/20	Letter – from Panel to all parties confirming Hearing to commence 5 October 2020	Panel
14	28/9/20	Submission – Council Part A	Mr Montebello
15	28/9/20	Evidence statement – Mr Hemingway	Mr Montebello
16	28/9/20	Evidence statement – Mr Trethowan	Mr McKendrick
17	28/9/20	Plan - MMBW Detail Plan No 493, dated 1895	Mr McKendrick
18	29/9/20	Evidence statement – Mr Briggs	Mr Manion
19	29/9/20	Letter - from Panel to all parties regarding video conferencing protocols and Hearing link	Panel
20	30/9/20	Email – from Planning and Property Partners on behalf of Mr Field responding to Direction 8	Mr McKendrick
21	30/9/20	Email – from Maddocks on behalf of Council responding to Direction 8	Ms Teoh
22	5/10/20	Submission – Council Part B	Mr Montebello

No.	Date	Description	Provided by
23	5/10/20	Submission – Mr Stackpoole and Mr Ducas	Mr Manion
24	6/10/20	Submission – Mr Field	Mr McKendrick
25	6/10/20	Submission – Council closing	Mr Montebello

Appendix D Panel preferred version of the planning provisions

Tracked Added

~~Tracked Deleted~~

D1 Montague Commercial Precinct Statement of Significance

Montague Commercial Precinct Statement of Significance

Address: 496-546 City Road and 151-163 Montague Street, South Melbourne	Name: Montague Commercial Precinct
Place type: Heritage precinct	Grading: Significant (Precinct) Individual property gradings apply
PS ref no: HO513	Constructed: c.1865-c.1940



What is significant?

The Montague Commercial Precinct, comprising 496-546 City Road and 151-163 Montague Street, South Melbourne is significant. This small precinct comprises a group of late nineteenth century and early twentieth century buildings (encompassing the Victorian, Federation and Interwar periods) situated around the intersection of City Road and Montague Street in South Melbourne. The buildings mostly comprise two storey buildings originally constructed as shops and residences, and single storey shops. There is also a former hotel and a house.

The two storey Victorian and Federation era former shops and residences are similar in form materials, finishes and detailing. All are of masonry construction and are smooth rendered with upper levels that are often enlivened by cement-rendered ornament. Some retain early or original shopfronts (Nos. 496, 498, 514, 518, 524-28, ~~544-546~~ City Road). The Interwar period shops are all single storey and masonry. The former Hotel Nelson is a typical corner hotel with a splayed corner entrance and later Interwar alterations with restrained classical detailing. The only house in the precinct at 506 City Road is a single

fronted terrace with a hip roof and a projecting gabled bay in the Queen Anne style with some Victorian detailing.

The streets have basalt kerbs and channels and there are nineteenth century pitched basalt lanes with central one-pitcher drain between the Hotel Nelson and 163 Montague Street and at the rear of 153-161 Montague Street and 524-28 City Road.

The buildings at 496 & 498 (shops & residences), 506 (house), 512 & 514 (shops & residences), 516 & 518 (shops & residences), 520-522 (former Hotel Nelson), 524-528 (shops & residences), 532 & 534 & 536 & 538 (shops & residences), ~~544-546 (shops)~~ City Road and 151 (shop), 163 (shop & residence) Montague Street, and the basalt kerb and channel and laneways are Significant to the precinct.

The buildings at 540-542 (shop) [and 544-546 \(shops\)](#) City Road and 153 & 155 (shops), 157-161 (shops) Montague Street are Contributory to the precinct.

The buildings at 500-502, 508-510 and 530 City Road are Non-Contributory.

How is it significant?

The Montague Commercial Precinct of local historical, aesthetic and representative significance to the City of Port Phillip.

Why is it significant?

The Montague Commercial Precinct is historically significant as a remnant of the former Montague neighbourhood, home to a tight knit working class community since the 1860s/70s, which was designated a slum by authorities and otherwise almost entirely demolished and replaced with industrial and commercial buildings from the early 20th century onwards. It is reflective of the earlier finer subdivision pattern in Montague, which has changed due to the redevelopment of land for industry during the mid-20th century. The precinct also includes a house dating to 1914, one of few surviving in the Montague area. As such, the precinct is associated with a now disappeared aspect of South Melbourne's history. (Criteria A & B)

The precinct is significant as a representative and largely intact example of a typical small local commercial centre surrounding an intersection and on a former tram route. The precinct is defined by two prominent corner buildings, the former Hotel Nelson at 520-522 City Road and the shops and residences at 524-528 City Road. It is also distinctive within the Montague area as a remnant group of late nineteenth and early twentieth century buildings, encompassing the late Victorian, Federation and Interwar periods, in an area that has otherwise been redeveloped. In addition, several early 20th century shopfronts survive. (Criteria D & E)

Primary source

Biosis Pty Ltd, *Fishermans Bend Heritage Study*, 2013

Biosis Pty Ltd, *Fishermans Bend additional heritage place assessments*, 2015

David Helms, *Montague Heritage Precinct Citation 2016*

RBA Architects & Conservation Consultants, *Fishermans Bend Heritage Review: Montague Commercial Precinct*, 2019

Place schedule

Name	Address	Grading
Shop & residence	496 City Road, South Melbourne	Significant
Shop & residence	498 City Road, South Melbourne	Significant
-	500-502 City Road, South Melbourne	Non-contributory
Former Cogan House (Citation No. 2371)	506 City Road, South Melbourne	Significant
-	508-510 City Road, South Melbourne	Non-contributory

Name	Address	Grading
Shop & residence	512 City Road, South Melbourne	Significant
Shop & residence	514 City Road, South Melbourne	Significant
Shop & residence	516 City Road, South Melbourne	Significant
Shop & residence	518 City Road, South Melbourne	Significant
Former Hotel Nelson	520-522 City Road, South Melbourne	Significant
Shops & residences	524-528 City Road, South Melbourne	Significant
-	530 City Road, South Melbourne	Non-contributory
Shop & residence	532 City Road, South Melbourne	Significant
Shop & residence	534 City Road, South Melbourne	Significant
Shop & residence	536 City Road, South Melbourne	Significant
Shop & residence	538 City Road, South Melbourne	Significant
Shop	540-542 City Road, South Melbourne	Contributory
Shops	544-546 City Road, South Melbourne	Significant Contributory
Shop	151 Montague Street, South Melbourne	Significant
Shop	153 Montague Street, South Melbourne	Contributory
Shop	155 Montague Street, South Melbourne	Contributory
Shops	157-161 Montague Street, South Melbourne	Contributory
Shop & residence	163 Montague Street, South Melbourne	Significant

D2 Port Phillip Heritage Review, Volume 1 Chapter 6.40 Montague Commercial Precinct – HO513

6.40 Montague Commercial Precinct – HO513

6.40.1 Montague Commercial Precinct

Existing designations:	
Heritage Council Register:	N/A
National Estate Register:	N/A
National Trust Register:	N/A

6.40.2 Location and extent



6.40.3 Thematic context

Victoria’s framework of historical themes

5. Building Victoria’s industries and workforce: 5.2 Developing a manufacturing capacity, 5.3 Marketing and retailing, 5.6 Entertaining and socialising, 5.8 Working

Port Phillip thematic environmental history

4. Industry: 4.2 South Melbourne, 4.5 Growth and prosperity

5. Settlement: growth and change: 5.1 Three settlements: Sandridge, St Kilda and Emerald Hill, 5.3 The late nineteenth century boom, 5.4 Depression and recovery: the inter-war years

6.40.4 History

Montague

The Montague area, bounded by City Road, Boundary Road, and the Port Melbourne and St Kilda Railway lines, was established in the 1880s as land was subdivided and sold.

The 1880s were a period of rapid growth in Emerald Hill with a population of 25,000 by 1880, rising to 43,000 at the end of the decade. Port Melbourne saw a similar growth, but from a smaller starting point. A number of the municipal councillors were prominent real estate developers and financiers including Matthias Larkin, James Page, J.R. Buxton and W. Thistlethwaite, or were land speculators such as William Buckhurst. As a result subdivision and street construction (although rudimentary) went ahead rapidly.

The Montague area was promoted as an area for ‘persons of the artisan class’, and this was reflected in the advertisements for houses for sale such as “neat two roomed cottage and land, plastered £110, Stoke Street, off Gladstone Place”. By 1875, there were 560 households and by 1900, there were 1,000 in the district, with 200 in the lanes and little streets. Many of the people attracted to the low cost housing were labourers, fisherman, boilermakers, mariners and shipwrights, probably drawn to the area because of its proximity to the docks and metal works along the river, and the noxious trades on the Sandridge flats. Owner occupation was approximately 33 per cent. Most of the houses in the smaller streets were made of timber and had two or three bedrooms. Almost no houses had a bathroom or washroom.

A contributor to the *Argus* in 1881 described the Montague area, known colloquially as “Salt Lake City”, as a poorly drained sector with a terrible stench in which typhoid was rife.

[It is] “wonderful how people can live there; yet new houses are going up there daily in thick clusters, evidently intended for persons of the artisan class. Children are being reared...in great numbers. Their chief amusement here is to play in the horrible liquid surrounding their homes.” (Argus, 16 August 1884)

Floods exacerbated the problems with one description of the 1880 flood noting:

*Pedestrians could proceed along the footpath in Flinders-street to a point a short distance beyond William-street, where the flood barred all further progress. The houses from this point to the corner of Spencer-street were flooded on the ground floors and cellars. The water could be seen stretching from a short distance below the Falls Bridge to Sandridge Bend on the one hand, and from Emerald Hill to Footscray on the other. (‘The floods in Victoria’, *South Australian Register*, 18 September 1880, p.6)*

MMBW plans show the Montague area was almost fully developed by the end of the nineteenth century with rows of narrow terraced houses lining the streets and laneways. Non-residential uses included several hotels, some of which still exist today, the St Barnabas Church complex in Montague Street, but almost no factories – a ‘wire mattress factory’ at the rear of some houses in Thistlethwaite Street being one exception.

In the early twentieth century, however, industrial premises began to replace residential properties within the Montague area. These early industries were associated with the significant growth of manufacturing in Victoria after Federation in 1901 when free trade laws between the states led to the removal of all internal import duties and the Victorian

manufacturing industry, particularly the clothing, boot & shoe and engineering sectors, expanded rapidly to supply Australia-wide markets. These industries were also encouraged by trade protection through tariffs and import duties on imported goods, which was a major component of Commonwealth Government policy in the first half of the twentieth century and played a 'decisive role' in developing manufacturing enterprises in the northern suburbs of Melbourne during the interwar period (Vines & Churchward, 1992:18, 20). By the late 1930s the impact of industry prompted the Montague branch of the A.L.P. to write to Council to prevent the further intrusion of factories into residential areas (*Record*, 27 April 1940, p.7).

By the 1920s, much of the housing stock was falling into disrepair due to regular flooding, inundation and little maintenance, particularly among the rental properties. However, Montague was renowned for its close knit community. The self-contained suburb had its own, school, church, police station, kindergarten, football team, hotels, post office, bank and shops.

It was areas like Montague that led to the first inquiry into the condition of housing in Victoria, which was conducted in 1913 by a Select Committee of the Legislative Assembly. This first slum commission paid special note to the Montague district, noting the area between Ferrars Street and Boundary Street, and from City Road to the Port Melbourne railway, "...was very flat and the drainage bad, ... with very few exceptions the houses are all built of wood and iron..." where most did not have baths, and were small and in poor repair ('Suburban slums, evidence of Police, hovels and shelter sheds', *The Age*, 20 November 1916, p.6).



MMBW Detail Plan nos. 493 & 497 (1894) (Detail) showing part of the Montague area north of Sandridge (City) Road including the precinct at the intersection of Montague Street. Source: State Library of Victoria

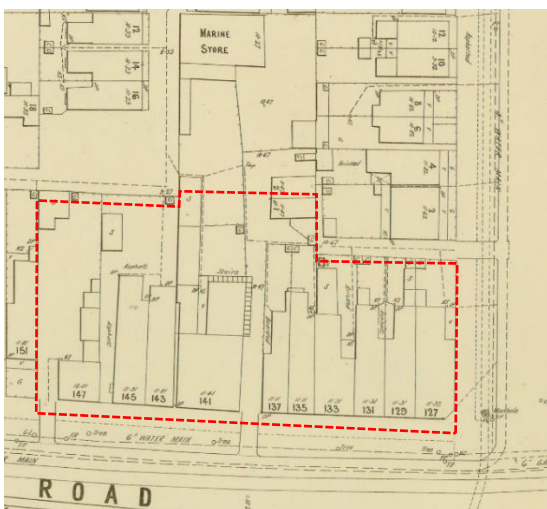
The Montague area was subsequently earmarked in the 1930s for demolition by the Slum Abolition Board. In 1936 the establishment of a Housing Investigation Board considered housing conditions in Victoria. The Board's found numerous slum pockets and narrow residential streets with poor houses, at times subject to flooding in South Melbourne. The resulting *Slum Reclamation and Housing Act* of 1938 facilitated the clearance of the majority of the houses and the relocation of the residents, many of whom eventually moved to new housing at Garden City (Allom Lovell 1995:4-20).

By the 1960s most of the small houses were gone and the area taken over by small factories, warehouses and show rooms. A few of the 19th century commercial premises on the periphery, particularly in City Road, Montague Street and Boundary Road, remained, as these were better quality buildings with viable businesses.

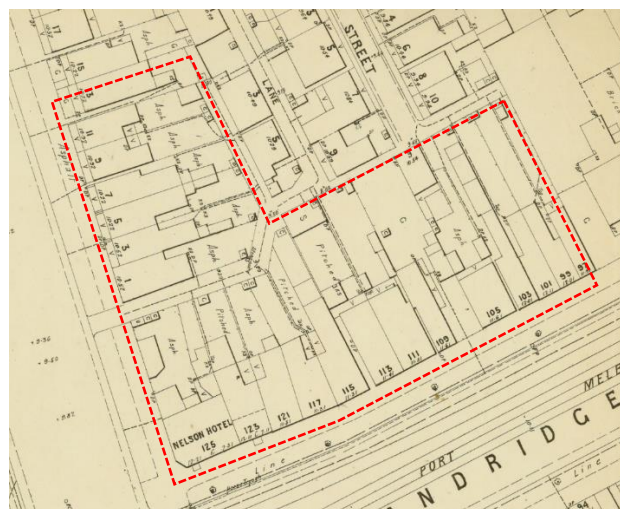
Precinct history

The opening in June 1890 of the cable tram to Port Melbourne, which crossed the Yarra at Queens Bridge then travelled down Sandridge (now City) Road to Bay Street, stimulated development along the route and by the end of the nineteenth century a small commercial centre had formed around the intersection of Sandridge Road and Montague Street on the edge of the Montague district.

Typically, the centre surrounded one of the early corner hotels that lined the route to Port Melbourne, the Hotel Nelson, which was built 1867/68 for Patrick Woulfe, a dairy farmer. The hotel was extended and upgraded in 1927 for then owner A. Carroll to plans prepared by the St Kilda architect, Harry R. Johnson (*Record* 4.12.1926, p7). The license lapsed in December 1970, and since then it has been used as a restaurant (Aizen 2004).



MMBW Detail Plan no. 493, dated 1894, showing the precinct west of Montague Street (approx. boundaries indicated). Source: SLV



MMBW Detail Plan no. 492, dated 1894, showing the precinct east of Montague Street (approx. boundaries indicated). Source: SLV

The MMBW detail plan of 1894 indicates the precinct had been fully developed by this time, including several of the extant two storey shops and residences. East of Montague Street adjacent to the Hotel Nelson, and also built for Patrick Woulfe, these included nos. 512 & 514 (built 1890-91, initially occupied by a baker and tailor), 516 & 518 and 163 Montague Street (built 1890-91). Nos 516 & 518 City Road may have been built as early as 1880 when tenders

were called for 'brick story next Nelson Hotel, Sandridge Road' by John Box, architect, 156 Clarendon-street, Emerald Hill (*Argus* 14.01.1880, p3); otherwise they were built by 1893 at which time they were occupied by a pawnbroker and a butcher (RB). West of Montague Street, the group of three shops and residences at 524-28 City Road were built 1887-88, and were initially occupied by a draper, hairdresser and grocer.

The brick house at 506 Montague Street, meanwhile, was constructed 1914, as a replacement for a 4 roomed weatherboard house shown on the 1895 MMBW plan (RB). The house was built for Mrs Mary Cogan, feather dresser, and it was owned and occupied by members of the Cogan family until the mid-1960s (RB; SM). Although now an isolated residence, until at least the 1960s there had been several houses interspersed amongst the commercial buildings on City Road.

Also during the early twentieth century, the pair of shops and residences at nos 496-498 (occupied in 1905 by a fishmonger and bootmaker) and the group of shops and residences at 532-538 (occupied in 1910 by a chemist, grocer, pawnbroker and stationer) replaced earlier buildings shown on the MMBW plan.

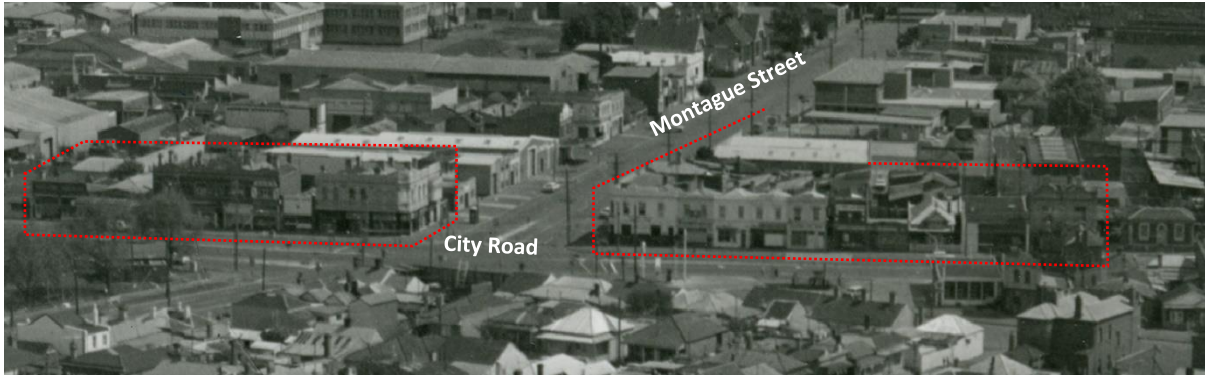
During the Interwar period, several single storey shops replaced earlier buildings, including residences, within the precinct demonstrating the transition from residential to commercial and industrial that was occurring throughout Montague at that time. In Montague Street, no. 151, the pair at 153 & 155 and the group of three at 157-161 replaced earlier residences, while on City Road, the pairs at 540-42 and 544-46 replaced earlier shop buildings.

In 1921, nos 157-163 were occupied by Zmood & Co. (General, Drapers, Manufacturers & Importers), which were advertised as 'The Montague Stores' and promoted as 'The house of quality and cheapness'. In 1935, no.163 was in use by the Paramount Pram Factory with the other buildings being used for various purposes (Trethowan 2016:8).

The precinct is captured in a 1945 aerial photograph and 1969 photograph (refer below).



Aerial photograph, Dec. 1945. Source: Landata, Melbourne and Metropolitan Area Project, Proj. No. 5, Run 21, Frame 58553



View from Park Towers, 1969, showing buildings in the precinct fronting City Road. Earlier buildings at 500-502 and 508-510 City Road are evident. Source: Port Phillip City Collection, sm2819

6.40.5 References

Aizen, Becky, *Pots, Punks and Punters. A history of hotels in St Kilda and South Melbourne*, St Kilda Historical Society, 2004 viewed online <http://skhs.org.au/SKHShotels/hotels.htm> [10 Nov. 2016]

Allom Lovell, *Port Melbourne Conservation Study Review*, 1995

Andrew Ward & Associates, *Port Phillip Heritage Review*, 1998

Biosis Pty Ltd, *Fishermans Bend additional heritage place assessments*, 2015

Biosis Pty Ltd, *Fishermans Bend Heritage Study*, 2013

City of South Melbourne Rate Books (RB) 1855-1900, accessed via ancestry.com

Melbourne & Metropolitan Board of Works (MMBW) Detail Plan nos. 493 & 497 (dated 1894)

Sands and McDougall's Street Directories (SM)

Trethowan, Bruce, *Expert Witness Statement – Heritage for 157-163 Montague Street, South Melbourne. Amendment C117 – Proposed heritage overlay & changes to the Port Phillip Planning Scheme*, 5 Aug. 2016

Vines, Gary & Churchward, Matthew, *Northern suburbs factory study*, 1992

6.40.6 Description




This precinct comprises a group of late nineteenth century and early twentieth century buildings, mostly commercial, situated around the intersection of City Road and Montague Street in South Melbourne.

Victorian


The Victorian era buildings in the precinct include the two storey shops, with upper level residences, at nos. 512 & 514, 516 & 518, 524-28 City Road and 163 Montague Street, and the former Nelson Hotel at 520-522 City Road.

The buildings from this period are similar in form materials, finishes and detailing - all are of masonry construction and are smooth rendered with upper levels that are often enlivened by cement-rendered ornament such as stringcourses, scrolls, corbels, moulded architraves, bracketed cornices, and solid parapets with pediments. Windows are universally double-hung

sashes. Some also retain brick and rendered chimneys. No original Victorian shopfronts survive, but some retain early twentieth century shopfronts.

Description	Image
<p>512 & 514 City Road</p> <p>Built 1890-91 (RB). Pair of two storey shops with rendered facades and decorative elements (above windows, parapets). The upper façades are divided into narrow bays by pilasters and the windows have flat entablatures resting on scrolls.</p> <p>The shopfront to 512 has been altered, while 514 retains an elaborate early 20th century shopfront with recessed entry, tiling to stallboards, decorative glass to highlight, and window framing manufactured by 'Duff'.</p>	 <p data-bbox="805 918 909 952"><i>No. 512</i></p>  <p data-bbox="805 1326 1053 1359"><i>No. 514, shopfront</i></p>
<p>516 & 518 City Road</p> <p>Built by 1895, possibly as early as 1880</p> <p>Pair of two storey shops with relatively plain first floor façades except for cornice.</p> <p>The shopfront to 516 is altered, while 518 retains an early 20th century shopfront with recessed entry and tiling (some painted over).</p>	


Description	Image
<p>520-522 City Road, former Nelson Hotel.</p> <p>Built 1867-68 (RB), altered and expanded in 1927. Two storey Victorian period hotel with a splayed corner, but featuring prominent Interwar alterations with restrained classical detailing. The walls are rendered with tiling to the lower part. The 1927 makeover has resulted in a Stripped Classical appearance to the parapet, which features stepped pediments with recessed panels and discs above what may be the nineteenth century cornice. The corner pediment has the renovation date in raised numbers. Windows are timber with some on the first floor retaining the original six-pane upper sash, with larger almost square windows to the ground floor bar. There are Interwar label moulds over all the openings. Other details include the rendered band at mid-wall height with 'Hotel Nelson' in raised letters on both facades, and the tiled dado across the City Road elevation that returns partly along Montague Street.</p>	
<p>524-528 City Road</p> <p>Built 1887-1888 (RB) with some later Interwar alterations. Group of 3 two storey shops with chamfered corner. The rendered façade is divided by pilasters with Corinthian-like capitals. There are arched windows to the upper floor. Later Interwar details include Art Deco/Moderne style elements, including the parapet which is stepped at the corner and features diagonal metal numbering ('524'), and on the Montague Street side, the first floor projecting bay with curved corners and the horizontal mouldings between the floors. At ground floor, the Interwar period shopfronts have 'Duff' branded frames and feature stepped motifs at the corner of the doors and windows. There are decorative metal vent covers at the base of the walls. Original rear parts of the buildings survive and are visible from the rear lane. The brick</p>	

Description	Image
<p>chimneys are now rendered and feature three bands towards the top. Also at the rear, on the Montague Street boundary, is an unusual clinker brick wall (probably Interwar) with a dog-tooth band and projecting diaper pattern.</p>	
<p>163 Montague Street Built 1890-91(RB)</p> <p>Two storey Victorian period building, rendered with decorative elements. The façade features hood mouldings, frieze, brackets, and panelled parapet, and was possibly partly remodelled circa 1920 (parapet) to integrate with the adjacent shops at nos 157-161. Probably urn and scroll ornaments have been removed. The roof is hipped and there is a chimney. At ground floor the arched residential entry survives, and the original timber panelled door. There is a modern plate glass shop front.</p>	

Federation

The Federation era buildings in the precinct include the shops (with upper level residences) at 496 & 498, 532, 534, 536 & 538 City Road, and the house at 506 City Road.

These buildings have a similar form and detailing as those of the preceding Victorian period. Window types to the upper floors of the shops are tripartite casements with highlights, resulting in a larger opening.

Description	Image
<p>496 & 498 City Road Built c.1900-05.</p> <p>A pair of largely intact, two storey shops typical of the Federation period. The upper facades are rendered and retain the original triple casement windows with coloured toplights, which are framed by label moulds. The parapets are embellished with square pediments that contain a circular motif above a line and are flanked by scrolls, and at the base there are cornices set between vermiculated consoles. No. 496 has the name 'Nightingale' in raised lettering on the</p>	



Description	Image
<p>parapet. The end walls are expressed as pilasters that extend above the parapet and have pyramidal tops. The return walls are face brick (overpainted).</p> <p>The ground floor shopfronts appear to be original with some modifications. Original elements include recessed entrances, bullnose brickwork, shop window frames (the frame to no. 496 has a copper finish), remnant tuckpointing, pressed metal panels above doors, and battered stallboards. Sections of brick wall have been overpainted.</p>	
<p>506 City Road</p> <p>Built 1914.</p> <p>Single storey brick residence with Arts and Crafts influences, featuring a prominent gable end with rising sun motif and console brackets. The hip roof is clad in corrugated sheet metal and there are two red brick chimneys with rendered tops and caps and terracotta pots. The likely red brick walls have been overpainted and retain remnant tuckpointing. The verandah has original tiling to the deck, cast iron post and frieze, and exposed rafter ends. The balustrade is mid-twentieth century. There is a bay window with likely timber windows. The entrance is recessed and has a timber door (two panelled with upper glass panel) and decorative sidelight and toplight.</p>	
<p>532, 534, 536 & 538 City Road</p> <p>Built by 1910 (SM)</p> <p>Row of 4 two storey shops. The upper level is largely intact and features original elements characteristic of the Federation period - face brick (probably red, now painted, rendered to no. 532) with rendered elements (band, frieze, parapet, Queen Anne sills), casement windows (largely retained). There is some Victorian detailing also such as the brackets with vermiculated</p>	

Description	Image
panels, urns, and the scroll brackets to the parapet. Altered ground floor shopfronts. A central door provides access to upper level residences.	

Interwar

The Interwar era buildings in the precinct include the single storey shops at 540-542 and 544-546 City Road, 151, 153 & 155 and 157-161 Montague Street. All of the Interwar examples in the precinct are single storey and most have relatively plain parapets.

Also during the Interwar period, the two Victorian era corner buildings (the former Nelson Hotel and the shops at 524-528 City Road) were partly remodelled.

Description	Image
<p>540-542 City Road</p> <p>Probably Interwar (or mid-20th century)</p> <p>Built c. 1935</p> <p>Single storey shop with stepped parapet (partly obscured) characteristic of the Interwar period. Ground floor shopfront has been altered. Rendered though possibly face brick originally.</p>	
<p>544-546 City Road</p> <p>Built c. 1922</p> <p>Single storey paired shops with wide brick parapet with rendered panels. A pier divides the façade into two parts. The shopfront is largely intact has later replacement with timber window frames and doors, and rendered stallboard with vents.</p>	

Description	Image
<p>151 Montague Street</p> <p>1920s</p> <p>Built c. 1925</p> <p>Single storey shop.</p> <p>Wide decorative parapet with central pediment, large keystones, central panel, roughcast render and dentillation.</p> <p>The shopfront is recent.</p>	
<p>153 & 155 Montague Street</p> <p>1930s</p> <p>Built c. 1924</p> <p>Single storey paired shops. Brick parapet (now painted) with plain divisions typical of period.</p> <p>The ground floor shopfront partly intact with stallboard but with later aluminium-framed openings.</p>	
<p>157-161 Montague Street</p> <p>Built c.1920.</p> <p>Group of 3 single storey shops with curved rendered parapet and pilasters with brackets. The roof is clad in corrugated sheet metal and is comprised of a transverse gable (visible) at the front with sawtooth sections at the rear. The two northern shops have modern plate glass shopfront windows and the southern shop facade has a full width roller door.</p>	

Streets and Lanes

The streets have basalt kerbs and channels and there are nineteenth century pitched basalt lanes with central one-pitcher drain between the Hotel Nelson and 163 Montague Street (that returns along the rear of the Montague street shops) and at the rear of 524-28 City Road.

6.40.7 Comparative Analysis

This group of buildings comprises the largest relatively intact group of surviving commercial and residential buildings dating from the late nineteenth and early twentieth century in the former Montague area, which was a distinctive neighbourhood within the former City of South Melbourne. The buildings are notable surviving elements of the commercial periphery of the

former Montague neighbourhood, the fabric of which has been almost entirely eradicated through slum clearance and industrial and commercial redevelopment from the early 20th century onwards.

6.40.8 Statement of Significance

What is significant?

The Montague Commercial Precinct, comprising 496-546 City Road and 151-163 Montague Street, South Melbourne is significant. This small precinct comprises a group of late nineteenth century and early twentieth century buildings (encompassing the Victorian, Federation and Interwar periods) situated around the intersection of City Road and Montague Street in South Melbourne. The buildings mostly comprise two storey buildings originally constructed as shops and residences, and single storey shops. There is also a former hotel and a house.

The two storey Victorian and Federation era former shops and residences are similar in form materials, finishes and detailing. All are of masonry construction and are smooth rendered with upper levels that are often enlivened by cement-rendered ornament. Some retain early or original shopfronts (Nos. 496, 498, 514, 518, 524-28, ~~544-546~~ City Road). The Interwar period shops are all single storey and masonry. The former Hotel Nelson is a typical corner hotel with a splayed corner entrance and later Interwar alterations with restrained classical detailing. The only house in the precinct at 506 City Road is a single fronted terrace with a hip roof and a projecting gabled bay in the Queen Anne style with some Victorian detailing.

The streets have basalt kerbs and channels and there are nineteenth century pitched basalt lanes with central one-pitcher drain between the Hotel Nelson and 163 Montague Street and at the rear of 153-161 Montague Street and 524-28 City Road.

The buildings at 496 & 498 (shops & residences), 506 (house), 512 & 514 (shops & residences), 516 & 518 (shops & residences), 520-522 (former Hotel Nelson), 524-528 (shops & residences), 532 & 534 & 536 & 538 (shops & residences), ~~544-546 (shops)~~ City Road and 151 (shop), 163 (shop & residence) Montague Street, and the basalt kerb and channel and laneways are Significant to the precinct.

The buildings at 540-542 (shop) [and 544-546 \(shops\)](#) City Road and 153 & 155 (shops), 157-161 (shops) Montague Street are Contributory to the precinct.

The buildings at 500-502, 508-510 and 530 City Road are Non-Contributory.

How is it significant?

The Montague Commercial Precinct of local historical, aesthetic, and representative significance to the City of Port Phillip.

Why is it significant?

The Montague Commercial Precinct is historically significant as a remnant of the former Montague neighbourhood, home to a tight knit working class community since the 1860s/70s, which was designated a slum by authorities and otherwise almost entirely demolished and replaced with industrial and commercial buildings from the early 20th century onwards. It is reflective of the earlier finer subdivision pattern in Montague, which has changed due to the redevelopment of land for industry during the mid-20th century. The precinct also includes a

house dating to 1914, one of few surviving in the Montague area. As such, the precinct is associated with a now disappeared aspect of South Melbourne's history. (Criteria A & B)

The precinct is significant as a representative and largely intact example of a typical small local commercial centre surrounding an intersection and on a former tram route. The precinct is defined by two prominent corner buildings, the former Hotel Nelson at 520-522 City Road and the shops and residences at 524-528 City Road. It is also distinctive within the Montague area as a remnant group of late nineteenth and early twentieth century buildings, encompassing the late Victorian, Federation and Interwar periods, in an area that has otherwise been redeveloped. In addition, several early 20th century shopfronts survive. (Criteria D & E)

6.40.9 Recommendation

Include the Montague Commercial Precinct within the heritage overlay.

6.40.10 Assessment

RBA Architects & Conservation Consultants, *Fishermans Bend Heritage Review: Montague Commercial Precinct*, 2019

David Helms, *Montague Heritage Precinct Citation* 2016

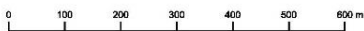
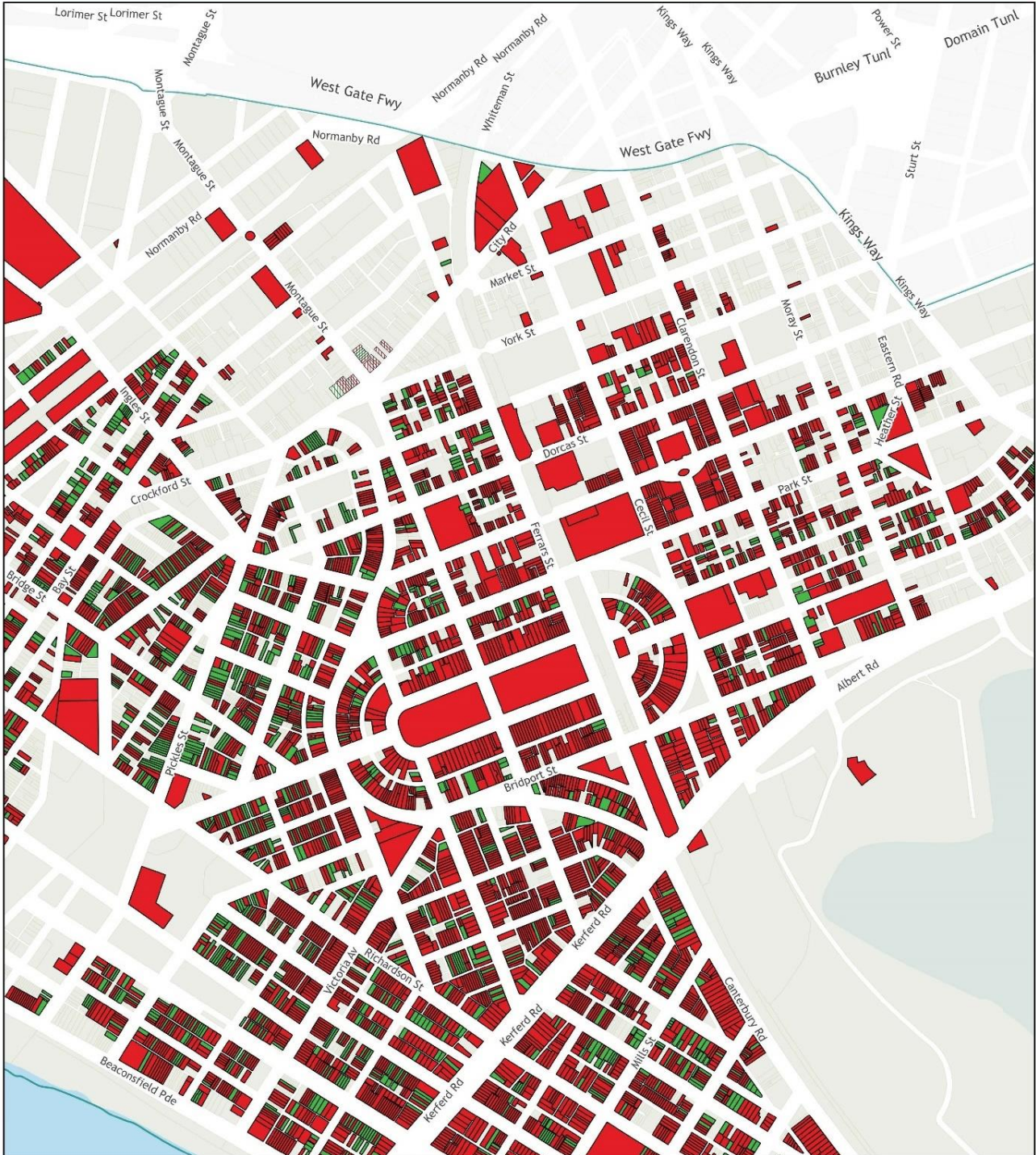
Biosis Pty Ltd, *Fishermans Bend additional heritage place assessments*, 2015

Biosis Pty Ltd, *Fishermans Bend Heritage Study*, 2013

D3 Heritage Policy Map

Amendment C186port to the Port Phillip Planning Scheme

Proposed Changes to the City of Port Phillip Heritage Policy Map (Incorporated Document)

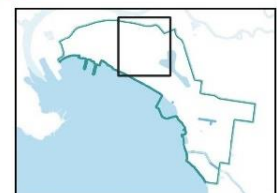


Map 3 of 9

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Amendment C186port - Exhibited Version

- Current**
- Significant Heritage Place - inside HO
 - Contributory Heritage Place - inside HO
- Proposed**
- Significant Heritage Place - inside HO
 - Contributory Heritage Place - inside HO
 - Non Contributory - inside HO



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