

**Hobsons Bay Planning Scheme Amendment C137hbay  
Spotswood Activity Centre Structure Plan Heritage Review**

Panel Report

*Planning and Environment Act 1987*

**21 August 2023**

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 PE 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 PE 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 PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

### *Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Hobsons Bay Planning Scheme Amendment C137hbay

Spotswood Activity Centre Structure Plan Heritage Review

21 August 2023



Sarah Raso, Chair

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## Glossary and abbreviations

the Amendment	Hobsons Bay Planning Scheme Amendment C137hbay
Council	Hobsons Bay City Council
Draft Structure Plan	draft Spotswood Activity Centre Structure Plan 2022
Heritage Review	<i>Spotswood Activity Centre Structure Plan Heritage Review, Methodology, Findings and Recommendations</i> (RBA Architects and Conservation Consultants, 2022)
HO30	Spotswood Residential Heritage Precinct Heritage Overlay (HO30)
HO46	AGM Factory Complex (Former) Precinct Heritage Overlay (HO46)
HO323	War Service Commission Precinct Heritage Overlay (HO323)
HO324	Alloa Park Estate Precinct Heritage Overlay (HO324)
HO325	Australian Glass Manufacturers Precinct Heritage Overlay (HO325)
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Hobsons Bay Planning Scheme
PPN01	Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)

## Overview

### Amendment summary

The Amendment	Hobsons Bay Planning Scheme Amendment C137hbay
Common name	Spotswood Activity Centre Structure Plan Heritage Review
Brief description	Implement the recommendations of the <i>Spotswood Activity Centre Structure Plan Heritage Review</i> by applying the Heritage Overlay to sites with local heritage significance
Subject land	All land with identified heritage significance within the draft Spotswood Activity Centre Structure Plan 2022 boundary
Planning Authority	Hobsons Bay City Council
Authorisation	9 January 2023 with conditions
Exhibition	23 February to 6 April 2023
Submissions	Number of Submissions: 38

### Panel process

The Panel	Sarah Raso
Directions Hearing	Video conference, 30 June 2023
Panel Hearing	PPV Hearing Room 1, 1 Spring Street, Melbourne, 24 July 2023
Site inspections	Accompanied (in part), 17 July 2023
Parties to the Hearing	<ul style="list-style-type: none"> <li>- Hobsons Bay City Council represented by Adeline Lane of Jackson Lane Legal, who called expert evidence on heritage from Anthony Hemmingway of RBA Architects and Conservation Consultants</li> <li>- Aaron Pooley</li> <li>- Cameron Tout</li> <li>- Luke Molan</li> <li>- Rex Allum</li> <li>- Lesley Bowen</li> <li>- Daniel Herrmann</li> <li>- Helen and Patrick White represented by Daniel Herrmann</li> </ul>
Citation	Hobsons Bay PSA C137hbay [2023] PPV
Date of this report	21 August 2023

## Executive summary

Hobsons Bay Planning Scheme Amendment C137hbay seeks to implement the recommendations of the *Spotswood Activity Centre Structure Plan Heritage Review, Methodology, Findings and Recommendations* (RBA Architects and Conservation Consultants, 2022) (Heritage Review). It does this by applying the Heritage Overlay to new and revised existing heritage precincts.

The Amendment was exhibited from 23 February to 6 April 2023 and received 38 submissions.

Common issues raised in submissions relate to building condition, development opportunity, building alterations, maintenance, property value and financial implications. No submissions questioned the overall integrity of the proposed new or expanded precincts. Issues instead related to the inclusion or exclusion of individual properties or the individual heritage categorisation of a property.

After considering all submissions and referral documents, the Panel considers the Amendment is:

- supported by, and implements, the relevant sections of the Planning Policy Framework
- consistent with the relevant Ministerial Directions and Practice Notes
- well founded and strategically justified.

The Heritage Review has applied a sound methodology consistent with Planning Practice Note 1 – Applying the Heritage Overlay (August 2018) and is based on well researched assessments to reach its findings.

The heritage precincts proposed by the Amendment are legible, though with varying degrees of intactness. While the building stock is generally humble and unassuming, this should not detract from its ability to meet the threshold for significance at a local level.

### Common issues

The Heritage Overlay does not prohibit a type or form of development and enables an owner to:

- apply for a planning permit to develop their land, including alterations and demolition
- maintain their property without the need for a planning permit.

Development opportunity, building alterations, maintenance, building condition, property value and private financial implications are not relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay. Some of these matters may be relevant during the planning permit application process.

Non-contributory properties should generally be included in a heritage precinct to ensure any future development on that land does not adversely impact the significance of the precinct. A non-contributory property may be excluded if it is at the precinct boundary and future development on that land is unlikely to impact surrounding heritage or the precinct's significance.

### Spotswood Residential Heritage Precinct (HO30)

The approach to applying the Heritage Overlay to the Spotswood Residential Heritage Precinct (HO30) is justified and appropriate and the properties included meet the threshold of local heritage significance. However, the Panel considers:

- 1 Robert Street and 2 Reed Street should be removed as both houses have been demolished, sit on the edge of the precinct and do not contribute to the precinct's significance



- 12 Reed Street has been demolished and should be removed along with its adjoining neighbours at 10 and 14 Reed Street given they are both categorised non-contributory
- 13 Forrest Street should be recategorised non-contributory but remain in the precinct
- 626 and 628 Melbourne Road should be removed because they do not easily appear to be part of the precinct, and any future development on that land would not affect the precinct's significance.

The HO30 Statement of Significance should be updated to reflect these changes.

### **AGM Factory Complex (Former) (HO46)**

It is appropriate and justified to apply the Heritage Overlay to the former Glassmaking Plant, the Office Building and Street Wall.

The AGM Factory Complex (Former) Precinct (HO46) should be amended to appropriately reflect the extent of heritage fabric, including:

- removing the additional strip of land proposed to be added and reducing the extent proposed to be deleted at 8 Simcock Avenue
- removing the metal clad extension of the Gabled Workshop.

The Heritage Overlay should not apply to the western bay of the Former Moulded Plastics Factory because it has limited visibility and does not contribute to the heritage significance of the eastern bay of the building.

The HO46 Statement of Significance would benefit from:

- identifying that the metal clad extension of the Gabled Workshop and the western bay of the Former Moulded Plastics Factory are not contributory elements
- clarifying what aspects of the "*Why is it significant*" section relate to Criterion B (rarity) and Criterion D (representative)
- removing any reference to 1 Hudsons Road and the ACI Fibre Packaging Plant, as this land is not proposed to be included in the Heritage Overlay.

### **War Service Homes Commission Precinct (HO323)**

The properties within the War Service Homes Commission Precinct (HO323) meet the threshold of local heritage significance to justify the Heritage Overlay. However, 156 Hudsons Road should be recategorised from contributory to non-contributory because the house does not have sufficient heritage significance.

### **Australian Glass Manufacturers Housing Heritage Precinct (HO325)**

The approach to applying the Heritage Overlay to the Australian Glass Manufacturers Housing Heritage Precinct (HO325) is justified and appropriate and the properties included meet the threshold of local heritage significance. However, the HO325 Statement of Significance should be revised to remove 24 Robb Street from the list of contributory properties to reflect the recommendation contained in the Heritage Review.

### **Conclusion**

The Panel concludes Hobsons Bay Planning Scheme Amendment C137hbay:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified

- should proceed subject to addressing the more specific issues raised in submissions, as discussed in the following chapters.

## Recommendations

Based on the reasons set out in this Report, the Panel recommends that Hobsons Bay Planning Scheme Amendment C137hbay be adopted as exhibited subject to the following:

- 1. Remove the following sites from the Spotswood Residential Heritage Precinct (HO30):**
  - a) 2, 10, 12 and 14 Reed Street, Spotswood
  - b) 1 Robert Street, Spotswood
  - c) 626 and 628 Melbourne Road, Spotswood.
- 2. Amend the Statement of Significance for the Spotswood Residential Heritage Precinct (HO30) to remove the following sites from the list of contributory properties:**
  - a) 12 Reed Street, Spotswood
  - b) 1 Robert Street, Spotswood
  - c) 13 Forrest Street, Spotswood
  - d) 626 and 628 Melbourne Road, Spotswood.
- 3. Amend the AGM Factory Complex (Former) Precinct Heritage Overlay (HO46) to:**
  - a) remove the additional strip proposed to be added to 8 Simcock Avenue, Spotswood
  - b) reduce the extent proposed to be deleted from 8 Simcock Avenue, Spotswood to reflect the correct extent of heritage fabric (as shown in Figure 14)
  - c) remove the western bay of the former Moulded Plastics Factory
  - d) remove the metal clad extension of the Gabled Workshop.
- 4. Amend the Statement of Significance for AGM Factory Complex (Former) Precinct (HO46) to:**
  - a) remove the ACI Fibre Packaging Plant from the list of Contributory Elements
  - b) remove part of 1 Hudsons Road from the list of contributory properties
  - c) identify that the following built form components are not contributory elements:
    - the western bay of the former Moulded Plastics Factory
    - the metal clad extension of the Gabled Workshop.
  - d) update the “*Why is it significant*” section of the Statement of Significance for the AGM Factory Complex (Former) (HO46) so that it is consistent with the Panel’s preferred version in Appendix D.
- 5. Amend the Statement of Significance for the War Service Homes Commission Precinct Heritage Overlay (HO323) to remove 156 Hudsons Road, Spotswood from the list of contributory properties.**
- 6. Amend the Statement of Significance for the Australian Glass Manufacturers Housing Precinct Heritage Overlay (HO325) to remove 24 Robb Street, Spotswood from the list of contributory properties.**

## Further recommendation

The Panel informally recommends Hobsons Bay City Council revise the heritage citations in the Spotswood Activity Centre Structure Plan Heritage Review, Methodology, Findings and Recommendations (RBA Architects and Conservation Consultants, 2022) to reflect changes recommended by the Panel in this Report.

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

Hobsons Bay Planning Scheme Amendment C137hbay (the Amendment) proposes to implement the recommendations of Heritage Review into the Hobsons Bay Planning Scheme (Planning Scheme) through the application of new and revised heritage precincts.

Specifically, the Amendment proposes to:

- include 120 additional properties in the existing Spotswood Residential Precinct Heritage Overlay (HO30)
- revise the existing AGM Factory Complex (Former) Precinct Heritage Overlay (HO46) to accurately reflect the extent of existing heritage fabric
- apply the Heritage Overlay to six new places:
  - War Service Homes Commission Precinct (HO323)
  - Alloa Park Estate Precinct (HO324)
  - Australian Glass Manufacturers Housing Precinct (HO325)
  - Spotswood State School (HO326)
  - Shops at Hudsons Road (HO327)
  - Baco Food Products Factory (HO328)
- delete Hugh Lennon Agricultural Implement Works (HO153)
- revise the Heritage Overlay Schedule to reflect the proposed changes to the Heritage Overlays and to include the existing incorporated heritage guidelines in Clause 72.04
- amend planning overlay maps to reflect new and revised Heritage Overlay listings
- amend the Schedule to Clause 72.04 (Incorporated Documents) to include Statements of Significance for the new and revised Heritage Overlay listings
- amend the Schedule to Clause 72.08 (Background Documents) to include the Heritage Review as a background document.

### (ii) The subject land

The Amendment affects land within the draft Spotswood Activity Centre Structure Plan 2022 (draft Structure Plan) boundary as shown in Figure 1.

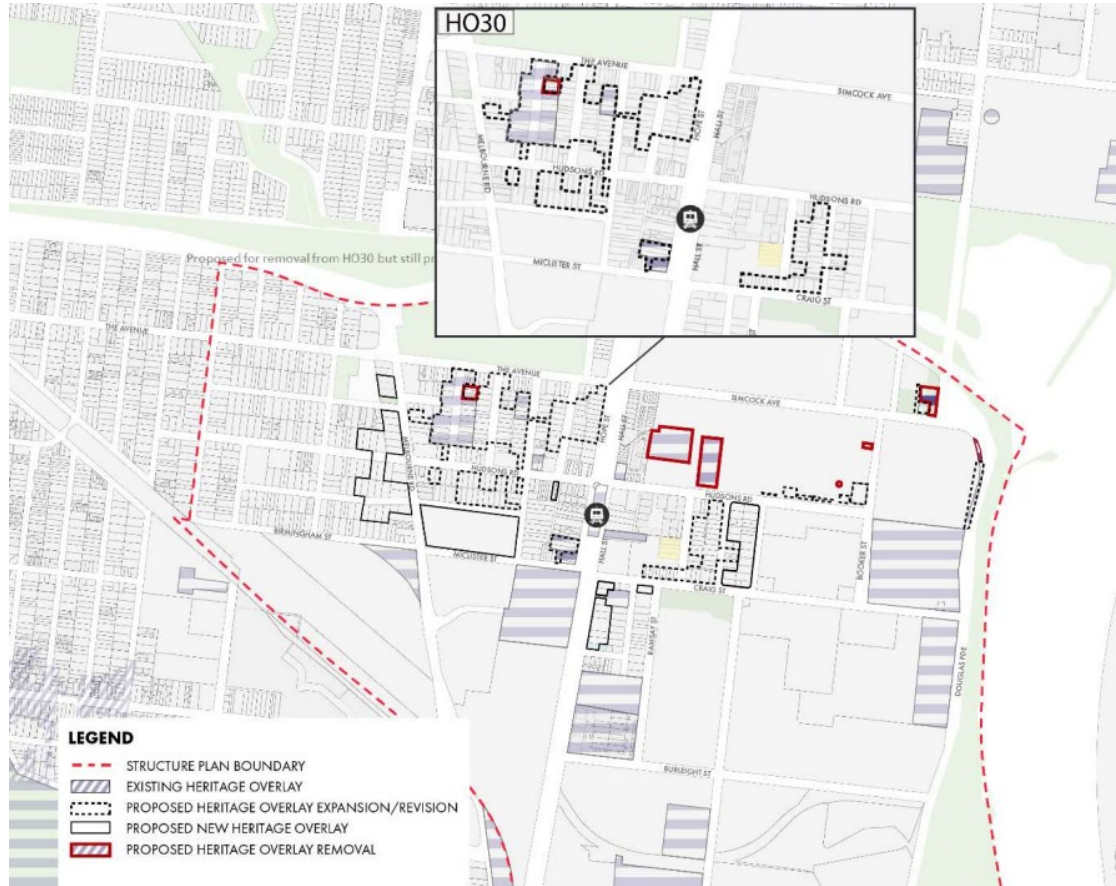
The Amendment area is within the suburb of Spotswood, located approximately 7 kilometres south-west of the Melbourne's Central Business District. Spotswood is bounded by the West Gate Freeway to the north and the Yarra River to the east, the freight rail to the west and the petrochemical industries to the south. A mix of land uses are present within Spotswood, including residential, mixed use, industrial, commercial and tourism uses.

The Spotswood Neighbourhood Activity Centre is projected to grow from a medium to a large activity centre as identified in the Hobsons Bay Activity Centre Strategy 2019. There are several large key redevelopment sites within the area as well as infill residential development.

Spotswood was mostly farmland in the early 1800s and settlement began around the mid-1800s. The construction of the railway line between Melbourne and Williamstown, the excavation of the Coode canal along the Yarra River and the construction of the Spotswood Sewage Pumping Station

turned the area into a thriving industrial precinct with a mix of factories and petroleum industry since the late 1800s. War service homes were constructed after the first and second world wars, and more residential areas began to develop supported by employment options at the established factories and tank farms nearby.

**Figure 1 Land affected by the Amendment**



Source: Explanatory Report

## 1.2 Background

Hobsons Bay City Council (Council) provided a detailed background to the Amendment in its Part A submission, including a chronology of events which the Panel has summarised in Table 1.

**Table 1 Amendment C137hbay chronology of events**

Date	Event
<b>Heritage Review</b>	
March 2022	The Heritage Review, including citations for the proposed new and revised Heritage Overlays was prepared by RBA Architects + Conservation Consultants to inform the draft Structure Plan
<b>Community Consultation</b>	
21 April to 2 June 2022	Community consultation on the draft Structure Plan was undertaken The draft Structure Plan included the proposed new and revised Heritage Overlays recommended in the Heritage Review

June to Oct 2022	Council received four submissions during consultation in relation to the proposed Heritage Overlays
<b>Amendment and Public Exhibition</b>	
13 December 2022	Council resolved to endorse the Heritage Review and the Amendment documentation, and request authorisation from Minister for Planning to prepare and exhibit the Amendment
9 January 2023	Minister for Planning authorises exhibition of the Amendment subject to the following condition: Unless otherwise agreed in writing with Department of Transport and Planning officers, prior to exhibition the proposed Map and Heritage Overlay Schedule must be updated to correctly reflect the proposed deletion of HO153 Hugh Lennon Agricultural Implement Works (part)
January 2023	Amendment updated to resolve authorisation condition
23 February to 6 April 2023	Amendment exhibited (35 submissions received)
11 and 14 June 2023	Two late submissions received (submissions 36 and 37)
7 July 2023	One further late submission received (submission 38)
<b>Panel Process</b>	
2 June 2023	Council referred submissions to Panel
6 June 2023	Lester Townshend (Chair) and Jonathan Halaliku appointed
23 June 2023	Council referred late submissions to Panel
30 June 2023	Directions Hearing
5 July 2023	Reconstitution of Panel - Sarah Raso (Chair) appointed
12 July 2023	Council referred late submission to Panel
17 July 2023	Site inspection, unaccompanied but for 5 Bernard Street which was accompanied and attended by Submitters 11 and 25 and Mr Hemmingway
24 July 2023	Hearing

### 1.3 Summary of issues raised in submissions

The key issues and themes raised in submissions included:

- whether the Heritage Overlay should be applied to certain properties
- whether certain properties should be recategorised from contributory to non-contributory
- the extent to which the Heritage Overlay should apply to a property
- the implication of heritage restrictions including on property values, the ability to renovate and improve heritage dwellings or develop the site.

## 1.4 Proposed post-exhibition changes

Following exhibition of the Amendment and consideration of submissions, Council reviewed the application of the Heritage Overlay and recommended the following changes:

- amend the proposed Heritage Maps 4 and 5 to:
  - remove 2, 10-14 Reed Street and 1 Robert Street from HO30
  - remove the additional strip proposed to be added to HO46 and reduce the extent to be deleted from the existing HO46 at 8 Simcock Avenue to reflect the correct extent of heritage fabric
  - remove the western bay of the Former Moulded Plastics Factory and the metal clad extension of the Gabled Workshop from HO46
- amend the Statement of Significance for HO30 to remove 12 Reed Street, 1 Robert Street and 13 Forrest Street from the list of contributory properties
- amend the Statement of Significance for HO46 to remove from the contributory elements the ACI Fibre Packaging Plant part of 1 Hudsons Road, the western bay of the Former Moulded Plastics Factory and the metal clad extension of the Gabled Workshop
- make a minor correction to the Statement of Significance for HO325 to correctly refer to 24 Robb Street as a non-contributory property in accordance with the Heritage Review
- update the Heritage Review (to reflect the above changes)
- update relevant sections of the Explanatory Report to reflect the recommended extent of HO30 and HO46 and the above properties recommended for removal from Appendix 1: Sites affected by Amendment C137hbay.

## 1.5 Expert evidence

The Panel had the benefit of expert heritage evidence from Mr Anthony Hemmingway of RBA Architects and Conservation Consultants, called on behalf of Council.

## 1.6 The Panel's approach

Council received 38 submissions. Building condition, development opportunity, building alterations, maintenance, property value and financial implications were issues raised in multiple submissions.

Submissions raised precinct-wide issues including property categories and assessments (such as contributory and non-contributory) and questioned whether some properties should be removed from the proposed precinct.

There were property owners who objected to the Heritage Overlay being applied to their property because they considered their property was not significant enough, was too altered and no longer presented in its original form.

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

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions

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

This Report deals with the issues under the following headings:

- Strategic issues
- Common issues
- Spotswood Residential Heritage Precinct (HO30)
- AGM Factory Complex (Former) (HO46)
- War Service Homes Commission Precinct (HO323)
- Alloa Park Estate Precinct (HO324)
- Australian Glass Manufacturers Housing Heritage Precinct (HO325).

## 2 Strategic issues

### 2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix A highlights key imperatives of relevant provisions and policies.

**Table 2** Planning context

	Relevant references
Victorian planning objectives	- section 4(1)(d) of the PE Act
Planning Policy Framework	- Clauses 15.01-5S (Neighbourhood character), 15.03-1S (Heritage conservation)
Other planning strategies and policies	- Plan Melbourne Outcome 4, Direction 4.4, Policies 4.4.1 and 4.4.4 - Heritage Review - Draft Structure Plan - Better Places Spotswood and South Kingsville Place Guide
Planning scheme provisions	- Heritage Overlay
Ministerial directions	- Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- Planning Practice Note 1 (Applying the Heritage Overlay), August 2018 (PPN01)

### 2.2 Strategic justification

#### (i) Spotswood Activity Centre Structure Plan Heritage Review

The Heritage Review was undertaken by RBA Architects and Conservation Consultants. The final report was completed in March 2022.

The methodology for the Heritage Review was guided by the processes and criteria outlined in the Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (rev 2013). The key tasks included:

- site inspections
- historical research and analysis of the extant fabric in relation to documentary evidence
- preparation of a physical description
- assessment of the significance of the places based on the research and the extant fabric
- preparation of a citation (statement of significance, history and description), with reference to the relevant HERCON criteria.

Places within Hobsons Bay heritage precincts are currently either ungraded or graded as contributory. No definition of contributory has been included in the Planning Scheme. Instead, the definition of contributory places in heritage precincts provided in the Altona, Laverton and Newport Districts Heritage Study Stage 2 (Graeme Butler & Associates, 2000) has been adopted for this study. This definition reads:

contributory elements are generally those which derive from the (relevant) construction period. Using the above grading allowed a consistency with the places currently graded contributory in the heritage overlay. As is typical of large precincts, most places are graded



contributory, though some are non-contributory. A place has been attributed with a contributory categorisation if the following apply:

- it contributes to the character of the streetscape/precinct
- it was constructed during the period of significance (identified as the main or secondary phases of development in the statement of significance)
- it is an intact example or a place which though altered, remains largely identifiable as an example of its type/period
- it typically retains its form, most original materials, and at least some original detailing (which might include openings (windows + doors), chimneys, verandah or porch, decorative elements, etc.)
- generally, any changes that have occurred are reversible, allowing for accurate reconstruction in accordance with the principles outlined in the Burra Charter
- if it forms part of a similar group, then it could be more altered if other examples in the group are intact
- if there are visible additions, they are sufficiently set back such that the original section is not overwhelmed and the original roof form remains legible
- in some instances, more distinctive examples might be partly altered.

Typically for non-contributory places, one of the following would apply:

- did not relate to the period of significance of the precinct
- related to the period of significance but were compromised either by:
  - being heavily altered such that their original design/appearance was not able to be ascertained
  - or additions dominated the remaining original portion of the building.

## **(ii) Evidence and submissions**

Submissions were made that the Amendment lacks justification (suggesting there is an overstatement of heritage significance underpinning the Amendment).

Council submitted the Amendment:

- appropriately considers all relevant planning policies and controls
- is the result of an extensive body of strategic planning work that commenced in March 2022 and resulted in the final Heritage Review that has been adopted by Council, which provides the strategic basis for the Amendment
- positively responds to the objectives of planning in Victoria and the Planning Policy Framework as outlined in the exhibited Explanatory Report.

In relation to the Heritage Review, Council submitted:

The Heritage Review assessed all existing HOs and identified places of heritage significance that should be protected by a HO within the Amendment area. The outputs of this work included a revised extent for the existing HO30 and HO46, six new HOs and updated citations to support the revised and new HOs.

Council submitted:

- the process of applying of the Heritage Overlay is guided by the requirements of the PPN01
- Mr Hemingway's citations and statements of significance are comprehensive and were prepared in strict accordance with PPN01, together with the methodology he adopted in preparing the Heritage Review

- the Heritage Review is founded on extensive and rigorous research drawing on the relevant criteria established under PPN01 and contain the requisite level of comparative analysis.

In relation to the identification of new places with heritage significance as part of this process and as identified in the Heritage Review, Council submitted:

In undertaking the Heritage Review, Mr Hemingway confirms in his evidence statement that he took into account the Hobsons Bay Thematic Environmental History (2001). Importantly the Panel will appreciate community and expert understanding about what aspects of the historic environment constitute heritage value is constantly evolving. Council rejects any suggestion that because the places identified in the Heritage Review have not been previously identified, this demonstrates a lack of heritage significance.

### **(iii) Discussion**

As no submissions challenged the general strategic justification for the Amendment, the Panel has not enquired into this issue in detail. It sets out below some general observations that go to the strategic justification of the Amendment.

Section 4(1) of the PE Act seeks to conserve buildings, areas and places of interest and to balance the present and future interests of all Victorians. This is reflected through Plan Melbourne and in State and Local planning policies. These policies require Council to identify, protect, enhance and promote local heritage and the Amendment is supported by and implements these policy directions.

The Panel considers:

- the approach taken in the Heritage Review is sound, is based on appropriate methodology and research, and provides a solid base for strategically justifying the Amendment
- the Amendment appropriately considers the needs of present and future interests of all Victorians by introducing planning provisions that ensure local cultural heritage values are considered when assessing a planning permit application
- the Heritage Overlay is the appropriate planning tool to protect the heritage precinct and individual places.

The methodology used to identify and assess properties within the precinct is typical and consistent with the processes and criteria outlined in the Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (rev 2013). The Panel finds the grading of properties as contributory and non-contributory, and the form of the Statement of Significance is consistent with PPN01.

The Panel considers the heritage precincts proposed by the Amendment are legible, though with varying degrees of intactness. While the building stock is generally humble and unassuming, this should not detract from its ability to meet the threshold for significance at a local level. The buildings do not need to be completely intact to be graded contributory. The contributory homes generally:

- contribute to the character of the streetscape and precinct
- were constructed during the period of significance
- are intact, and those which are altered remain largely identifiable as an example of its type/period.

Except where specifically noted in the following chapters, when viewed as a whole, the Panel is comfortable that the precincts read as single, intact and cohesive precincts.

**(iv) Conclusions**

For the reasons set out in this Report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

## 3 Common issues

This chapter refers to issues which apply across more than one individual place or precinct. Where a submission raised only general issues, it is not referred to in subsequent chapters.

### 3.1 Building condition

#### (i) The issue

The issue is whether building condition is relevant when assessing the heritage significance of an individual place or a precinct.

#### (ii) Evidence and submissions

Submitters raised a range of issues relating to building condition:

- Interwar houses are approximately 100 years old and need significant work or renovations
- properties are in poor condition
- many houses have issues with foundations and are damaged by movement because of the soil and type of footings used (particularly those homes in the Australian Glass Manufacturers Precinct (HO325))
- dwellings are no longer structurally sound
- many dwellings have been substantially altered and are no longer intact.

Mr Hemingway said:

It is widely accepted that condition is generally a separate matter to the assessment of heritage significance. Appropriate remediation approaches can be addressed by a planning application.

Council submitted structural integrity:

- is a different matter to that of intactness or integrity where alterations to a building may impact on the heritage significance
- may be a relevant consideration at the planning permit stage, however it is generally not relevant to the criteria of heritage significance at the Amendment stage.

#### (iii) Discussion

Building condition is not directly relevant to whether a place is of heritage significance or if the Heritage Overlay should be applied. Heritage significance is assessed against the recognised heritage criteria in PPN01. A place may be in poor condition or altered but continue to have legible and clearly understood heritage values

Building and structural condition may be considered during the planning permit application process when the proposal will be assessed against relevant planning policy objectives, including heritage.

#### (iv) Conclusion

The Panel concludes that building condition is not relevant when assessing the heritage significance of an individual place or a precinct but may be relevant during the planning permit assessment process.

## 3.2 Development opportunity, building alterations and maintenance

### (i) The issue

The issue is whether development opportunity, building alterations and maintenance are relevant when assessing the heritage significance of an individual place or a precinct.

### (ii) Evidence and submissions

Many submissions raised concerns that the Heritage Overlay will unduly restrict development opportunities in Spotswood contrary to the objectives of relevant State and local policies calling for higher density development.

Some submitters said the Heritage Overlay would:

- restrict the ability to maintain, alter or develop their properties
- remove ability to demolish a house and replace it with a new building/s
- restrict the ability to alter a house to achieve a modern living standard, achieve energy efficiency, address problems or meet owner needs
- discourage owners from maintaining and improving their houses.

Some submitters described situations of having purchased their property with the intention of demolishing the existing home and building a new modern home or a dual occupancy development.

Council submitted:

While Council recognises applying the Heritage Overlay introduces a layer of additional planning control for affected properties, including properties that may be consolidated or capable of consolidation and bearing the hallmarks of 'development potential', Council regards this as appropriate to ensure the cultural heritage significance of the precinct is and recognised, properly documented and appropriately managed.

In relation to the municipality's ability to achieve higher density development Council submitted:

Council respectfully rejects assertions the Amendment will impact significantly on the ability of affected properties to contribute to the policy objectives of the Scheme, particularly those associated with urban consolidation and the provision of affordable housing. The Heritage Overlay does not prohibit development, but instead requires the significance of affected properties to be considered when assessing permit applications.

Council regards the key policies of relevance are those contained in the Planning Policy Framework and Local Planning Policy Framework seeking to balance heritage recognition and preservation with the provision of housing diversity to meet population growth in accessible locations including activity centres.

Council's heritage policy in the Scheme offers guidance to responsible authority decision making, seeking to protect and enhance heritage and retain contributory buildings and incorporate them into overall development.

Council considers the Amendment provides a reasonable balance against the different policy objectives and will not significantly impact on the achievement of the housing and activity centre strategic objectives of the Scheme.

Mr Hemmingway said:

A heritage overlay does not preclude alterations and addition being approved nor that it will be necessarily more expensive to undertake them. The Heritage Overlay requires a planning permit in order to assess the potential heritage impacts and so there may be some additional time associated with that process.

**(iii) Discussion**

In determining whether the Heritage Overlay should be applied to a place, it is appropriate to separate the assessment of heritage significance from questions of development potential, adaptation, alteration and demolition.

The Heritage Overlay:

- does not prohibit alterations and additions, or demolition
- allows property maintenance that does not change a property's appearance without the need for a planning permit
- ensures Council can assess the potential impact of a development proposal on properties with heritage significance.

The Heritage Overlay enables an owner to:

- apply for a planning permit to develop their land, including alterations and demolition
- maintain their property without the need for a planning permit.

The Heritage Overlay seeks to have any future proposal assessed against the existing heritage fabric. This is inherent in one of its purposes to *“ensure that development does not adversely affect the significance of heritage places”*. Because a control limits development, on its own, is not sufficient justification to abandon the Heritage Overlay.

The planning permit application process is appropriate for assessing development related issues because it is at this stage when:

- there will be definitive plans to better understand potential impact on heritage fabric
- property owner's intentions are clear, rather than aspirational ideas which may not realise
- the proposal can be formally assessed against Planning Scheme policy and provisions.

Heritage protection and environmental sustainability are not mutually exclusive, and how a development proposal responds to a range of policy considerations is best dealt with through the planning permit application process. No submitter presented any information to support their position that the Heritage Overlay would restrict the ability to achieve energy efficiency. Council, at the permit application stage, should consider the importance of environmental sustainability when assessing permit applications within the Heritage Overlay and balance any competing policy.

**(iv) Conclusion**

The Panel concludes that development opportunity, building alterations and maintenance are not relevant when assessing the heritage significance of an individual place or a precinct.

**3.3 Property value and financial implications****(i) The issue**

The issue is whether property value and private financial implications are relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay.

**(ii) Evidence and submissions**

Numerous submissions considered the Heritage Overlay would reduce property values for reasons ranging from the inability to demolish their house to nobody wanting to buy a house because of substantial improvement costs.

Council submitted the private financial impacts for property owners are not relevant economic matters to take into account when considering the Amendment and may be matters more appropriately considered at the time a planning permit is applied for. Council highlighted that PPN01 does not include property value and financial implications as criteria for assessing whether a place or precinct achieves sufficient local significance to justify the Heritage Overlay. It submitted:

Applying these as part of the assessment criteria would skew how heritage places are assessed and affect the ability to meet state and local planning policy which seeks to protect precincts of local significance.

Council cited the Planning Panel report for Melbourne Planning Scheme Amendment C207 which states:

The Panel agrees with Mr Morris [who appeared for an objecting submitter], relying on Gantidis, that the social and economic effects most likely to be relevant at the Amendment stage are those of a broad community nature rather than of a personal kind. Personal economic and social impacts, as against effects for the community as a whole, are generally not matters taken into account in planning decisions.

Mr Hemmingway said:

By and large, property values are determined by an array of fluctuating variables, both general (property market climate, zoning, location, tenancy opportunities, returns, etc.) and specific (prestige of ownership, maintenance, operational costs, etc.). There is no evidence that, in general, the application of heritage controls diminishes value, either at the time of listing or subsequently.

**(iii) Discussion**

Property value is influenced by many variables and it would be difficult to single one out. The Panel was not presented with any information or evidence demonstrating the Amendment would impact property values.

The PE Act requires a planning authority to consider the economic effects of a planning scheme amendment on the broader community. That is, the cumulative impact of private economic impacts across the community. There was no evidence the Amendment would have such an impact.

There may be some financial impact on individuals associated with applying for a planning permit application. However, there is no evidence that this would unreasonably impact the broader community. There would be no need for a permit and no additional planning cost if an owner simply seeks to maintain their property without altering the appearance.

**(iv) Conclusion**

The Panel concludes that that property value and financial implications are not relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay.

### **3.4 Non-contributory properties in a precinct**

#### **(i) The issue**

The issue is whether a non-contributory property should be excluded from a heritage precinct.

#### **(ii) Evidence and submissions**

There were submitters who sought to remove their non-contributory properties from a heritage precinct. Many of these properties were located within the precinct while others were along the precinct boundary.

#### **(iii) Discussion**

It is common practice for non-contributory buildings to be included in the Heritage Overlay precinct boundary. This is to ensure any future development on those sites does not adversely impact the significance of the precinct. While a non-contributory property can be significantly altered or replaced, it must still fit within the heritage streetscape and sensitively respond to its surrounds and the precinct's significance.

The Heritage Overlay would enable changes to the non-contributory property, including entire demolition of the existing building, subject to a planning permit to ensure that new development sensitively responds to surrounding heritage fabric.

The removal of non-contributory properties well within a precinct boundary would create inliers with no heritage controls potentially surrounded by properties with heritage significance. This would undermine what is sought to be protected and it is appropriate to have control over a non-contributory property.

A non-contributory property along the precinct's boundary should only be included if future development is likely to impact the precinct's significance. Whether this is likely depends on the property's location and orientation. For example, new development on a non-contributory property along the precinct boundary may be oriented away from contributory properties, thereby negating the need to include it in the precinct. The Panel has assessed each precinct accordingly.

The Panel is generally comfortable where recent development has occurred that the application of the Heritage Overlay to non-contributory properties be reviewed. This is considered in the precinct chapters.

#### **(iv) Conclusion**

The Panel concludes that a non-contributory property:

- should generally be included in a heritage precinct to ensure future development on that land responds sensitively to the heritage fabric on neighbouring contributory properties in the precinct
- may be excluded if it is at the precinct boundary and future development on that land is unlikely to impact surrounding heritage and the precinct's significance.



## 4 Spotswood Residential Heritage Precinct (HO30)

### 4.1 Exhibited Statement of Significance

#### Exhibited Statement of significance



#### What is significant?

The Spotswood Residential Heritage Precinct, which comprises all land in HO30 and includes houses east and west of the railway line. Places west of the railway are located in an area bound by McLister Street (south), The Avenue (north) and Melbourne Road (west). East of the railway, the precinct includes places to Craig, Raleigh and Robb streets.

#### Contributory elements:

The following original features contribute to the significance of the Spotswood Residential Heritage Precinct:

- Generally intact single storey houses dating from the late 19th century to the end of the Interwar period (circa 1945), one with an attached shop
- Subdivision patterns established during the late 19th and early 20th centuries
- Consistent setbacks
- Intact roof forms (hipped, gabled, gambrel etc.) and cladding (including corrugated metal sheeting and terracotta tiling)
- Rendered or brick chimneys, as well as terracotta pots
- Roof detailing such as decorative terracotta cresting and/or finials, and to gable ends (shingling, weatherboards, half-timbering/battens, rendered finishes)
- Intact painted timber-framed walls with a range of cladding including ashlar boarding, weatherboards, (bands of) shingled boards
- Intact face brick walls or porches
- General timber detailing, including exposed rafter ends, brackets, decorative friezes (fretwork, spindles, etc.), turned timber posts, etc.
- Verandahs, usually with timber detailing though some with cast iron friezes, and porches with brick piers and the like
- Decorative elements, usually classicising detailing such as cornices, brackets, pediments
- Timber-framed windows including double-hung sashes, casements with toplights, bay windows,

- some with awnings or hoods
- Front doors – usually timber, panelled and/or with glass panes, often with transom windows and/or sidelights
- Front fences, mainly original low masonry (Interwar period)
- Minimal garden settings
- Kerbing and channelling
- Complementary street plantings.

#### How is it significant?

The Spotswood Residential Heritage Precinct is of local historic and aesthetic significance to the City of Hobsons Bay.

#### Why is it significant?

Historically, it is significant for its ability to demonstrate the key phases of development in Spotswood during the late Victorian, Federation, and Interwar (through to the end of WWII), which was a consequence of the development of industries and railway-related infrastructure in the area. (Criterion A)

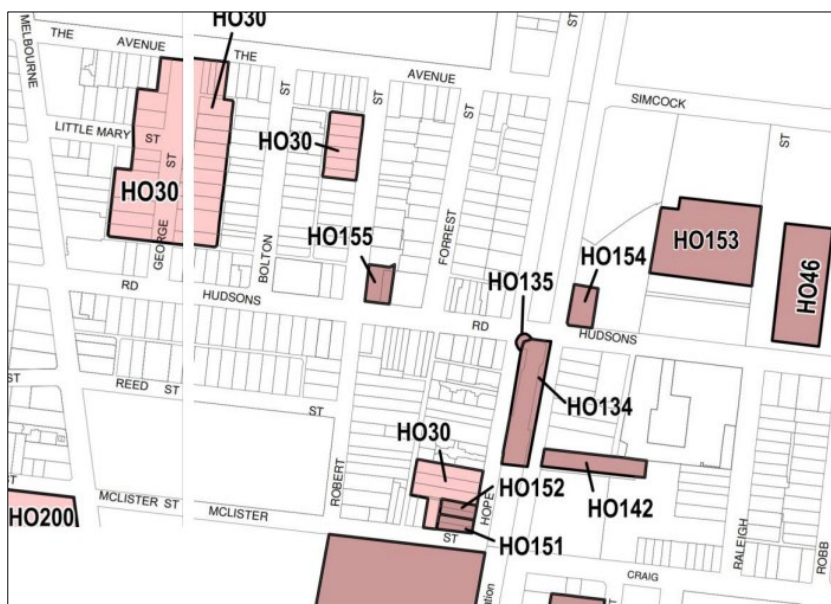
Aesthetically, it is significant for the consistent housing stock from the late Victorian, Federation and Interwar periods. It is notable for its consistent character, which is derived from the predominantly weatherboard single storey detached houses that have similar form, scale, detailing and materials. Most houses have a verandah or porch to the front and many retain original decorative features to their facades. Compared with other precincts in the Municipality, houses in Spotswood often occur in groups of two or more similar buildings, suggesting the work of a particular builder/developer.

The historic character of some streets is enhanced by an established canopy of mature exotic street trees. (Criterion D)

## 4.2 Background

The Spotswood Residential Heritage Precinct (HO30) currently comprises the houses on George Street and the adjoining section of The Avenue as well as a section on the west side of Hope and Robert Streets (see Figure 2). The building stock dates to the late Victorian, Federation and Interwar periods.

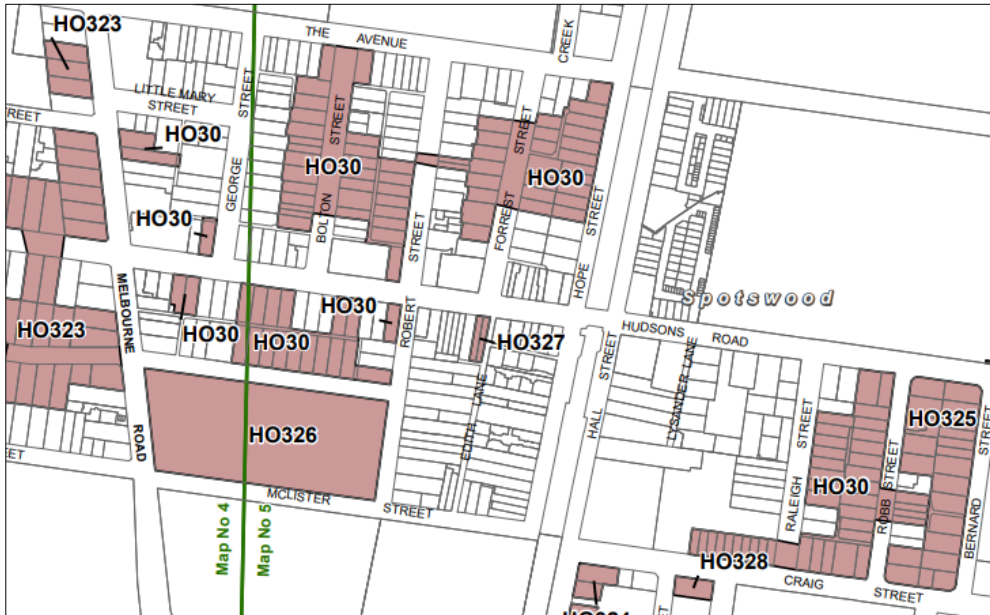
**Figure 2** Extract of existing Heritage Overlay Maps 4 and 5 showing existing HO30



Source: Hobsons Bay Planning Scheme

The Amendment proposes to expand the area of HO30 (see Figure 3) to incorporate a larger area of land within the original Spotswood subdivision, and to remove three properties (see Figure 4).

**Figure 3** Extract of exhibited Heritage Overlay Maps 4 and 5 showing proposed additions to HO30



Source: Amendment

**Figure 4** Extract of proposed deletions from HO30



Source: Amendment

No submissions questioned of the overall integrity of the proposed expanded precinct (this is broadly addressed in Chapter 2.2) and instead related to the inclusion or exclusion of individual properties.

### 4.3 1 Robert Street, 2, 10 to 14 Reed Street, Spotswood

#### (i) The issue

The issue is whether it is appropriate and justified to remove 1 Robert Street, 2 and 10-14 Reed Street from the Spotswood Residential Heritage Precinct (HO30).

#### (ii) Evidence and submissions

Mr Hemmingway recommended the properties at 1 Robert Street and 2 and 12 Reed Street be removed from the Heritage Overlay because the original houses have been demolished. He said the properties adjoining 12 Reed Street, being 10 and 14 Reed Street, both which are categorised non-contributory, should also be removed from the Heritage Overlay.

Council accepted Mr Hemmingway's evidence and endorsed his recommendations.

#### (iii) Discussion

The Panel agrees with the approach adopted by Mr Hemmingway in relation to 1 Robert Street and 2 Reed Street. Both houses have been demolished, sit on the edge of the precinct and do not contribute to the precinct's significance.

Equally it is appropriate that 12 Reed Street which has been demolished, and its adjoining neighbours at 10 and 14 Reed Street which are categorised as non-contributory, be removed from the Heritage Overlay. They form a cluster of non-contributory properties which differs from a single non-contributory property sitting on its own within other contributory properties. This approach has been adopted elsewhere in the HO30.

#### (iv) Conclusion and recommendations

The Panel concludes:

- It is appropriate and justified to remove 1 Robert Street, 2 and 10-14 Reed Street from the Spotswood Residential Heritage Precinct (HO30).

The Panel recommends:

**Remove from the Spotswood Residential Heritage Precinct (HO30):**

- 2, 10, 12 and 14 Reed Street, Spotswood**
- 1 Robert Street, Spotswood.**

**Amend the Statement of Significance for the Spotswood Residential Heritage Precinct (HO30) to remove 12 Reed Street and 1 Robert Street from the list of contributory properties.**

### 4.4 Forrest Street properties

#### (i) The issue

The issue is whether 13, 16, 17 and 21 Forrest Street have been appropriately included in the Spotswood Residential Heritage Precinct (HO30).

#### (ii) Evidence and submissions

Several submitters objected to applying the Heritage Overlay to various Forrest Street properties.

Mr Hemmingway noted 16 and 17 Forrest Street are categorised non-contributory because they are outside the period of significance of the precinct but recommended they are included in the expanded HO30 because they are located in the middle of the streetscape with contributory places to both sides.

Mr Hemmingway supported the inclusion of 21 Forrest Street and said it had been appropriately categorised contributory. He said it was intact and forms part of a consistent group of similar, early Federation period houses.

The owner of 13 Forrest Street submitted the Heritage Overlay should not be applied to the property because the house has recently been demolished and replaced with a new build. Mr Hemmingway recommended 13 Forrest Street be recategorised non-contributory but that it should be retained within the extent of the proposed extension to the precinct because it is located centrally within the part of Forrest Street recommended to be included in HO30, and it adjoins contributory properties.

### **(iii) Discussion and conclusion**

The Amendment has appropriately categorised 21 Forrest Street. Being part of a consistent group of intact, similar, early Federation period houses in Forrest Street, it contributes to the character of the streetscape/precinct.

Based on its reasons set out in Chapter 3.4, the Panel considers:

- the non-contributory properties at 16 and 17 Forrest Street should remain in the expanded HO30
- 13 Forrest Street should be recategorised non-contributory but should remain in the expanded HO30.

All three properties are centrally located and any future development on the land will need to respond sensitively to the heritage fabric of their neighbouring contributory properties.

### **(iv) Conclusions and recommendation**

The Panel concludes:

- 16, 17 and 21 Forrest Street have been appropriately categorised and included in the Spotswood Residential Heritage Precinct (HO30)
- 13 Forrest Street has been appropriately included in the Spotswood Residential Heritage Precinct (HO30) but should be recategorised from contributory to non-contributory to recognise that the original house has been demolished.

The Panel recommends:

**Amend the Statement of Significance for the Spotswood Residential Heritage Precinct (HO30) to remove 13 Forrest Street from the list of contributory properties.**

## **4.5 42 Craig Street, Spotswood**

### **(i) The issue**

The issue is whether 42 Craig Street has been appropriately included in the Spotswood Residential Heritage Precinct (HO30).

**(ii) Evidence and submissions**

The owner of 42 Craig Street objected to the Amendment for reasons set out in Chapter 3, and because the property lacks heritage value given it has been significantly modified.

Mr Hemmingway said 42 Craig Street retains the original form of the front facade, has gable ends with shingles, a verandah and a corrugated sheet metal roof (this type of cladding having been evident from a 1930 aerial). He said, *“the timber windows are paired, double hung sashes though initially, they probably all had multi-paned upper sashes”*. He said whilst the house has been altered including an addition to the rear north-west corner, it has had minimal impact on the main street elevations.

Council accepted Mr Hemmingway’s evidence and submitted 42 Craig Street should remain in the Heritage Overlay.

**(iii) Discussion and conclusion**

The Amendment has appropriately categorised 42 Craig Street. The house was constructed during the period of significance and whilst some changes have occurred to the rear of the house, its front facade is intact and remains identifiable as an example of its type and period.

The Panel concludes:

- 42 Craig Street has been appropriately included in the Spotswood Residential Heritage Precinct (HO30).

**4.6 22 George Street, Spotswood****(i) The issue**

The issue is whether it is appropriate for 22 George Street to remain in the Spotswood Residential Precinct (HO30).

**(ii) Evidence and submissions**

Better West Incorporated submitted 22 George Street should be removed from the existing extent of HO30. It submitted the property was no longer part of an existing cluster given 24 to 28 George Street are proposed to be removed from the Heritage Overlay, and because of alterations to the home’s facade.

Mr Hemmingway said:

- the home was built before 1942 and was therefore within HO30’s period of significance
- is mostly intact with a distinctive side entry
- the recent flat roof addition at the north-west corner could be reversed.

Council accepted Mr Hemmingway’s evidence and submitted 22 George Street should remain in the Heritage Overlay.

**(iii) Discussion and conclusion**

The Amendment has appropriately retained 22 George Street in the Heritage Overlay. The home was constructed during the period of significance and is intact enough to contribute to the precinct’s significance. While 24 to 28 George Street are proposed to be removed from the

Heritage Overlay, the houses to the south of 22 George Street will remain within the Heritage Overlay.

The Panel concludes:

- It is appropriate for 22 George Street to remain in the Spotswood Residential Heritage Precinct (HO30).

## 4.7 Melbourne Road properties

### (i) The issue

The issue is whether 626 and 628 Melbourne Road have been appropriately included in the Spotswood Residential Heritage Precinct (HO30).

### (ii) Evidence and submissions

Better West Incorporated objected to 626 and 628 Melbourne Road being included in HO30 given their isolated position from the other HO30 areas (see Figure 5). Better West Incorporated questioned whether a cluster of two homes was sufficient to justify a ‘precinct’ and suggested 624 could be included given it retains its front facade.

Figure 5 Location of 626 and 628 Melbourne Road, Spotswood



Mr Hemmingway said that while 626 and 628 Melbourne Road are isolated, they are located on the edge of the original subdivision of this part of Spotswood and both are good, surviving Federation examples. He said conversely 624 Melbourne Road dates to the Postwar period and was outside the period of significance of the precinct. He submitted there is no prerequisite on how many places need to be included in a streetscape and recommended 626 and 628 Melbourne Road are included in the Heritage Overlay but that 624 is not included.

Council accepted Mr Hemmingway’s evidence. In relation to the isolated position of 626 and 628 Melbourne Road, Council submitted there is a balance to be struck between the “*broad brush*” precinct-based approach, and the more contemporary practice which focuses on the heritage fabric that best describes the precinct (that is, applying the Heritage Overlay). Council submitted it should be commended for adopting the contemporary approach here as it means there is less restriction for potential growth in the area given entire streetscapes have not been unnecessarily included.

### (iii) Discussion

Council’s approach to applying the Heritage Overlay to the majority of HO30 is appropriate and justified. It has rationally sought to include only necessary land, being contributory properties and

non-contributory properties, which make a significant contribution to the precinct and where future development may impact the precinct's significance.

However, after careful consideration, the Panel considers 626 and 628 Melbourne Road should be excluded from the Heritage Overlay because they do not easily appear to be part of the precinct, and any future development on that land would not affect the precinct's significance. The isolated location of both properties, despite being located within the original subdivision, restrict the ability to understand that the two properties are inter-related within the HO30 precinct. The Panel accepts the position of Council in adopting the selective, contemporary approach to applying the Heritage Overlay, however, still considers the isolation of 626 and 628 Melbourne Road affect the ability to appreciate they form part of overall precinct.

#### **(iv) Conclusion and recommendations**

The Panel concludes:

- 626 and 628 Melbourne Road should be removed from the Spotswood Residential Heritage Precinct (HO30).

The Panel recommends:

**Remove from the Spotswood Residential Heritage Precinct (HO30):**

**a) 626 and 628 Melbourne Road, Spotswood.**

**Amend the Statement of Significance for Spotswood Residential Heritage Precinct HO30 to remove 626 and 628 Melbourne Road, Spotswood from the list of contributory properties.**

## **4.8 Hope Street properties**

### **(i) The issue**

The issue is whether 41, 61 and 65 Hope Street have been appropriately included in the Spotswood Residential Heritage Precinct (HO30).

### **(ii) Evidence and submissions**

Several submitters objected to the Heritage Overlay being applied to 41, 61 and 65 Hope Street.

Mr Hemmingway said 65 Hope Street was a largely intact early Federation period home and is one of several similar houses in the precinct. He noted it has an asymmetrical façade with a projecting gabled bay, a tall red brick chimney, a cornice with alternating brackets and panelling, and timber-framed double hung sash windows. He said the main alterations include the removal of a decorative frieze to the verandah and replacement of the original door, albeit with a panelled type.

Mr Hemmingway said 61 Hope Street is a mostly intact Victorian period brick dwelling. He noted it has a rendered facade, bracketed cornice, original sidelights and a tripartite window. He said the original verandah has been replaced by a small canopy and the hip roof has been reclad in metal sheeting but the chimney with moulded cap remains.

In relation to 41 Hope Street, Mr Hemmingway noted it is categorised non-contributory but recommended it is included in the expanded HO30 given its location in the middle of the Hope Street streetscape.

Council endorsed Mr Hemmingway's evidence.



**(iii) Discussion and conclusions**

The Amendment has appropriately categorised 61 and 65 Hope Street. Both properties are intact enough to contribute to the precinct's significance.

The non-contributory property at 41 Hope Street should remain for reasons set out in Chapter 3.4.

The Panel concludes:

- It is appropriate for 61 and 65 Hope Street to be included in the Spotswood Residential Heritage Precinct (HO30)
- 41 Hope Street has been appropriately categorised and included in the Spotswood Residential Heritage Precinct (HO30).

**4.9 3 Robb Street, Spotswood****(i) The issue**

The issue is whether 3 Robb Street has been appropriately categorised as contributory within the Spotswood Residential Heritage Precinct (HO30).

**(ii) Evidence and submissions**

The owner of 3 Robb Street objected to the Amendment for reasons set out in Chapter 3, and because the property lacks heritage value.

**Figure 6** 3 Robb Street, Spotswood



The owner submitted the property should be identified as non-contributory because it has a very limited number of heritage features. The owner submitted:

- the front facade is clad with PVC imitation timber panelling (not the original weatherboards)
- the front windows are aluminium and larger than the original sash windows that would have adorned the dwelling originally
- the front veranda is a new and includes replica fretwork
- the original fireplace was removed many decades ago
- all original internal features have been removed or modified

- the ceilings have been lowered and no original period features, like ceiling roses have been retained.

Mr Hemmingway said the house was “*built between 1907 and 1910 and so dates to the Federation Period (though identified as Victorian in the schedule). As such, it is an example of Victorian Survival type, of which there are a few in the precinct*”. He added:

- the form of the front section, symmetrical facade configuration and cornice survives
- the walls are currently clad in PVC boards (imitating weatherboards), however, this can be readily reversed
- whilst the windows have been altered, the proportions are likely to be original because windows during the Federation period tended to be relatively long.

Council asked the Panel to accept the evidence of Mr Hemmingway. Council noted other issues raised by the owner included the intention to demolish and rebuild a new dwelling. Council said “[t]he Amendment, Council respectfully suggests, does not preclude such an outcome”.

The owner of 3 Robb Street also referred to the ‘fairness’ of applying the Heritage Overlay given it represents a further restriction, over and above recent changes to the major hazard facility safety areas. In response, Council said:

...while Council acknowledges that WorkSafe Victoria has revised guidance for development and use around MHFs that impacts on Spotswood, these matters do not form a consideration of relevance to the merit of the Amendment, by reference to the Practice Note and general principles.

### **(iii) Discussion and conclusion**

The Panel agrees with Mr Hemmingway’s assessment that 3 Robb Street contributes to the precinct and should retain its contributory categorisation. Places do not have to be completely intact to be categorised contributory in the precinct and that there have been alterations to 3 Robb Street. The property is a relatively intact example of a Victoria survival home and includes architectural detail and elements that clearly contribute to this architectural style, including the symmetrical façade configuration and cornice, and placement and proportions of the front windows.

The Panel has considered the changes to the dwelling, notably the use of PVC boards to the front facade and the change to the material of front windows and does not consider such changes undermine the heritage significance of the property. As Mr Hemmingway noted, whilst the windows have been altered, the proportions are likely to be original, and the PVC boards are easily reversible. The key issue is whether the alterations to the property are sufficient to justify its recategorisation to non-contributory. The Panel accepts the evidence of Mr Hemmingway that it is a substantially intact Victorian home, and which though altered, remains largely identifiable as an example of its type/period and on balance, it accepts its inclusion in HO30.

The internal changes are not relevant, because internal controls are not proposed. Equally, matters of fairness and further restrictions are not a relevant consideration when considering heritage significance.

The Panel concludes:

- 3 Robb Street has been appropriately categorised as contributory within the Spotswood Residential Heritage Precinct (HO30).

## 4.10 Hudsons Road properties

### (i) The issue

The issues are whether:

- 118, 120, 122 and 126 Hudsons Road have been appropriately excluded from the Spotswood Residential Heritage Precinct (HO30)
- 41 Hudsons Road has been appropriately included in the Spotswood Residential Heritage Precinct (HO30).

### (ii) Evidence and submissions

One submitter suggested 118, 120, 122 and 126 Hudsons Road, four buildings between Bolton and George Streets be included in the revised boundaries of HO30.

Mr Hemmingway:

- said this group of buildings all date to the Postwar period and are outside the period of significance for HO30 (up to 1945)
- did not recommend they be included in the revised boundaries for HO30.

The owner of 41 Hudsons Road sought three changes to the Amendment:

- an acknowledgement of a permit for an extension to the rear and a new dwelling to the rear of the existing dwelling
- an incorporated plan that outlines exemptions from the need for planning permission for minor works
- an update to HO30 to acknowledge alterations (and supporting no paint controls).

Council submitted the Amendment appropriately categorises 41 Hudsons Road as contributory and the permit granted for a second dwelling does not warrant a non-contributory category. Mr Hemmingway agreed and said the permit will not reduce the heritage value of the building.

In relation to the suggestion of an incorporated document to identify exemptions, Council submitted:

Further amendment to the Scheme to introduce permit exemptions through an incorporated plan is not proposed by Council officers, noting careful consideration would need to be given to ensuring minor works that may impact on streetscape or heritage significance were carefully managed through any such amendment to the Scheme. Introduction to an incorporated document such as proposed by the submitter as part of this Amendment would be outside the scope of this Amendment and give rise to natural justice and procedural fairness issues if pursued.

### (iii) Discussion and conclusion

The Amendment has appropriately assessed 118, 120, 122 and 126 Hudsons Road and excluded them from the HO30 given they all date to the Postwar period and are outside the relevant period of significance.

It is appropriate to apply the Heritage Overlay to 41 Hudsons Road. The Panel agrees with Council and Mr Hemmingway that the permit will not reduce the heritage value of the building. Equally, the Heritage Overlay will not prevent the owner of 41 Hudsons Road from acting on the permit before it expires. While an incorporated document with permit exemptions would be a positive addition to the Planning Scheme, this is not part of the Amendment for consideration by the Panel.

The Panel concludes:

- 118, 120, 122 and 126 Hudsons Road all date to the Postwar period and are outside the period of significance for the Spotswood Residential Heritage Precinct (HO30).
- 41 Hudsons Road has been appropriately included in the Spotswood Residential Heritage Precinct (HO30).

## 5 AGM Factory Complex (Former)(HO46)

### 5.1 Exhibited Statement of Significance

#### Exhibited Statement of significance



#### What is significant?

The AGM Factory Complex (Former) across four sites in Spotswood is significant. This vast, densely developed industrial site emerged east of Booker Street during the late Victorian period and expanded west, southwest and north during the early 20th century as a principal site of production for the nationally important company Australian Glass Manufacturers Co Ltd (AGM) (1915-39) and descendent Australian Consolidated Industries (ACI) (1939-98). Due to recent redevelopment, much of the historic built fabric has been lost or compromised; however, some significant elements survive.

#### Contributory Elements

The significant components are:

- Basalt Wall (1897), west of Douglas Parade
- AGM Company Headquarters (1916), Tennis Clubhouse (circa 1916), and WWII Bunker, north of Simcock Avenue
- Moulded Plastics Factory, Gabled Workshop, and Glassmaking Plant (circa 1931), Office Building and Street Wall (early 1950s), and ACI Fibre Packaging Plant (circa 1956), north and south of Hudsons Road.

The extent of the significant fabric of the various buildings differs. In some instances, the building was erected at one point in time and the three-dimensional form remains. In other cases, the extant brick façade was added to the front of a pre-existing shed (such as to some of the buildings on the north side of Hudson Road).

#### How is it significant?

The AGM Factory Complex (Former) is of local historical, rarity, representative, and aesthetic significance to the City of Hobsons Bay.

### Why is it significant?

The AGM Factory Complex (Former) is of historical significance as a long-standing, continuously operating industrial complex, possibly the oldest in metropolitan Melbourne. The present industrial fabric is illustrative of the various phases of the development that characterised its growth from the late 19th century. Charting its progressive expansion from its original holding east to the west of Booker Street and beyond during the interwar year and marked consolidation during postwar years as the place evolved into a colossal, tightly packed quarter of technically advanced factories, administrative buildings, staff amenities, warehouses, and furnaces. The presence and character of which came to define the locale, underlying Spotswood's reputation as a notable industrial suburb in Melbourne. Generations of local men and women have laboured at the complex, which was a major employer for much of its history. The associations of the place with the glassmaking industry and the various iterations of its nationally noteworthy parent company – Felton, Grimwade & Co/Melbourne Glass Bottle Works, Australian Glass Manufacturers Co Ltd, and Australian Consolidated Industries, and its many subsidiaries – is also of note. (Criterion A)

The AGM Factory Complex (Former) is of representative significance as an extensive industrial complex with intact building fabric from its key phases of development being the Victorian, Federation, Interwar and Postwar periods. The near-continuous street wall of masonry buildings/facades along Hudsons Road forms a highly evocative industrial streetscape of fabric mainly dating to the Interwar (red brick) and Postwar (cream brick) periods, reflecting the scale of facilities required at the place. As a complex, it consists of an unusually varied range of industrial buildings and staff facilities, for which there is no ready comparison in the municipality and few in Melbourne. Of these, the rare surviving elements are the Basalt Wall, Tennis Club, and parabolic WWII Bunker (Criteria B and D)

The elements of particular aesthetic significance are:

- the Basalt Wall (1897, Victorian period), a long and finely made wall with landmark qualities
- AGM Company Headquarters (1916, Federation period), a good and intact example of the Free Style in red brick with a terracotta tiled roof and a symmetrical façade design with an original entrance canopy
- Glassmaking Plant (circa 1931, Interwar Period), an unusually restrained façade design – articulated with minimal masonry and with large, openable steel-framed windows reflecting the manufacturing function of the building (and the need for good lighting and ventilation) (Criterion E).

## 5.2 Background

The AGM Factory Complex (Former) (HO46) is an existing heritage precinct that relates to the former Australian Glass Manufacturer Factory Complex, now known as the Melbourne Glass Bottle Works.

The Heritage Review found that the current boundary of HO46 and the citation does not incorporate all historic fabric. Due to recent works, it also affects some land that no longer contains significant fabric. The Heritage Review has therefore recommended the boundary be revised and the citation updated to:

- remove the Heritage Overlay from buildings that have been demolished, or where there is limited contribution from the public realm (see Figure 8)
- include the Interwar and Postwar buildings along Hudsons Road and within the land known as 21 Simcock Avenue (see Figure 9).

Figure 7 Extract of existing HO46

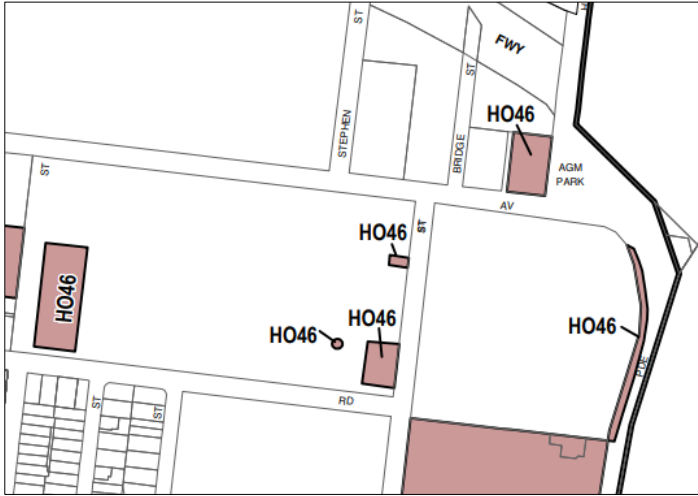


Figure 8 Extract of proposed deletions of HO46

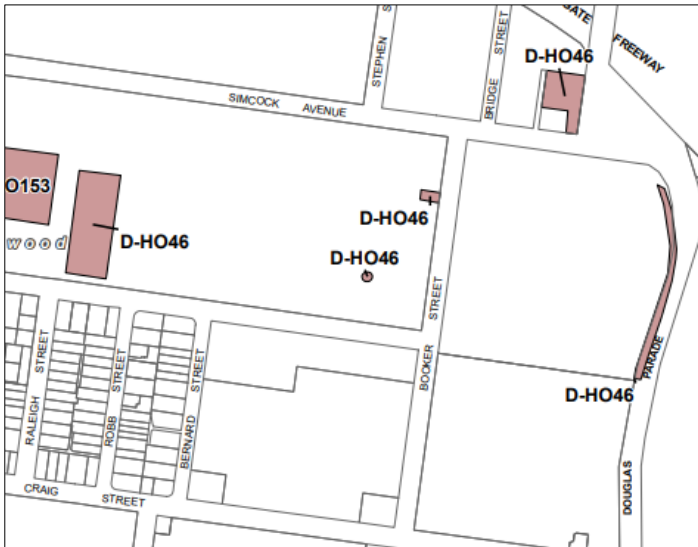
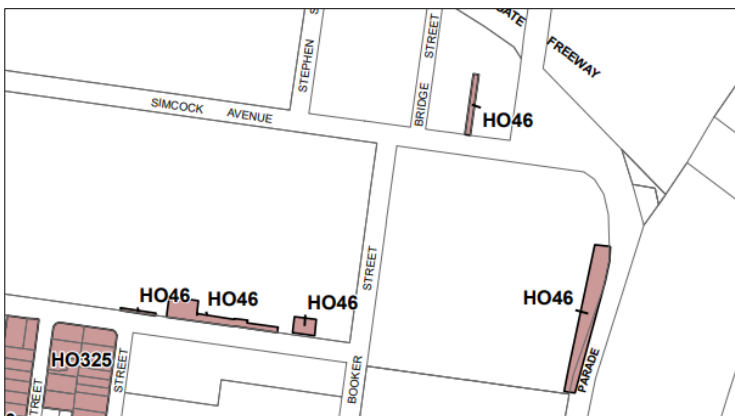


Figure 9 Extract of proposed additions to HO46



## 5.3 ACI Fibre Packaging Plant

### (i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO46) to the ACI Fibre Packaging Plant at 1 Hudsons Road.

### (ii) Evidence and submissions

Submitter 4 suggested the Heritage Overlay should be applied to the ACI Fibre Packaging Plant.

Mr Hemmingway said this had previously been considered, however a planning permit was issued in January 2022, allowing considerable modifications to the building's external appearance such that its intactness would be considerably reduced. Council endorsed the position of Mr Hemmingway and recommended an update to the HO46 Statement of Significance to clarify that the ACI Fibre Packaging Plant does not form part of the precinct's contributory elements and is not a contributory property.

### (iii) Discussion

The Panel has reservations with the approach adopted by Council and Mr Hemmingway. The approach was also adopted in the Heritage Review which noted:

The ACI Fibre Packing Plant had been earmarked for major modifications at the time of assessment and, accordingly, has not been attributed with heritage significance.

Planning approval authorising alternations to a building should not determine whether it meets the appropriate threshold for heritage significance. The owner might seek to amend the permit or might choose not to act on the approval.

However, the Panel is not able to consider whether the Heritage Overlay should be applied to the ACI Fibre Packaging Plant because:

- it is not part of the exhibited Amendment
- potentially affected property owners and tenants were not provided with natural justice through an opportunity to review the proposal or to make a submission.

The Statement of Significance refers to the ACI Fibre Packaging Plant as a contributory element, and as a contributory property, and the Panel considers it should be updated to delete both references given there is no proposal to include the land in the Heritage Overlay. Should Council decide to include it within the Heritage Overlay later, the Statement of Significance could be readjusted then.

### (iv) Conclusion and recommendation

The Panel concludes:

- It is not appropriate to apply the Heritage Overlay (HO46) to the ACI Fibre Packaging Plant.

The Panel recommends:

**Amend the Statement of Significance for AGM Factory Complex (Former) Precinct (HO46) to remove:**

- a) the ACI Fibre Packaging Plant from the list of Contributory Elements
- b) part of 1 Hudsons Road from the list of contributory properties.



## 5.4 8 Simcock Avenue, Spotswood

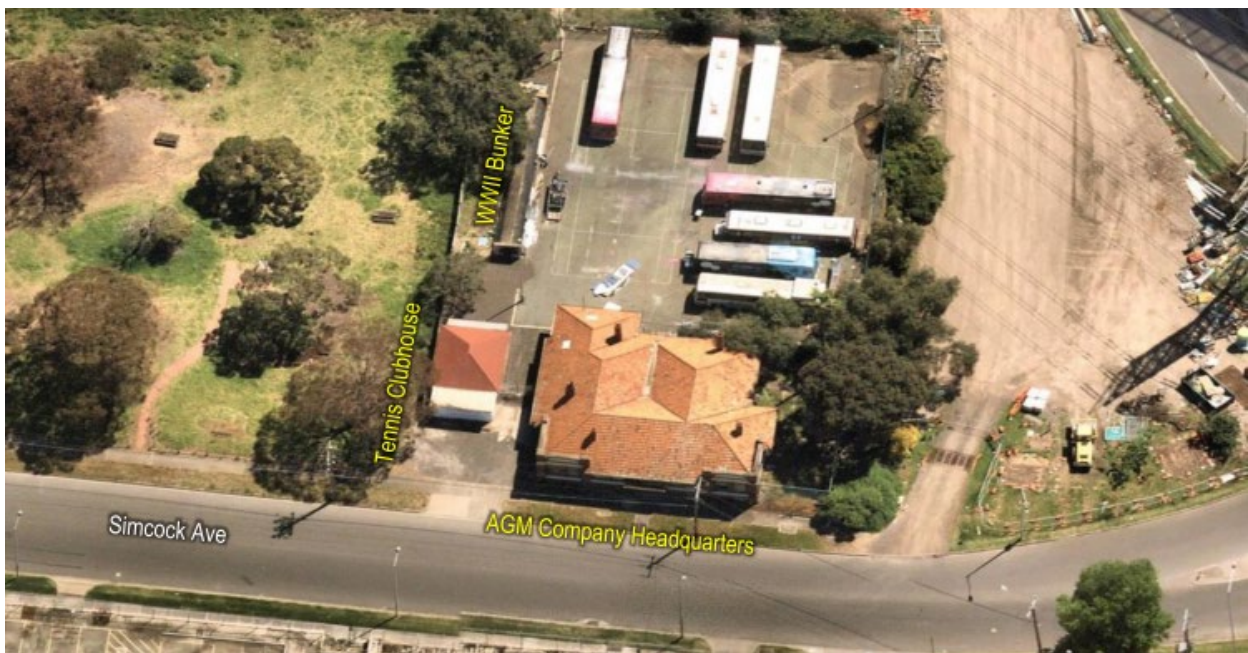
### (i) The issue

The issue is whether the amended area of 8 Simcock Avenue now covered by the AGM Factory Complex (Former) Precinct Heritage Overlay (HO46) accurately reflects the extent of existing heritage fabric.

### (ii) Background

On the north side of Simcock Avenue, between AGM Park and Memorial Park, is the former AGM Company Headquarters, a tennis clubhouse (circa 1916), and a World War II air raid shelter/bunker.

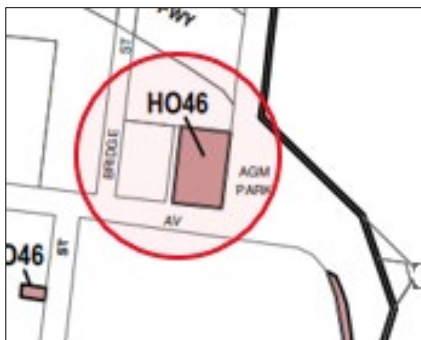
**Figure 10** Aerial photo of the former AGM Company Headquarters



Source: Heritage Review

The extent of the Heritage Overlay, as it relates to the land at 8 Simcock Street is proposed to be reduced in size (as shown in Figure 12) so that it includes only the significant built form the AGM and not the car park land. It is also proposed to apply the Heritage Overlay to an additional strip of land/built form (as shown in Figure 13) so that it accurately captures the bunker.

**Figure 11** 8 Simcock Street, Spotswood – currently covered by HO46



**Figure 12** 8 Simcock Street, Spotswood – area of HO46 proposed to be deleted



**Figure 13** 8 Simcock Street, Spotswood – area of HO46 proposed to be added



### (iii) Evidence and submissions

Submitter 32 did not object to the proposed reduction of the Heritage Overlay as it relates to 8 Simcock Street but suggested further evidence was needed to support the historical significance of the elements which would remain subject to the Heritage Overlay. This includes the timber tennis clubhouse and the concrete bunker/air raid shelter. Submitter 32 considered:

The material also doesn't consider the additions that have been made to these elements, in particular the street facing skillion roof addition to the tennis clubhouse. The effect of these additions on historical value as well as the overall condition of the elements themselves should be assessed. The tennis pavilion and the bunker in particular are in poor condition.

Mr Hemmingway said the concrete bunker/air raid shelter:

... is a rare surviving element and it appears to be intact from the public realm. It has red brick to the end walls and the curved/parabolic profile of the concrete is visible. There are no other known examples in the municipality and only a few in the suburban parts of Melbourne (e.g., 23 Mitford Street, St Kilda, VHR – H0616, which was built in 1941).

In relation to the timber tennis clubhouse Mr Hemmingway said:

It seems to be intact and has a hipped/near pyramidal roof, exposed rafter ends, and weatherboard cladding. There are no openings to the side elevations of the original section.

The state/intactness of the verandah (north side) is not clear.

The building has not been maintained as the gutters are partly displaced and the paintwork has failed.

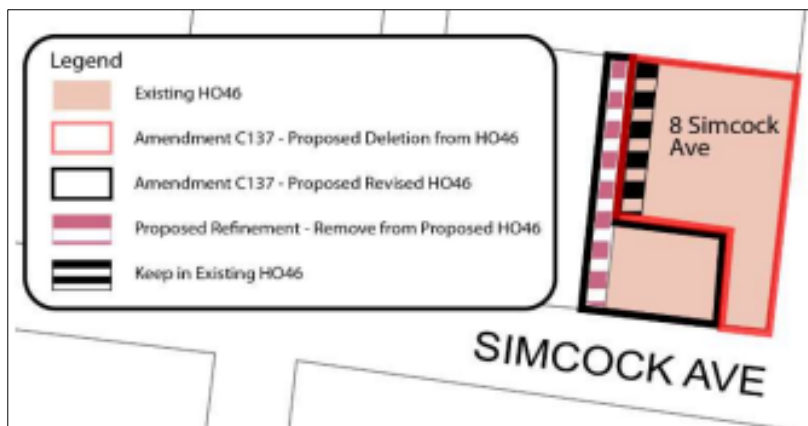
The skillion addition to the south can be noted as being not significant in the SOS/citation.

It is recommended that the extent of the heritage overlay is reduced but that the concrete bunker and tennis pavilion are retained within the HO and noted as significant items to HO46.

Council endorsed the position of Mr Hemmingway to retain the concrete bunker and tennis clubhouse within the Heritage Overlay.

Council also noted a mapping correction required to the exhibited extent of the HO46 as it applies to 8 Simcock Avenue, noting that the exhibited form of HO46 does not accurately cover the concrete bunker/air raid shelter. It resolved to amend the proposed new Heritage Maps 4 and 5 to remove the additional strip proposed to be added to the Heritage Overlay and reduce the extent to be deleted from the existing HO46 at 8 Simcock Avenue to reflect the correct extent of heritage fabric (see Figure 14).

**Figure 14 Council preferred position for 8 Simcock Avenue, Spotswood**



Source: Document 4

#### (iv) Discussion

The Panel accepts the evidence of Mr Hemmingway and the preferred position advanced by Council. It is appropriate and justified to apply the Heritage Overlay to both the tennis clubhouse and bunker. Both are intact, visible from the public realm and are relatively rare surviving heritage elements. While the tennis clubhouse might be in poor condition, as the Panel has concluded in Chapter 3.1, building condition is not relevant when assessing heritage significance.

#### (v) Conclusions and recommendation

The Panel concludes:

- It is appropriate and justified that the Heritage Overlay continue to apply to both the tennis clubhouse and bunker/air raid shelter.
- The AGM Factory Complex (Former) (HO46) should be amended to remove the additional strip proposed to be added to HO46 and reduce the extent to be deleted from the existing HO46 at 8 Simcock Avenue to reflect the correct extent of heritage fabric (as shown in Figure 14).

The Panel recommends:

**Amend the Heritage Overlay for AGM Factory Complex (Former) Precinct (HO46) to:**

- a) remove the additional strip proposed to be added to 8 Simcock Avenue, Spotswood**
- b) reduce the extent proposed to be deleted from 8 Simcock Avenue to reflect the correct extent of heritage fabric (as shown in Figure 14).**

## 5.5 Former Moulded Plastics Factory, Gabled Workshop, Former Glassmaking Plant, Office Building and Street Wall

### (i) The issues

The issues are whether it is appropriate and justified to apply the Heritage Overlay (HO46) to the:

- western bay of the former Moulded Plastics Factory
- metal clad extension of the Gabled Workshop
- the western end of the Former Glassmaking Plant
- Office Building and Street Wall.

### (ii) Background

The Amendment proposes to apply to Heritage Overlay (HO46) to the Gabled Workshop, the Former Glassmaking Plant and the Office Building and Street Wall (see Figure 15). The Former Moulded Plastics Factory is already covered by HO46 (see Figure 16). All buildings are located on 21 Simcock Avenue, Spotswood.

Figure 15 21 Simcock Avenue, buildings proposed to be included in HO46 (in red circle)

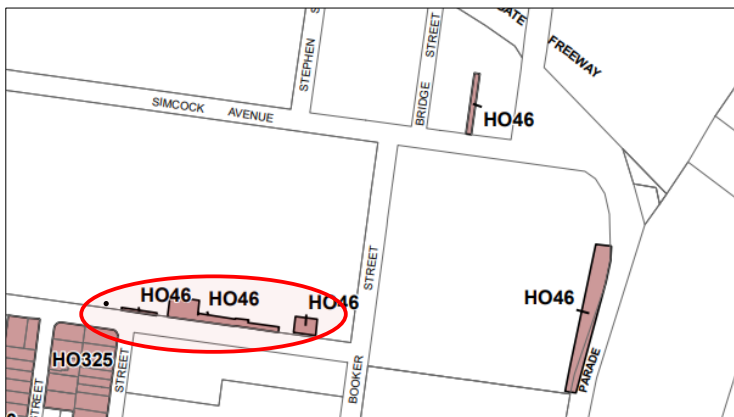
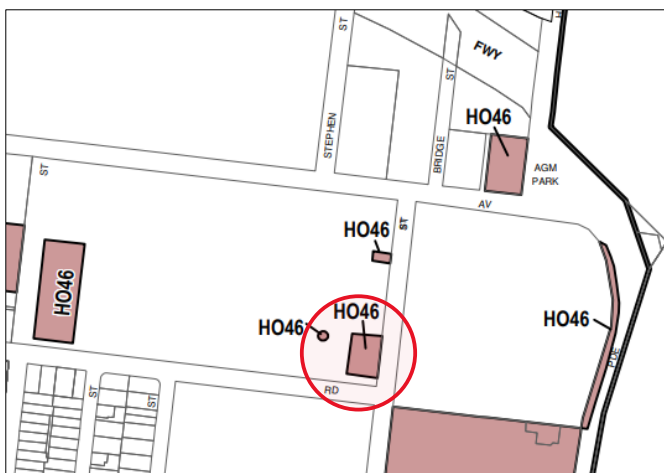


Figure 16 Former Moulded Plastics Factory already included in HO46 (in red circle)



**(iii) Evidence and submissions****Former Moulded Plastics Factory**

The owner of 21 Simcock Avenue noted that while the former Moulded Plastics Factory is already covered by HO46 (see Figure 16), the western bay of the building was constructed later than the eastern half and is “*enclosed by later fabric and has little visibility from either Booker Street or Hudsons Road*”. It submitted the western bay should therefore be removed from the extent of HO46.

**Figure 17** Western bay of former Moulded Plastics Factory (red arrow indicates western bay)



Source: Document 3

Mr Hemmingway said that while the eastern bay was built around 1931, the western bay was built between 1938 and 1945, and agreed it had limited visibility. He said the western bay could be removed from Heritage Overlay without impacting the significance of HO46.

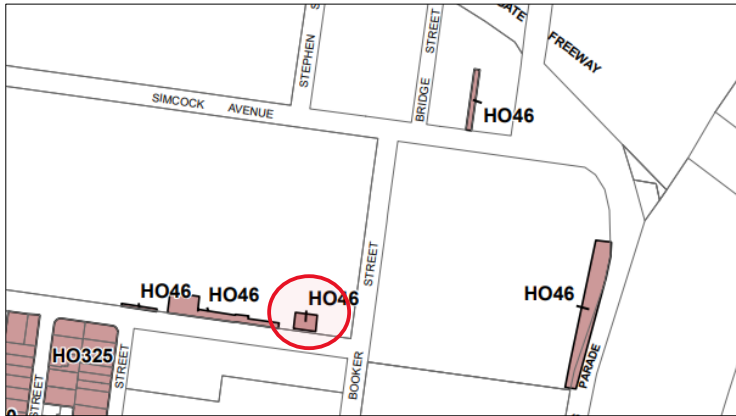
Council endorsed the evidence and recommendation of Mr Hemmingway.

**Gabled Workshop**

The owner of 21 Simcock Avenue submitted the Gabled Workshop (see Figure 18, Figure 19 and Figure 20) should be removed from the extent of HO46. It submitted:

The Gabled Workshop (Building D in Figure 4) is identified as having been built in ca.1931, while the three windows to Hudsons Road are identified as later alterations. The Spotswood Activity Centre Structure Plan Heritage Review 2022 has proposed that this building be included within HO46. The proposed revised extent of HO46 does not include the double height addition connected to the west of the original building. The building has also been extended to the east. Given this building’s original plain utilitarian character, coupled with the degree of alteration to which it has been subjected over the years, it is questionable whether it meets the requisite threshold of significance to warrant inclusion within HO46 to the extent currently proposed. Certainly, HO46 should not extend over the metal-clad addition to the east.

**Figure 18** The Gabled Workshop to be included in HO46 (in red circle)



**Figure 19** Gabled Workshop



Source: Document 3

**Figure 20** Metal clad extension to Gabled Workshop



Source: Document 3

Mr Hemmingway said the Gabled Workshop was built around 1931 and was originally blank to the street. He didn't know when the windows were introduced but said given their type – steel framed with a central pivoting section – he assumed they were a relatively early addition. He noted it was not intended to include the metal clad section at the east end of the building and

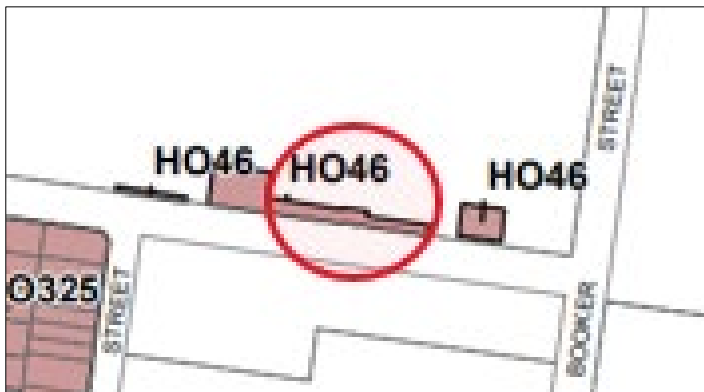
recommended this section be removed from the Heritage Overlay, but the brick section of Gabled Workshop remain included.

Council endorsed the evidence and recommendation of Mr Hemmingway.

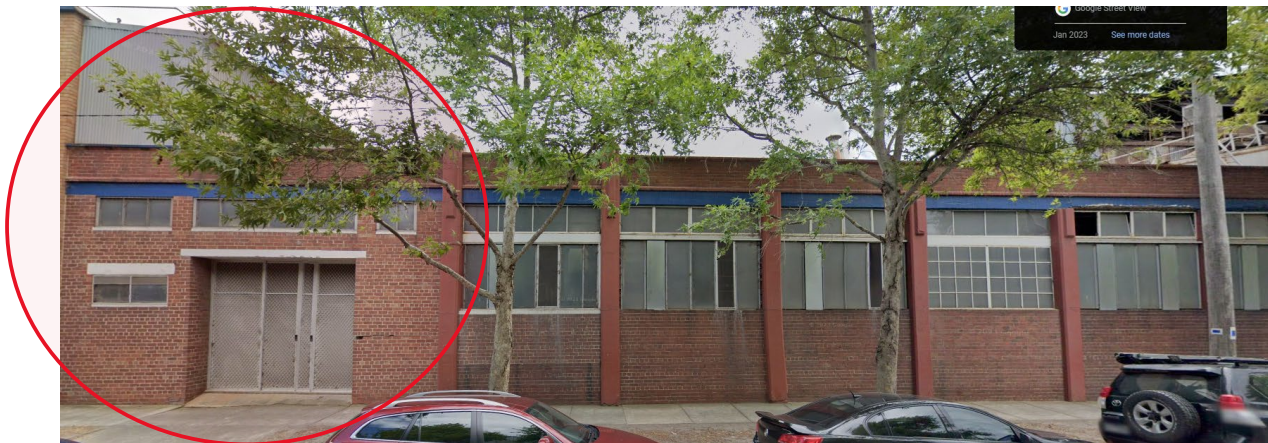
### Former Glassmaking Plant

In relation to the Former Glassmaking Plant (see Figure 21), the owner of 21 Simcock Avenue submitted the extent of the Heritage Overlay should be reduced to exclude its western end (including the double storey section clad in corrugated steel) given it is a later addition and is not original. It submitted *“although designed in a sympathetic style, it is recommended that this element be deleted from the revised extent of HO46”*.

**Figure 21** Former Glassmaking Plant to be included in HO46 (in red circle)



**Figure 22** Western addition to the former Glassmaking Plant (in red circle)



Source: Google maps

Mr Hemmingway noted that the single storey section of the Former Glassmaking Plant had been extended by one bay at the west end. He recommended the full extent of the front of the Former Glassmaking Plant be included in the Heritage Overlay. Council endorsed this position.

### Office Building and Street Wall

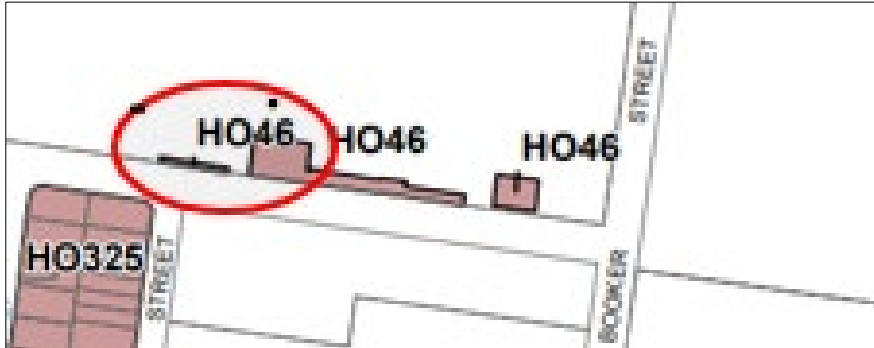
The owner of 21 Simcock Street submitted the Office Building and Street Wall (see Figure 23) should be removed from HO46. It submitted:

It appears from the comparative analysis that the identified rarity of the postwar fabric is premised on the fact only one postwar factory complex is currently included in the Schedule to the Heritage Overlay, the BP Australia Complex and Canary Island Palm Tree at 431 Douglas Parade, Spotswood (HO89). However, the citation does not mention whether a

heritage study of postwar architecture in Hobsons Bay has ever been undertaken. It may not be possible to determine rarity or otherwise if this work has not yet been conducted.

The citation also fails to mention that the BP Australia Complex is a superior example.

**Figure 23** Office Building and Street Wall to be included in HO46 (in red circle)



Mr Hemmingway noted the two building sections are one of a few early examples of a Postwar commercial building known to survive in the municipality. He said that whilst the BP Complex (HO89) of 1959 (referred to in the comparative analysis in the Heritage Review) *“might be a more striking example with its tower, the subject building is nonetheless a good example and pre-dates the former”*. He recommended the building sections as outlined in the citation remain included in the altered extent of HO46.

More generally in relation to the inclusion of the Hudson Road factory facades, Mr Hemmingway said:

This wall of masonry facades is significant and represents key phases of development at the complex, a major contributor to the development of the area. Together the different sections form an evocative streetscape of 20th century industrial design and are representative of the scale of facilities at the wider complex.

#### **(iv) Discussion**

Based on the history of use and development in Spotswood, a heritage precinct that demonstrates an industrial and factory theme is a worthy candidate. Given the strong and influential historic industrial theme throughout the Spotswood area, a precinct that demonstrates this theme is clearly justified.

However, the issue is whether the revised extent of the Heritage Overlay (HO46) as it affects the various buildings on 21 Simcock Avenue is justified and appropriate.

The Panel generally accepts the evidence of Mr Hemmingway and the preferred position advanced by Council. The Former Moulded Plastics Factory, Gabled Workshop, Former Glassmaking Plant and the Office Building and Street Wall are historically significant as part of a long-standing, continuously operating industrial complex.

In relation to the western bay of Former Moulded Plastics Factory, the Panel accepts it has little visibility from the public realm and could readily be removed and/or altered without impacting the heritage significance of the main factory building.

While the Gabled Workshop has windows which have been introduced, they are sympathetic and were likely early additions. The building is otherwise intact and demonstrates the typology of Interwar industrial built form and fabric. The Panel accepts the Heritage Overlay was not intended



to include the metal clad section at the east end of the Gabled Workshop and agrees that it is appropriate for this part of the building to be removed from the Heritage Overlay.

It is appropriate and justified to apply the Heritage Overlay to the Former Glassmaking Plant, the Office Building and Street Wall.

While the western end of the Former Glassmaking Plant (the tenth bay) is a later addition, it is a sympathetic addition and positively contributes to the wall of masonry factory façades that exist along this section of Hudsons Road. This is an important aspect in the 'Why is it significant' part of the Statement of Significance:

The near-continuous street wall of masonry buildings/facades along Hudsons Road forms a highly evocative industrial streetscape of fabric mainly dating to the Interwar (red brick) and Postwar (cream brick) periods, reflecting the scale of facilities required at the place.

It is important this continuous wall of factory facades remains intact and is not broken by the demolition and replacement of the western end of the Former Glassmaking Plant.

Equally, the Office Building and Street Wall are an important example of Postwar commercial buildings and represent a key phase of development at the factory complex.

#### **(v) Conclusions and recommendations**

The Panel concludes:

- The western bay of the Former Moulded Plastics Factory should be removed from the extent of the AGM Factory Complex (Former) (HO46). It has limited visibility and does not contribute to the heritage significance of the eastern bay of the building.
- It is appropriate and justified to apply the Heritage Overlay (HO46) to:
  - the Gabled Workshop, however its metal clad extension should be removed.
  - the western end of the Former Glassmaking Plant (the tenth bay). While the western end is a later addition, it is an important part of the continuous wall of factory facades.
  - the Office Building and Street Wall. Both sections of built form are important examples of Postwar commercial buildings and represent a key phase of development at the factory complex.

The Panel recommends:

**Remove the Heritage Overlay for the AGM Factory Complex (Former) Precinct (HO46) from:**

- a) the western bay of the Former Moulded Plastics Factory
- b) the metal clad extension of the Gabled Workshop.

**Amend the Statement of Significance for AGM Factory Complex (Former) Precinct (HO46) to identify that the following built form components are not contributory elements:**

- a) the western bay of the Former Moulded Plastics Factory
- b) the metal clad extension of the Gabled Workshop.

## **5.6 Statement of Significance – Criteria B and D**

### **(i) The issue**

The issue is whether the AGM Factory Complex (Former) Precinct (HO46) Statement of Significance should be updated to correct a misunderstanding.

**(ii) Evidence**

There was confusion about the assessment of Criteria B and D in the ‘Why is it significant’ part of the Statement of Significance. The relevant part of the Statement of Significance reads:

The AGM Factory Complex (Former) is of representative significance as an extensive industrial complex with intact building fabric from its key phases of development being the Victorian, Federation, Interwar and Postwar periods. The near-continuous street wall of masonry buildings/facades along Hudsons Road forms a highly evocative industrial streetscape of fabric mainly dating to the Interwar (red brick) and Postwar (cream brick) periods, reflecting the scale of facilities required at the place. As a complex, it consists of an unusually varied range of industrial buildings and staff facilities, for which there is no ready comparison in the municipality and few in Melbourne. Of these, the rare surviving elements are the Basalt Wall, Tennis Club, and parabolic WWII Bunker (Criteria B and D)

Mr Hemmingway clarified that it was intended that Criterion D relate to the first two sentences and Criterion B to the last sentence. He suggested the Statement of Significance is updated to clarify what aspects relate to Criterion B (rarity) and Criterion D (representative).

**(iii) Discussion and recommendation**

Amending the Statement of Significance as suggested by Mr Hemmingway would be a useful amendment to the Statement of Significance for the AGM Factory Complex (Former) Precinct (HO46).

The Panel recommends:

**Amend the “*Why is it significant*” section of the AGM Factory Complex (Former) Precinct (HO46) Statement of Significance so that it is consistent with the Panel’s preferred version in Appendix D.**

## 6 War Service Homes Commission Precinct (HO323)

### 6.1 Exhibited Statement of Significance

#### Exhibited Statement of significance



#### What is significant?

The single storey houses at 605–609 + 613–631 Melbourne Road (odds only), 153–155 and 154–160 Hudsons Road, and 25–33 and 28–36 Reed Street, developed on land acquired by the War Service Homes Commission to develop low-cost housing, are significant to the City of Hobsons Bay.

The precinct forms part of a large parcel acquired in 1920 by the War Service Homes Commission and subdivided to create 250 residential lots for low cost housing. Initially construction was concentrated at the east of the precinct including in Birmingham Street, Reed Street, Hudson Road, Mary Street and Melbourne Road whereby in 1925 some 50 homes had been constructed.

After this initial burst of construction, houses were built on most of the hitherto vacant lots along Melbourne Road such that the east part of the subdivision was nearly fully developed by 1930. Construction continued across the broader subdivision, generally in a westwards direction, during the late Interwar period and into the Post-WWII period. Later in the 20th century and more recently, many of the original Interwar and Post-WWII period places have been replaced leaving only a largely intact area to the east end of the original subdivision.

#### Contributory elements:

Contributory places include:

- 153, 154, 155, 156, 160 Hudsons Road
- 605, 607, 609, 613, 615, 617, 619, 621, 623, 627, 629, 631 Melbourne Road
- 27, 29, 30, 32, 33, 34, 36 Reed Street.

The following original elements also contribute to the significance of the place:

- Hipped or gabled roof forms, clad in terracotta tiles, with timber lined soffits and some with exposed rafter ends. Red brick chimneys, some capped with a clinker brick soldier course. Chimneys are squat to gabled roof places and tall to hipped roof places.
- Gabled ends with timber shingled skirts or timber battens and sheeting.
- Verandahs and porches created by an extension of the main roof form or a separate gable end, either timber-framed or supported by timber posts (some paired) on brick piers (with only a few with balustrade walls).
- Walls clad in weatherboards.
- Timber-framed windows, mostly box framed with either double hung sashes (often with a multipaned upper sash, some with lead light and decorative glass) or casements.

- Single width vehicle crossovers.
- Intact subdivision pattern.
- Consistent setbacks.
- Concrete kerb and channelling.

The following places and elements do not contribute to the significance of the place:

- Non-original front and rear alterations and additions.
- Carports to the front setback.

How is it significant?

The War Service Homes Commission Precinct is of historical and representative significance to the City of Hobsons Bay.

Why is it significant?

The War Service Homes Commission Precinct is of historical significance as it demonstrates the efforts of the War Service Homes Commission to facilitate low-cost residential development for those of limited means under the provisions of the Housing and Reclamation Act (1920). The Act provided the War Service Homes Commission with the power to acquire land and develop housing to be sold at low cost to families of 'small means'. Housing was to be constructed to designs developed by the State Savings Bank under the supervision of Chief Architectural G Burrige Leith. The precinct consists of the intact remnants of a proposed 250 home estate planned by the War Service Homes Commission acquired in 1920 shortly after the passing of the Act.

Later, the State Savings Bank itself took over operation of the programme which developed in scope throughout the Interwar period. Thousands of homes were constructed across Melbourne including an entire suburb in Port Melbourne in the late 1920s/early 1930s. It laid the ground for the establishment in 1938 of the Housing Commission of Victoria, which assumed responsibility for the provision of public housing in the State. The programme positioned the State as a major provider of residential home construction in the Interwar period, a phase of State intervention in the housing market that is not widely protected under the heritage overlay in the City of Hobsons Bay. (Criterion A)

The War Service Homes Commission Precinct is of representative significance as an intact group of economical, timber-framed versions of the popular bungalow idiom designed under the supervision of chief bank architect G B Leith for the State Savings Bank after WWI. Whilst unpretentious, they are differentiated with a range of detailing generally indicative of the Californian bungalow type and reflecting the underlying influence of an Arts and Crafts aesthetic on that style in their uses of 'natural' materials and vernacular detailing including the predominant use of weatherboards, shingling to the gable ends, terracotta tile clad roofs, with limited superfluous detailing, except to the windows.

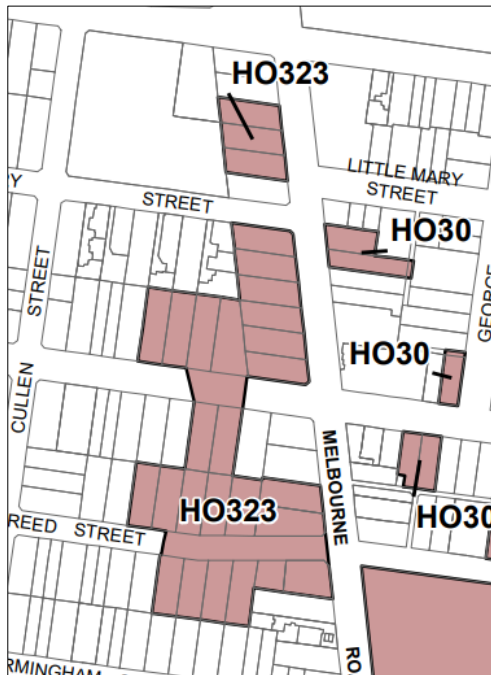
Later, State Savings Bank designs would incorporate emerging trends or popular architectural styles in home design, a few of which are also represented in the precinct. (Criterion D)

## 6.2 Background

The War Service Homes Commission Precinct (HO323) consists of 28 detached single storey homes on Melbourne Road, Hudsons Road and Reed Street, Spotswood. It is located to the east of the large triangular shaped residential area bound by Melbourne Road, the railway line and the West Gate Bridge.

The spine of the precinct is the west side of Melbourne Road, which consist of 12 bungalows between The Avenue (north) and Birmingham Street (south). The remainder of the precinct is located on Hudsons Road and Reed Street, two parallel roadways which intersect with Melbourne Road.

**Figure 24** Extract of exhibited Heritage Overlay Map 4 showing proposed HO323



## 6.3 Hudsons Road properties

### (i) The issue

The issue is whether 153, 154, 155, 156 and 160 Hudsons Road have been appropriately included in the War Service Homes Commission Precinct (HO323).

### (ii) Evidence and submissions

Several submitters considered 153, 154, 155, 156 and 160 Hudsons Road should not be included in the Heritage Overlay, for reasons set out in Chapter 3, and because the properties lack heritage value.

Mr Hemmingway said the home at 153 Hudsons Road is an intact bungalow with original features including a transverse gable roof clad in terracotta tiles, an off-centre gabled porch supported on two brick piers (overpainted) surmounted by paired timber posts, exposed rafter ends, battened textured sheeting to the gabled end, and multi-paned upper sashes. These architectural features he said were indicative design features of this particular period.

Regarding 154 Hudsons Road, he said the bungalow is a good, intact, late Interwar period home and noted the following key architectural features:

- a stepped, hipped roof clad in variegated tiles, square red brick chimneys, weatherboard cladding, and rendered masonry porch and piers with feature, tapestry brickwork
- a corner window and two boxed-framed windows.

Mr Hemmingway said the home at 155 Hudsons Road is an intact bungalow, with several similar architectural elements to 153 Hudsons Road with the addition of a more complex roof form with a gable end to the projecting bay and an additional gablet near the roof ridge.

In relation to 156 Hudsons Road Mr Hemmingway said:

It is a mostly intact bungalow as it has undergone some alterations. Its original features include a broad gable, terracotta clad roof with shingles to the skirts of the gable ends, red brick chimney, soffit lined with timber boards, weatherboard cladding and a recessed doorway. The latter is obscured, however, from an earlier Google Street View image following (January 2014), it was intact with a timber door and sidelight. The overhang of the roof is supported by timber struts, although there may have been a post at the entry. The main alteration is the removal of the original timber windows and replacement with aluminium sliding types. There is no other example of this type in the precinct, though it shares some similarities with 160 Hudsons Road.

Mr Hemmingway said the home at 160 Hudsons Road is intact and retains its original form with three gable ends, exposed rafter ends, a timber-lined soffit and boxed-frame windows with casements.

Mr Hemmingway recommended 153, 154, 155, 156 and 160 Hudsons Road remain categorised as contributory within the proposed HO323.

Council endorsed this recommendation noting the clear intactness of all the bungalows.

### **(iii) Discussion**

The War Services Homes Commission Precinct is significant for representing Californian bungalow homes. These typically include:

- hipped or transverse gable roof forms clad in terracotta tiles (some with exposed rafter ends)
- red brick chimneys
- gabled ends with feature timber shingles or timber battens
- a verandah or porch.

The homes at 153, 154, 155 and 160 Hudsons Road all display these typical contributory elements, and the Panel considers the Amendment has appropriately categorised 153, 154, 155 and 160 Hudsons Road.

The Panel has concern in relation to 156 Hudsons Road. While it exhibits some of the requisite contributory elements such as a hipped roof form with terracotta tiles and walls clad in weather boards, it does not exhibit other key contributory elements including:

- a verandah or porch supported by timber posts
- a red brick chimney
- timber box framed windows (noting the original windows have been replaced).

156 Hudsons Road does not have sufficient form or features to represent what is sought through the HO323 Statement of Significance, particularly given the loss of its original windows and the lack of a verandah or porch, and should be recategorised from contributory to non-contributory.

### **(iv) Conclusion and recommendation**

The Panel concludes:

- 153, 154, 155 and 160 Hudsons Road have been appropriately categorised and included in the War Service Homes Commission Precinct (HO323).
- 156 Hudsons Road should be recategorised from contributory to non-contributory.

The Panel recommends:

**Amend the Statement of Significance for the War Service Homes Commission Precinct (HO323) to remove 156 Hudsons Road, Spotswood from the list of contributory properties.**

## 6.4 Melbourne Road properties

### (i) The issue

The issue is whether 609 and 631 Melbourne Road have been appropriately included in the War Service Homes Commission Precinct (HO323).

### (ii) Evidence and submissions

Several submitters considered 609 and 631 Melbourne Road should not be included in the Heritage Overlay, for reasons set out in Chapter 3, and because the properties lack heritage value or have been altered.

Mr Hemmingway said the home at 609 Melbourne Road is mostly intact with the bungalow retaining its form, timber-lined soffit, gable end detailing with shingles, front verandah with timber deck and brick piers (although rendered) surmounted by paired timber posts, and paired, timber-framed windows with multi-paned upper sashes. He noted the original weather boards have been replaced with metal shiplap but that this was reversible.

In relation to 631 Melbourne Road Mr Hemmingway said the home is intact and retains its form with the roof extending over the front verandah. He noted it includes original features such as the exposed rafter ends, timber boards to the soffit, brick piers to the verandah, entry door and sidelight, and pairs of double hung sash windows with the standard multi-paned upper sash. He said that while the metal sheeting roof is not original, this was the material first used (as noted from a 1945 aerial). While he noted that there have been some changes including the removal chimney and replacement of the original supports to the verandah, the house remains largely intact and meets the threshold for a contributory grading.

Mr Hemmingway recommended 609 and 631 Melbourne Road remain categorised as contributory within the proposed precinct HO323.

Council asked the Panel to adopt Mr Hemmingway's expert opinions leading to his conclusion and recommendation that 609 and 631 Melbourne Road are included in HO323 as contributory places.

### (iii) Discussion and conclusion

Like the homes in Hudsons Road discussed in Chapter 6.3, the two Melbourne Road bungalows display the typical contributory elements for the precinct.

The Panel acknowledges the alterations to both homes, but considers:

- the changes are mostly reversible or repairable
- the alterations do not affect the ability for the property to contribute to the precinct
- the properties remain sufficiently intact with distinctive architectural characteristics and features, consistent with the precinct's heritage significance.

The Amendment has appropriately categorised and included 609 and 631 Melbourne Road in the War Service Homes Commission Precinct (HO323).

The Panel concludes:

- 609 and 631 Melbourne Road have been appropriately categorised and included in the War Service Homes Commission Precinct (HO323).



## 7 Alloa Park Estate Precinct (HO324)

### 7.1 Exhibited Statement of Significance

#### Exhibited Statement of significance



#### What is significant?

The single storey buildings at 154-156 – 170 Hall Street, Spotswood, constructed after the subdivision of the Alloa Park Estate in 1926, are significant to the City of Hobsons Bay.

#### Contributory elements:

The contributory places are:

- Nos 154-156, 158, 160, 162, 164, 166, 168A, 168B, 170 Hall Street, Spotswood.

The following original elements also contribute to the significance of the place:

- Subdivision pattern
- Consistent setbacks
- Original hipped or gabled roof forms
- Tiled roofs, either terracotta or concrete
- Gabled ends with timber shingles, etc
- Face brick and/or rendered chimneys
- Wide ventilated eaves, some with exposed rafter ends
- Intact walls of face brick and render
- Intact timber-framed walls clad in timber boards
- Timber framed-sash windows
- Square box frame and bay windows
- Leadlight to Interwar period places
- Original/early front fences to nos 158, 160 and 170.

#### How is it significant?

The single storey buildings between 156 and 170 Hall Street, Spotswood are historically and aesthetically significant to the City of Hobsons Bay.

#### Why is it significant?

The Alloa Park Estate Precinct is historically significant as it illustrates the attraction of Spotswood as a residential area in the Interwar period, when private and public investment was directed towards the suburb.

The northern part of the precinct originally formed the grounds of the red brick villa Alloa at 168 Hall Street, which was constructed in 1908 (affected by HO141). The grounds of Alloa were consolidated with a larger

southern parcel by William James McNeilage and subdivided in 1926 as the Alloa Park Estate – a reduced curtilage was kept around Alloa equivalent to Lot 3 of the subdivision. Houses on the prime lots in the subdivision to Hall Street were subsequently constructed during the Interwar period beginning in the late 1920s, when the surrounding area was undergoing considerable development.

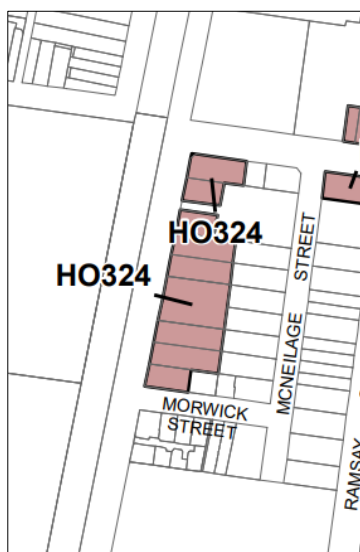
In 1961, the Hall Street frontage of Alloa was subdivided to create two lots (and a narrow driveway through to the substantive part of the site) which were subsequently developed with the extant gable roofed houses. This continued interest in the precinct area into the Post-WWII period is indicative of the ongoing residential and industrial activity that occurred in Spotswood during that period, when the suburb became a major centre in the petrochemical industry. The two phases of subdivision – 1926 and 1961 – remain readily identifiable. (Criterion A)

The Alloa Park Estate Precinct is aesthetically significant to the City of Hobsons Bay as a contained and cohesive group of fine and intact examples of Interwar and Post-WWII period architectural styles, seldom seen in such concentration within the municipality. The Interwar period places exhibit a confident display of domestic architectural styles popular during that period, including the Bungalow, Spanish Mission and Old English, while the Post-WWII period places are distinguished by the more retained aesthetic of the Moderne. (Criterion E).

## 7.2 Background

The Alloa Park Estate Precinct includes a group of substantial houses constructed during the second half of the Interwar period and across the Post-WWII period on the east side of Hall Street between Craig and McNeilage streets. It forms an outlying residential group in the largely industrial southern edge of Spotswood.

**Figure 25** Extract of exhibited Heritage Overlay Map 5 showing proposed HO324



## 7.3 Hall Street properties

### (i) The issue

The issue is whether 158, 168A and 168B Hall Street have been appropriately included in the Alloa Park Estate Precinct (HO324).

### (ii) Evidence and submissions

Several submitters considered 158, 168A and 168B Hall Street should not be included in the Heritage Overlay, for reasons set out in Chapter 3, and because the properties lack heritage value.

In relation to 168A and 168B Hall Street, Mr Hemmingway said:

168A and 168B Hall Street are proposed to be graded Contributory to HO324. They were subdivided in 1961 from the parcel of land previously associated with no. 168 and built about that time.

168A Hall Street was owned by Australian Glass Manufactures Co. (who had acquired no. 168 in 1927). It is likely that nos 168A and 168B were both developed for AGM for staff, as had the proposed precinct HO325 in 1954/55.

168A and 168B Hall Street are indicative of the late postwar period – the former is largely intact and the latter mostly intact. They have been orientated (angled to the front boundary and mirrored) to retain a framed view of Alloa (HO141), however, this was common at the time. They have contained forms under a discrete gable roof clad in concrete tiles. The walls are cream brick, now rendered to 168B, with large timber-framed windows. It is recommended that both 168A and 168B Hall Street are graded Contributory to HO324.

Mr Hemmingway said 158 Hall Street was built during the late 1950s and with its prominent, waterfall chimney in salmon brick with manganese highlights, is largely intact and indicative of Postwar design. He recommended 158 Hall Street is categorised contributory and included in HO324.

### **(iii) Discussion and conclusion**

This precinct contains a large mix of housing styles and architecture. As noted in the Heritage Review:

The Post-WWII places at 158, 168A, 168B exhibit influences of the Moderne style in their generally restrained or unadorned aesthetic with tile clad, hipped roofs, broad chimneys to the front, and cream brick walls (some with limited brown brick trim).

The homes at 158, 168A and 168B Hall Street clearly all display these typical contributory elements, and the Panel considers the Amendment has appropriately categorised them. The Panel was not provided with information which persuaded it that the properties should be excluded from the precinct.

The Panel concludes:

- 158, 168A and 168B Hall Street have been appropriately categorised and included in the Alloa Park Estate Precinct (HO324).

# 8 Australian Glass Manufacturers Housing Heritage Precinct (HO325)

## 8.1 Exhibited Statement of Significance

### Exhibited Statement of significance



Type 1



Type 3



Type 2



Type 1

#### What is significant?

The extant timber-framed residences to the west side of Bernard Street and the east side of Robb Street which were erected as workers housing for Australian Glass Manufacturers and were designed by the noted architectural firm Buchan, Laird and Buchan. Significant elements included the original tile clad (variegated terracotta or concrete) gable roofs, cream brick chimneys, timber-framed windows, and entry porches.

#### Contributory elements:

The contributory places are:

- Bernard Street (odd) 3, 5, 7, 11, 13, 19, 21
- Robb Street (even) 2, 4, 18, 24, 26

**How is it significant?**

The Australian Glass Manufacturers' Housing Heritage Precinct is of local historic and aesthetic significance to the City of Hobsons Bay.

**Why is it significant?**

Historically the houses constructed by Australian Glass Manufacturers in the precinct are significant as purpose-built workers housing that were erected at a time when the company was undergoing rapid expansion. Australian Glass Manufacturers, initially known as Melbourne Glass Bottle Works Co Ltd and now Australian Consolidated Industries (ACI), was one of the first major industries to locate in the area and is the oldest operating industrial complex in the Municipality. It was a major source of employment in Spotswood area, and the houses, located opposite the factory, are illustrative of the facilities provided by the company for its workers. The close proximity of the housing allowed workers to quickly attend to unexpected issues including machinery breakdowns and staffing shortfalls. Designed by Buchan, Laird and Buchan architects who were interested in good quality housing, the group of houses is an unusual example of company-sponsored housing in the Municipality. (Criterion A and B)

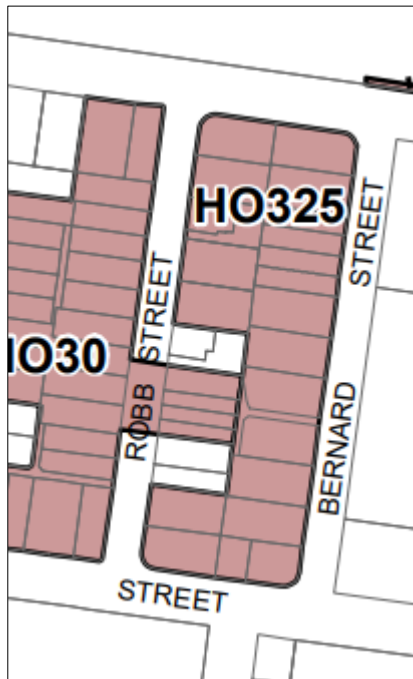
The single storey dwellings are of aesthetic significance as a cohesive group of houses designed by noted architects Buchan, Laird and Buchan. Consisting of three different designs which are largely distinguished by their roof form and plan, the houses are unified by their scale, material palette and detailing. The relatively modest timber houses are evocative of their construction period, consisting of intersecting masses and incorporating large windows, recessed porches and cream brick chimneys. Whilst there are other similar low-cost workers housing groups in the Municipality, they are mostly constructed of brick or concrete and date to the 1940s rather than the 1950s. (Criterion D).

## 8.2 Background

The Heritage Review assessed the residential properties bound by Hudsons Road (north), Bernard Street (east), Craig Street (south) and Hall Street (west). Within this area was a group of houses (mostly with boundaries to Robb and Bernard streets) which were constructed during the mid-1950s for Australian Glass Manufacturers as workers housing.

The proposed precinct includes three types of houses which are largely distinguished by their roof form and plan. These consist of a transverse gable type (Type 1), a type with central projecting gable to the front (Type 2), and a third type which is 'T' shaped in plan (Type 3).

Figure 26 Extract of exhibited Heritage Overlay Map 5 showing proposed HO325



### 8.3 Precinct assessment

#### (i) The issue

The issue is whether the Australian Glass Manufacturers Precinct (HO325) meets the threshold of local heritage significance to justify the Heritage Overlay.

#### (ii) Evidence and submissions

Submitters 4, 21 and 22 submitted HO325 lacks integrity due to recent development and the number of non-contributory dwellings.

Mr Hemmingway said that whilst parts of the original Australian Glass Manufacturers housing development had been replaced, sufficient examples remain, albeit non-contiguous, to understand this precinct and the three different house types employed.

Submitter 17 queried why only one side of Robb Street was proposed for inclusion in HO325. Mr Hemmingway said:

The development of the Robb Street was varied. All of the west side had been developed by WWII (refer to aerials in the citation for HO325). In addition, about a quarter of the east side had also been developed and so not all of the land on the east side was available for development for housing by the AGM.

As such, given this specific development history, the sections associated with the early development of Robb Street have been recommended for inclusion in HO30 (all of the west side, and remnant section on the east) and the section associated with the AGM housing development is recommended for inclusion in HO325 (end sections of the east side).

#### (iii) Discussion and conclusion

The Panel agrees with the evidence of Mr Hemmingway and considers sufficient examples remain within the proposed Australian Glass Manufacturers Precinct to form a cohesive precinct. The

scattered non-contributory properties affect the ability to appreciate the precinct, however not to the point where the precinct is no longer sufficiently intact to be significant.

In relation to Robb Street, the Amendment has appropriately split it into proposed HO325 and HO30 given the associated development history.

The Panel concludes:

- The Australian Glass Manufacturers Precinct (HO325) meets the threshold of local heritage significance to justify the Heritage Overlay.

## 8.4 Bernard Street properties

### (i) The issue

The issue is whether 1, 5, 7, 9 and 21 Bernard Street have been appropriately included in the Australian Glass Manufacturers Precinct (HO325).

### (ii) Evidence and submissions

One submitter said 1 Bernard Street should be removed from HO325. Mr Hemmingway noted the home was categorised as non-contributory but should remain within the HO325 given the intact examples either side of it at 2 Robb Street and 3 Bernard Street (excluding the subdivided parcel at 36 Craig Street).

A submitter sought the removal of 9 Bernard Street from the HO325 because the home is new and does not contribute to the heritage significance of the proposed precinct. Mr Hemmingway noted the home was categorised as non-contributory but should remain within the Heritage Overlay as the houses on either side are graded contributory (7 and 11 Bernard Street).

The owners of 5, 7 and 21 Bernard Street objected to the Amendment for reasons set out in Chapter 3, and because their properties lack heritage value. Mr Hemmingway recommended the properties are included in the Heritage Overlay and are categorised contributory.

Mr Hemmingway said 5 Bernard Street is largely intact, and indicative of Type 2 with its central projecting bay. He noted the gable roof clad in variegated tiles, cream brick chimney, sheeting to the soffit, exposed rafter ends, elongated vent to the front gable, weatherboard cladding, and glazed screen to the recessed porch (beneath the central gable). He said the concrete deck and curved garden path were also original, but that the original timber-framed double hung sashes (evident in other examples of this type) had been replaced with aluminium-framed fixed and awning windows.

In relation to 7 Bernard Street, he said the home is intact and:

- is indicative of Type 1 with its two-tiered gable roof clad in tiles with timber boards between the two roof level
- retained its original cream brick chimney, exposed rafter ends, battened sheeting to the soffit, weatherboard cladding, timber-framed double hung sashes (to corner at front), and the entry screen.

Regarding 21 Bernard Street Mr Hemmingway said:

It is intact and indicative of 'Type 2' with its central projecting bay. It has a gable roof clad in variegated tiles, cream brick chimney, sheeting to the soffit, exposed rafter ends, weatherboard cladding, and timber-framed double hung sashes (single and paired front).

The front entry is concealed so it is not clear if there is a screen, however, a timber-framed door with glazing could be original.

The owner of 5 Bernard Street also said that applying the Heritage Overlay to residential streetscapes is at odds with the level of degradation to heritage values already imposed on infill development (and noting many commercial heritage buildings have been demolished). In response, Council submitted *“a rigorous and careful approach had been taken to identifying the places that possess and represent the values identified in the statement of significance, one that has been further refined by the post-exhibition ‘preferred form’ of the Amendment”*.

### **(iii) Discussion and conclusion**

This precinct includes three different housing designs however they all include gabled roofs clad in terracotta tiles, exposed rafter ends, cream brick chimneys, weatherboards to the walls, groups of double hung sash windows, and entry porches (with varied detailing).

The homes at 5, 7 and 21 Bernard Street all display these typical contributory elements, and the Panel considers the Amendment has appropriately categorised them as Contributory. The Panel was not provided with information which persuaded it that the properties should be excluded from the precinct.

1 Bernard Street has been appropriately categorised as non-contributory and included in the HO325. There are intact homes either side of 1 Bernard Street (excluding the subdivided parcel at 36 Craig Street) at 2 Robb and 3 Bernard Streets. As the Panel found in Chapter 3.4, non-contributory homes should generally be included in a heritage precinct to ensure future development on that land responds sensitively to the heritage fabric on neighbouring contributory properties in the precinct. Equally, the Panel considers the non-contributory property at 9 Bernard Street should remain for reasons set out in Chapter 3.4.

The Panel concludes:

- 1 and 9 Bernard Street have been appropriately categorised as non-contributory and included in the Australian Glass Manufacturers Precinct (HO325).
- 5, 7, and 21 Bernard Street have been appropriately categorised as contributory and included in the Australian Glass Manufacturers Precinct (HO325).

## **8.5 36 Craig Street, Spotswood**

### **(i) The issue**

The issue is whether 36 Craig Street has been appropriately included in the Australian Glass Manufacturers Precinct (HO325).

### **(ii) Evidence and submissions**

Submitters 11 and 17 said 36 Craig Street should be removed from the Heritage Overlay and objected to the Amendment for reasons set out in Chapter 3. Submitter 11 observed that 36 Craig Street is a ‘new property’, with a building permit dating from 1998 and an occupancy permit from 2000. It submitted the property makes no contribution to HO325.

Mr Hemmingway noted the home was categorised as non-contributory but should remain within the HO323. He said:



The parcel of land results from a subdivision in 1995 of the original parcel associated with 1 Bernard Street. The two-storey house that has been constructed at 36 Craig Street is more sympathetic than some of the townhouses that have been erected elsewhere in the proposed precinct in that it is clad in timber broads and has a gabled roof form.

Adjoining this site on both sides are original houses however, only that to the west at 2 Robb Street is graded Contributory, with the other being altered at 1 Bernard Street, though reversible, being graded Non-Contributory.

### **(iii) Discussion and conclusion**

The non-contributory property at 36 Craig Street should remain within the HO325 for reasons set out in Chapter 3.4.

The Panel concludes:

- 36 Craig Street has been appropriately categorised as non-contributory and included in the Australian Glass Manufacturers Precinct (HO325).

## **8.6 Robb Street properties**

### **(i) The issue**

The issues are whether:

- 18 Robb Street has been appropriately included in the Australian Glass Manufacturers Precinct (HO325)
- 24 Robb Street has been incorrectly referenced as a contributory property in the Statement of Significance for the Australian Glass Manufacturers Precinct (HO325).

### **(ii) Evidence and submissions**

The owner 18 Robb Street objected to the Amendment for reasons set out in Chapter 3, and because the property lacked heritage value.

Mr Hemmingway recommended the property is included in the Heritage Overlay and categorised contributory. He said:

This house is original and indicative of the 'T' shaped plan (type 3). It is mostly intact, with a gable roof clad in variegated tiles, cream brick chimney, sheeting to the soffit, exposed rafter ends, and weatherboard cladding. This type is distinguished by its flat roof porch with rafter ends and timber screen on a brick base with the standard concrete deck. The original timber-framed windows have been replaced with aluminium types. The timber garage is also likely original.

Council advised the Panel that a minor correction to the Statement of Significance for HO325 was needed to correctly refer to 24 Robb Street as a non-contributory property in accordance with the Heritage Review. Mr Hemmingway supported this correction.

### **(iii) Discussion**

18 Robb Street is relatively intact and displays the Type 2 contributory elements. The Panel agrees with Mr Hemmingway and considers the Amendment has appropriately categorised it as contributory. The Panel was not provided with information which persuaded it that the property should be excluded from the precinct.

The Panel agrees with Council that a correction to the Statement of Significance is required in relation to 24 Robb Street.

**(iv) Conclusions and recommendation**

The Panel concludes:

- 18 Robb Street has been appropriately categorised as Contributory and included in the Australian Glass Manufacturers Precinct (HO325).
- 24 Robb Street should be removed from the list of contributory properties in the Statement of Significance for the Australian Glass Manufacturers Precinct (HO325).

The Panel recommends:

**Amend the Statement of Significance for the Australian Glass Manufacturers Housing Precinct Heritage Overlay (HO325) to remove 24 Robb Street, Spotswood from the list of contributory properties.**

## Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	Peter Sammut	20	Kathryn Shaw
2	Darren Sant	21	Peter Hannah
3	Jason Schubert	22	Denise Geraldo de-Lima
4	Robert K Taylor	23	Aaron Pooley
5	Christine Harris	24	Phanin and Joseph Di Battista
6	Rodney Alexander Grant	25	Patrick and Helen White
7	Murray James	26	Luke Molan
8	Tania Tandora	27	Donna Evans and Aaron Smith
9	Martin Hecht	28	Daniel Herrmann and Riana Teo
10	Mathew Spiteri	29	Dylan A Roberts
11	Rex Allum	30	Robert Tagg
12	Chris Spiteri	31	Julian McCluskey
13	Matekino Stone	32	Tabitha Wong
14	Mark Spiteri	33	Urbis on behalf of Charter Hall
15	David Spiteri	34	Jeremy Stewart
16	Rei Rapana	35	Rachel Takats
17	Better West Incorporated	36	Megan Serong and Cameron Tout
18	VicTrack	37	Lesley Bowen
19	David Levey	38	Sebastian Ragusa

## Appendix B Document list

No.	Date	Description	Provided by
1	6 Jul 2023	Panel Directions and Hearing Timetable	Planning Panels Victoria (PPV)
2	12 Jul 2023	Council Part A submission	Hobsons Bay City Council (Council)
3	17 Jul 2023	Statement of Evidence Mr Hemmingway	Council
4	20 July 2023	Council Part B submission	Council
5	21 July 2023	Further written submission	Submitter 11
6	24 July 2023	Hearing presentation	Submitter 23
7	24 July 2023	Further written submission	Submitter 26
8	24 July 2023	Clause 15.03 (Heritage), Planning Scheme	Council
9	24 July 2023	Amendment C133hbay, proposed Map 10	Council
10	24 July 2023	Expert evidence of Ms Brady for Amendment C133hbay	Council

## Appendix C Planning context

### C:1 Planning policy framework

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

#### Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* (the Act) 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
- balance the present and future interests of all Victorians.

#### Planning Policy Framework

The Amendment supports:

- Clause 15.01-5S (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- Clause 15.03-1S (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
  - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
  - Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
  - Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.
  - 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.
  - Ensure an appropriate setting and context for heritage places is maintained or enhanced.

### C:2 Other relevant planning strategies and policies

#### i) Plan Melbourne

*Plan Melbourne 2017-2050* 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. The following are relevant to the Amendment:

- Outcome 4: Melbourne is a distinctive and liveable city with quality design and amenity
  - Direction 4.4: Respect Melbourne's heritage as we build for the future
  - Policy 4.4.1: Recognise the value of heritage when managing growth and change
  - Policy 4.4.4: Protect Melbourne's heritage through telling its stories.

## ii) Spotswood Activity Centre Structure Plan Heritage Review 2022

The Heritage Review was undertaken by RBA Architects and Conservation Consultants. The final report was completed in March 2022.

## iii) Draft Spotswood Activity Centre Structure Plan

The draft Structure Plan outlines the proposed Heritage Overlay changes recommended in the Heritage Review.

## iv) Better Places Spotswood and South Kingsville Place Guide

The Better Places Spotswood and South Kingsville Place Guide October 2021 informs the vision, key themes and projects in the draft Structure Plan and highlights the importance of historic buildings and places to community and sense of place in Spotswood.

## C:3 Planning scheme provisions

The Heritage Overlay purposes are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works. The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit). The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

## C:4 Ministerial Directions, Planning Practice Notes and guides

### Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

### Planning Practice Note 1 (Applying the Heritage Overlay), August 2018

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).

### **Practitioner's Guide**

*A Practitioner's Guide to Victorian Planning Schemes Version 1.5*, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victorian Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

## Appendix D Panel Preferred Version of Statement of Significance for AGM Factory Complex (Former) (HO46)

### Statement of significance



#### What is significant?

The AGM Factory Complex (Former) across four sites in Spotswood is significant. This vast, densely developed industrial site emerged east of Booker Street during the late Victorian period and expanded west, southwest and north during the early 20th century as a principal site of production for the nationally important company Australian Glass Manufacturers Co Ltd (AGM) (1915-39) and descendent Australian Consolidated Industries (ACI) (1939-98). Due to recent redevelopment, much of the historic built fabric has been lost or compromised; however, some significant elements survive.

#### Contributory Elements

The significant components are:

- Basalt Wall (1897), west of Douglas Parade
- AGM Company Headquarters (1916), Tennis Clubhouse (circa 1916), and WWII Bunker, north of Simcock Avenue
- Moulded Plastics Factory, Gabled Workshop, and Glassmaking Plant (circa 1931), Office Building and Street Wall (early 1950s), and ACI Fibre Packaging Plant (circa 1956), north and south of Hudsons Road.

The extent of the significant fabric of the various buildings differs. In some instances, the building was erected at one point in time and the three-dimensional form remains. In other cases, the extant brick façade was added to the front of a pre-existing shed (such as to some of the buildings on the north side of Hudson Road).

#### How is it significant?

The AGM Factory Complex (Former) is of local historical, rarity, representative, and aesthetic significance to the City of Hobsons Bay.



### Why is it significant?

The AGM Factory Complex (Former) is of historical significance as a long-standing, continuously operating industrial complex, possibly the oldest in metropolitan Melbourne. The present industrial fabric is illustrative of the various phases of the development that characterised its growth from the late 19th century. Charting its progressive expansion from its original holding east to the west of Booker Street and beyond during the interwar year and marked consolidation during postwar years as the place evolved into a colossal, tightly packed quarter of technically advanced factories, administrative buildings, staff amenities, warehouses, and furnaces. The presence and character of which came to define the locale, underlying Spotswood's reputation as a notable industrial suburb in Melbourne. Generations of local men and women have laboured at the complex, which was a major employer for much of its history. The associations of the place with the glassmaking industry and the various iterations of its nationally noteworthy parent company – Felton, Grimwade & Co/Melbourne Glass Bottle Works, Australian Glass Manufacturers Co Ltd, and Australian Consolidated Industries, and its many subsidiaries – is also of note. (Criterion A)

The AGM Factory Complex (Former) is of representative significance as an extensive industrial complex with intact building fabric from its key phases of development being the Victorian, Federation, Interwar and Postwar periods. The near-continuous street wall of masonry buildings/facades along Hudsons Road forms a highly evocative industrial streetscape of fabric mainly dating to the Interwar (red brick) and Postwar (cream brick) periods, reflecting the scale of facilities required at the place. [\(Criteria B\)](#)

As a complex, it consists of an unusually varied range of industrial buildings and staff facilities, for which there is no ready comparison in the municipality and few in Melbourne. Of these, the rare surviving elements are the Basalt Wall, Tennis Club, and parabolic WWII Bunker. (Criteria B ~~and D~~)

The elements of particular aesthetic significance are:

- the Basalt Wall (1897, Victorian period), a long and finely made wall with landmark qualities
- AGM Company Headquarters (1916, Federation period), a good and intact example of the Free Style in red brick with a terracotta tiled roof and a symmetrical façade design with an original entrance canopy
- Glassmaking Plant (circa 1931, Interwar Period), an unusually restrained façade design – articulated with minimal masonry and with large, openable steel-framed windows reflecting the manufacturing function of the building (and the need for good lighting and ventilation) (Criterion E).