

# Bryce Raworth

CONSERVATION | HERITAGE

7 October 2019

**Planning Department  
City of Monash**

To Whom it May Concern

*Re: 45-47 Portman Street, Oakleigh  
Proposed works*

This letter has been prepared at the request of the owners of the subject site at 45-49 Portman Street, Oakleigh in relation to an application for redevelopment works.

We have inspected the site (externally) and its surrounds, and reviewed relevant sections of the Monash Planning Scheme including *Clause 43.01*, the Heritage Overlay, and Council's local heritage policy, *Clause 22.07*. In addition, the *Monash Heritage Study* (1999) has been referred to. This letter should be read in conjunction with the drawings by C & K Architecture (dated October 2019) and other documentation prepared as part of the application.

A previous scheme for the subject site was refused by Council, with a VCAT determination (*Boneng (Portman) Pty Ltd v Monash CC [2017] VCAT 797 (5 July 2017)*), upholding Council's decision. The previous scheme involved the same extent of demolition as is currently proposed, with a seven storey envelope to its rear. The VCAT determination stated that the previous design response insofar as to its treatment of the heritage building, was acceptable. The retention of the valued heritage fabric and separation between it and the taller built form achieved an acceptable outcome, and would ensure the heritage character continues to make a legible contribution to both the streetscape and the wider activity centre. It is also noted that Council did not raise any concerns with regards to heritage considerations in its reasons for opposing the original proposal. The current scheme has incorporated recommendations made by the VCAT determination, particularly with regards to height.

The subject site is located on the northern side of Portman Street. Designed in 1929 by Melbourne based architect, Lionel San Miguel, the single storey interwar building has a Spanish Mission style facade, with a cemented brick parapet. The parapet is stepped and has two arched terminations, with niches and beams. Two sets of grouped round arched windows are at either end of the facade, and the composition includes a prominent turret with oculus windows and a pyramidal roof. Terracotta tiles clad the turret and form a mock roof between the stepped parapets. The remainder of the roof appears to be corrugated iron. To the east and west of the facade, at a small setback, there are non-original brick walls, which were likely constructed to provide pedestrian access to the rear portion of the building. The rear of the building is constructed from red brick with a pitched roof clad in corrugated iron and is utilitarian in character.

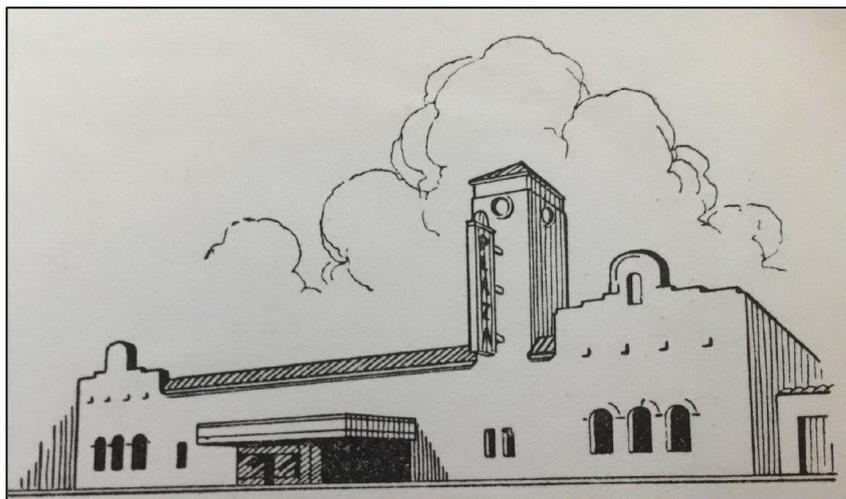


Figure 1 Sketch of the building from the letter head of 'Paramount & Plaza Theatres'.  
Source: Public Records Office of Victoria.

#### *Heritage policy settings*

The site is subject to an individual Heritage Overlay, identified as HO67 (45 Portman Street, Oakleigh, Former 'Plaza' Picture Theatre) in the Schedule to the Monash Planning Scheme. No external paint controls, internal alteration controls or tree controls apply under the provisions of this overlay at *Clause 43.01*. The Statement of Significance for the building, as included in the *Monash Heritage Study* is reproduced below:

*The former "Plaza" picture theatre at 45 Portman Street, Oakleigh, was built in 1933. It is socially important as a former place of entertainment at the Oakleigh Centre, comprising with the surviving "Paramount" theatre building in Warrigal Road, Oakleigh and recalling the era preceding the advent of television and the demise of the suburban picture theatre from 1956 (Criterion A). It is aesthetically important for the manner in which it interprets the "magic" of the era by adopting the Spanish Mission mode, with its cultural linkages back to Hollywood on the American West Coast (Criterion E)*

As the site is included in the Heritage Overlay, it is subject to the provisions of *Clause 43-01*, the purpose of which is as follows:

*To implement the Municipal Planning Strategy and the Planning Policy*

*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 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 conservation of the significance of the heritage places.*

Before deciding on any application, in addition to the decision guidelines in *Clause 65*, the responsible authority will also need to consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
- *Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.*
- *Any applicable heritage design guidelines specified in the schedule to this overlay.*

- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
- *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
- *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*

The proposal will also be assessed against Council's local heritage policy as set out under *Clause 22.07*, which has the following objectives:

- *To recognise, conserve and enhance places and streetscapes in Monash identified as having architectural, cultural or heritage significance as described in the Monash Heritage Study (1999).*
  - *To conserve those buildings and places designated as being contributory to the cultural heritage significance of Monash.*
  - *To ensure that any additions, alterations and replacement buildings are sympathetic to the heritage place and its surrounds.*
  - *To conserve and enhance places of cultural heritage significance in a way which contributes to the economic and cultural growth of Monash.*
- [...]

Relevant policies in *Clause 22.07* are as follows:

#### *General*

- *Buildings and works be compatible with the characteristics of the heritage place.*
- *The bulk and setback of any new buildings and works be responsive to existing heritage assets.*
- *Buildings and works be compatible with, and not adversely affect, the significance of cultural heritage sites, including the conservation of heritage buildings in their site and local area context.*
- *Buildings and works not dramatically alter the character of their immediate environs.*
- *Buildings and works have regard to the stylistic character of streets. Streets that are characterised by stylistic diversity are better able to sustain further diversity than those which have a cohesive character.*
- *Non-contributory buildings, where publicly visible, be sympathetic with the styles popular during the inter-war years.*
- *The existing streetscape character in the vicinity of the works be complementary.*

#### *Alterations and Additions to contributory buildings*

- *Additions and alterations that are visually linked with contributory buildings complement the design of the contributory building.*
- *When an addition or alteration forms a part of the façade or other contributory element, the work continue in the form and tradition that imparts significance to the building.*
- *New work complement rather than overwhelm the contributory building.*
- *Additions constitute a simplified version of the building to which they relate.*
- *If a contemporary approach is used, there be a visual link with the contributory building to which the additions relate.*
- *New buildings or works be set back or set apart from the facade line established by contributory buildings so that they do not obscure existing elevation treatments.*

- *New buildings or works be set back from the street which they face a sufficient distance to ensure that they do not obscure a contributory building from view or overwhelm it on account of the design or bulk of the new building or works.*

#### *Materials and Finishes*

- *Existing materials and finishes other than paint finishes be retained and exposed to view, if practicable.*
- *New materials match existing materials or constitute a change which is appropriate to the style or period of the building.*
- *Alternative materials can be used if their introduction is discreet and does not compromise the appearance of the contributory fabric.*
- *Unpainted surfaces, particularly face brickwork, roughcast and stucco, be left in their natural state. The survival of unpainted rough cast and stuccoed surfaces is rare and is highly valued for this reason.*
- *Replacement roofing materials be selected to match that which is to be removed.*

#### *Original windows, doors, verandahs and other elements*

- *Original windows, doors, verandahs and other elements not be altered.*
- *If these elements have been defaced, they be reconstructed in their original form.*

#### *Colours*

- *Colours be in harmony with the significant streetscapes.*
- *Colours be appropriate to the period of the building.*  
*(note: Bright colours and primary colours are unacceptable)*

#### *Proposal*

The current proposal for the subject site has been developed in response to the determination of the VCAT from July 2017, in which VCAT upheld Council's refusal for a previous scheme on the site (*Boneng (Portman) Pty Ltd v Monash CC [2017] VCAT 797 (5 July 2017)*).

The previous scheme for the site involved demolition of the rear of the existing heritage building and side entry walls and construction of a seven storey apartment building at a setback from Portman Street of between 8 and 11 metres.

The current scheme proposes the same extent of demolition; the rear portion of the building, plus side entry walls/gates, retaining the front portion, including the facade and turret. A five storey apartment building will be constructed behind the retained envelope.

The ground floor and first three levels will be constructed directly behind the retained portion of heritage building – resulting in a setback from Portman Street of approximately 8m. Level 4 will have an additional building setback of around 3.3m (11.3m from Portman Street), however balconies and a service terrace will be partially built into this setback. The new envelope will be rectilinear in form, with materials and finishes to comprise Knotwood aluminium interlocking cladding, Dulux Acratex finishes in white and 'wallaby' (a mid grey colour) and dark grey window frames. Glazing will be clear at level 4 (top level) with spandrel glazing proposed for lower levels.

From a heritage perspective, the proposed works raise two separate considerations – firstly, the extent of proposed demolition of existing built form on the site and secondly, the appropriateness of the design of the new works. These two considerations are discussed separately below.

### Demolition

As per the previous scheme, the demolition is confined to the rear gabled roof section of the building, and the walls to the east and west of the main facade (which are non-original elements). The rear portion of the subject site is of utilitarian construction and appearance, which can be contrasted with the aesthetic interest of the front envelope and facade, the fabric of which is specifically referenced as significant in Council's Statement of Significance:

*It is aesthetically important for the manner in which it interprets the "magic" of the era by adopting the Spanish Mission mode, with its cultural linkages back to Hollywood on the American West Coast (Criterion E).*

The City of Monash does not have a specific policy with regards to the partial demolition of heritage buildings. Given that the front portion of the building will be retained, and it is the front portion that is the more architecturally significant element on the site, the proposed demolition of the rear, face red brick building is considered acceptable. The removal of the rear portion will have only very limited visual impact on the manner in which the building presents to the public realm, and this further suggests that the proposed extent of demolition is something that can be contemplated in this instance.

In addition to the above, the brick walls at either side of the main facade are non-original elements, and their demolition is also considered acceptable.

### New works

A key consideration in assessing the heritage impacts of the proposed development is its impact on the significance of the retained portion of heritage building, and the responsiveness of the design to relevant Council policy. It is noted that Council did not raise any concerns with regards to heritage considerations in its reasons for opposing the original proposal, and as outlined above, the VCAT determination stated the following *'The design response, insofar as to its treatment of the heritage building, is acceptable. The retention of the valued heritage fabric and separation between it and the taller form achieves an acceptable outcome and would ensure the heritage character continues to make a legible contribution to both the streetscape and wider activity centre'*.

The new envelope will be sited behind the retained heritage building envelope and will be rectilinear in form, and contemporary in character. The lower levels will have a visually lightweight finish with Knotwood aluminium cladding and spandrel glazing, articulated in a grid of vertical and horizontal elements, with level 4, which is at an additional setback, to have a painted finish (mid-grey in colour). The colour scheme is appropriate for the setting. The contemporary nature of the design will form an appropriate contrast against the heritage building and will be easily read as the new element on the site, while nonetheless being neutral and low key.

While the upper levels will be visible from Portman Street, the setback ensures that the scale of the heritage building will remain a dominant feature within the relatively constrained environment of the streetscape and particularly in proximate views where the aesthetic interest of the facade is able to be read in any detail. The siting of the addition responds appropriately to general local council policy which states *'The bulk and setback of any new buildings and works be responsive to existing heritage assets'*.

### Conclusion

Having regard for all the above, the proposed extent of works is a considered scheme that responds in an appropriate manner to the policies and provisions at *Clause 43.01* and *Clause 22.07* of the Monash Planning Scheme. Please contact the office if there are any queries in relation to the above.

**Sally Beaton and Bryce Raworth**