

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

ADMINISTRATIVE DIVISION

PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P2046/2018
PERMIT APPLICATION NO. P348/2018

CATCHWORDS

Port Phillip Planning Scheme; Application pursuant to Section 79 of the *Planning & Environment Act 1987*; Commercial 1 Zone (C1Z); Heritage Overlay (HO 443); Design and Development Overlay (DDO18); Neighbourhood activity centre; Demolition of significant building; Structurally unsound; Four storey mixed use building; One food and drink premises; Two retail premises; Seven dwellings; 15 basement car spaces; Street wall; Building height; Setbacks; Impacts on heritage fabric; Internal amenity.

APPLICANT	1 Victoria Avenue, Albert Park Pty Ltd
RESPONSIBLE AUTHORITY	Port Phillip City Council
RESPONDENTS	Peter Kenny, Thomas Alfred Small & Others, Lucy K Cutler & Others, Gerhard Correa, Peter Lamell, Richard & Susan Kneebone, Warwick Lobb, Stamatis & Dimitra Kouzoukas, James Meldrum, John P Henderson, Amber Moore, National Trust of Australia (Victoria)
SUBJECT LAND	1 Victoria Avenue ALBERT PARK VIC 3206
WHERE HELD	Melbourne
BEFORE	J A Bennett, Senior Member Juliette Halliday, Member
HEARING TYPE	Hearing
DATES OF HEARING	18 to 22 March and 10 April 2019
DATE OF ORDER	7 June 2019
CITATION	1 Victoria Avenue, Albert Park Pty Ltd v Port Phillip CC [2019] VCAT 688

ORDER

- 1 In application P2046/2018 the decision of the Responsible Authority is affirmed. In planning permit application No P348/2018 no permit is granted.

J A Bennett
Senior Member

Juliette Halliday
Member



APPEARANCES

For 1 Victoria Avenue,
Albert Park Pty Ltd

Mr Chris Townshend, QC and Mr Barnaby Chessell, Barrister instructed by Hall & Wilcox Lawyers. They called expert evidence from the following witnesses in order of appearance:

- Mr George Cross, Building Surveyor and Structural Engineer of Bayside Building Services.
- Mr Ganesh Manivannan, Geotechnical Engineer of Coffey Services Australia Pty Ltd.
- Ms Amanda Ring, Town Planner of SJB Planning Pty Ltd.
- Mr Bryce Raworth, Conservation Consultant and Architectural Historian of Bryce Raworth Pty Ltd.

With the agreement of parties, Mr Jason Walsh, Traffic Engineer of Traffix Group Pty Ltd and Mr Benjamin Last, Photomontage Consultant of FKD Studio were not called to present their evidence.

For Port Phillip Council

Mr Ian Pitt, QC of Best Hooper Lawyers. He called expert evidence from the following witnesses in order of appearance:

- Mr Cameron Jackson, Consulting Structural and Civil Engineer of Wallbridge Gilbert Aztec.
- Mr Nathan Grimes, Quantity Surveyor of Plancost Australia.
- Mr Peter Lovell, Heritage Consultant of Lovell Chen Pty Ltd.
- Mr Jim Gard'ner, Heritage Consultant of GJM Heritage Grid Pty Ltd.



For Peter Kenny, Thomas Alfred Small & Others, Lucy K Cutler & Others, Gerhard Correa, Peter Lamell, Richard & Susan Kneebone, Warwick Lobb, Stamatis & Dimitra Kouzoukas, James Meldrum, John P Henderson, Amber Moore, National Trust of Australia (Victoria)

Ms Carly Robertson, Barrister by direct brief for Peter Kenny, Thomas Alfred Small & Others, Lucy K Cutler & Others. She called expert evidence from the following witnesses in order of appearance:

- Mr Phil Gardiner, Structural Engineering Consultant of Irwinconsult Pty Ltd.
- Mr John Briggs, Architect and Conservation Consultant of John Briggs Architects Pty Ltd.

Mr James Meldrum, Ms Felicity Watson for the National Trust of Australia (Victoria), Ms Dimitra Kouzoukas, Mr Warwick Lobb, Mr Richard Kneebone, Mr Peter Lamell, Mr John Henderson.

INFORMATION

Description of proposal	Demolition of a building graded significant and construction of a four-storey mixed use building with basement car parking.
Nature of proceeding	Application under section 79 of the <i>Planning and Environment Act 1987</i> – to review the failure to grant a permit within the prescribed time. ¹
Planning scheme	Port Phillip Planning Scheme
Zone and overlays	Commercial 1 Zone (C1Z). Heritage Overlay (HO443). Design and Development Overlay (DDO18).

¹ Section 4(2)(d) of the *Victorian Civil and Administrative Tribunal Act 1998* states a failure to make a decision is deemed to be a decision to refuse to make the decision.



Permit requirements

Clause 34.01-1 (use land for a dwelling with a frontage of more than 2 metres in C1Z).

Clause 34.01-4 (construct a building or carry out works in C1Z).

Cl. 43.01-1 (Demolish or remove a building and construct a building or construct or carry out works in HO443).

Clause 52.06 (reduce - including reduce to zero - the number of car spaces required under Clause 52.06-5).

Relevant scheme policies and provisions

Clauses 11, 15, 16, 17, 18, 19, 21.03, 21.04, 21.05, 21.06, 22.04, 22.06, 22.12, 22.13, 34.01, 43.01, 52.06, 52.34, 58, 65.01 and 71.02.



Land description

As shown in the following aerial photo extracted from Ms Ring's evidence statement, the review site is an irregularly shaped island site, bounded by Victoria Avenue to the north west, Merton Street to the south east, Dundas Place to the south and Victoria Lane to the south west. The review site has an area of approximately 500 square metres.

The site is currently occupied by a mixed residential and commercial building now mostly vacant and largely constructed to the site boundaries.



Tribunal inspection

The Tribunal undertook an accompanied inspection on the afternoon of the first day of the hearing and again visited the locality before finalising its reasons.

REASONS²

WHAT IS THE APPLICATION FOR AND WHY IS IT OPPOSED?

- 1 The application proposes the demolition of the existing significantly graded building and its replacement with a four-storey mixed use building comprising two retail spaces and a food and drink premises at ground level with seven dwellings on the three levels above.
- 2 The seven dwellings comprise 4 x 2 bedrooms and 3 x 3 bedrooms with three each on the first floor, three on second floor and one on the third or top floor. Fifteen car spaces located in the basement are accessed by a car lift accessed off Dundas Lane. The basement also contains bicycle parking, motorcycle parking, storage, refuse room and water tank. The residential lobby is off Victoria Avenue and lift access is available from the basement to all levels.
- 3 The Council was unaware that an application for review had been lodged before deciding to refuse the application on the following two grounds:

The proposed demolition would not meet the provisions of Council policy - Clause 22.04 - nor the provisions of the Heritage Overlay (Clause 43.01) in that the building is not structurally unsound and its demolition would detrimentally affect the heritage significance of the immediate and wider neighbourhood and adversely affect the village feel of the neighbourhood activity centre.

The proposed development would not be in keeping with its surroundings as required by the Heritage Overlay and would additionally not be sufficiently responsive to the site and its context and would not comfortably integrate with or enhance the prevailing neighbourhood character as required by Local Policy in particular Clauses 21.05-1, 21.05-2, 21.05-3 and 22.06 of the Port Phillip Planning Scheme.
- 4 The application for review remains one against Council's failure to make a decision within the prescribed time.
- 5 The National Trust of Australia (Victoria) and many local residents also oppose the development and support Council's refusal. The National Trust of Australia (Victoria) and six residents attended the hearing, as well as those residents represented by Ms Robertson.
- 6 The submissions made by parties opposing the application were substantially on the same grounds as those made by Council, although in addition, concerns were raised about the partial waiver of parking and safety issues arising from access off Dundas Lane. A submission was also made about adverse off-site amenity impacts to the nearest property on the opposite, southern side of Dundas Lane.

² The submissions and any supporting exhibits given at the hearing, and the statements of grounds filed; have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all this material will be cited or referred to in these reasons.



- 7 The Applicant rejects the reasons raised in submissions opposing the application and submits that the existing building, despite its significant heritage grading, is structurally unsound and both impractical, unreasonable and uneconomic to restore. It is also submitted that the new building responds appropriately to both the heritage and neighbourhood character and that it will realise the clear potential that the redevelopment of this island site presents in the context of the activity centre.

WHAT ARE THE STRATEGIC AND POLICY CONTEXTS FOR THIS SITE?

- 8 Before turning to discuss matters concerning demolition of the existing building and the design of the replacement building, it is necessary to understand the broader strategic and policy context informing our decision.
- 9 Melbourne continues to grow in size and population at an ever-increasing rate, and where the built environment is changing to meet that growth. To guide that change, *Plan Melbourne 2017-2050* has been adopted as the strategic plan or framework for Melbourne and regional areas of Victoria.
- 10 *Plan Melbourne 2017-2050* is projecting that Melbourne's population will increase from approximately 5 million people to approximately 8 million people over the next 31 years and that 1.6 million new dwellings will be required to house them. More recent projections suggest that these figures are underestimates and that both population and new dwellings will be higher than originally projected just a few years ago.
- 11 *Plan Melbourne 2017-2050* and policies such as those at Clause 11.01-1R are seeking to develop a network of activity centres linked by transport and consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.
- 12 Clause 15-2-1S is seeking to promote consolidation of urban development and integration of land use and transport whilst Clause 16.01-2R is seeking to develop housing and mixed-use developments in neighbourhood activity centres, especially those with good public transport connections. It also seeks to facilitate increased housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport.
- 13 In addition, the urban design, building design and heritage conservation strategies at Clauses 15.01-1S, 15.01-2S and 15.03-1S require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate and seek to promote good urban design along and abutting transport corridors. They also encourage the conservation and restoration of contributory elements of a heritage place and encourage appropriate development that respects places with heritage values.
- 14 The review site is within the Bridport Street/Victoria Avenue Neighbourhood Activity Centre (NAC), which is identified as an activity



centre in Clause 21.04. Strategy 2.2 identifies five housing growth areas and the review site is within a Moderate Residential Growth Area (defined as established retail/commercial strip within larger activity centres which have some capacity to absorb some increase in development intensity).

- 15 Other strategies in Clause 21.04-2 seek, amongst other matters, to:
- Accommodate retail growth through intensification of development within existing retail strips (Business 1 Zones) rather than the expansion of retail strips, subject to heritage and character considerations (Strategy 1.3).
 - Ensure residential development in the Neighbourhood Activity Centres of Bridport Street/Victoria Avenue, Albert Park; Armstrong Street, Middle Park and Glen Eira Road, Ripponlea respects the heritage scale and form of these centres, recognising that the heritage controls may limit the ability to develop at higher densities (Strategy 4.4).
- 16 Built form policy at Clause 21.05 requires new development to respect the character of the local area and respect and not detract from the scale, form and setbacks of nearby heritage places in the Heritage Overlay. It also seeks to ensure that new development in NACs is consistent with the existing scale and character of the centre and to achieve a graduation in building scale and massing between areas of medium and higher density development within activity centres to the traditional low-rise, fine grain scale of established residential areas.
- 17 Policy at Clause 21.05-3 also includes objectives and strategies concerning urban design and the public realm, such as glazing in retail areas.
- 18 Individual policies apply to eight different areas of the municipality. The review site is within the Middle Park and Albert Park neighbourhood, with a vision that includes:
- The Neighbourhood Activity Centres retain their low-rise character defined by the 1 and 2 storey scale of Victorian buildings. These centres continue to be key hubs of local community activity.
- 19 Relevant local strategies for the Bridport Street/Victoria Avenue NAC are to:
- 6.3.6 Require all new development to respect the following elements:
- The predominant 1 and 2 storey scale of Victorian buildings, with higher development setback from the principle (sic) street to minimise its visibility.
 - The prominence of landmark buildings including the 'Biltmore' (152 Bridport Street), the Windsor Hotel (107 Victoria Avenue), the Albert Park Hotel (85 Dundas Place) and the former ES&A Bank (95 Dundas Place).
 - The regular streetscape pattern created by consistent frontage widths to buildings.



- Views towards the Bay from Victoria Avenue.
 - The island open space reserve (Broadway Tree Reserve) in Albert Park Village.
- 20 Heritage policy at Clause 22.04 and urban design policy for non-residential development and multi-unit residential development at Clause 22.06 are also relevant and we discuss these in the following sections of our reasons.

SHOULD DEMOLITION OF THIS SIGNIFICANT BUILDING BE ALLOWED?

- 21 The review site is zoned Commercial 1 and within the Bridport/Victoria Avenue Commercial Precinct Heritage Overlay (HO443). External paint controls apply under HO443, although internal alterations and tree controls do not. We do not recite the provisions of the Commercial 1 Zone but acknowledge that a mixed-use development is consistent with the purposes of the zone and that the main focus of submissions and evidence was on matters brought into play by the operation of the Heritage Overlay i.e. demolition and the replacement building.
- 22 HO443 applies to the neighbourhood activity centre along Bridport Street and Victoria Avenue and is surrounded by other precinct wide overlays and other site-specific overlays such as those applying to the Primary School opposite and to individually significant buildings.
- 23 The statement of significance for HO443 records that the precinct *largely developed between 1883 and 1900 when a boom in commercial expansion transformed what had previously been a residential strip from the early 1870s.*
- 24 It is said to be significant because:

Historically, the precinct is significant for associations with an early and significant phase of settlement in Albert Park. The precinct provides evidence both of the initial development of Bridport Street as a residential strip from the early 1870s, and its subsequent transformation into an important local commercial hub during the 1880s and 90s. The subsequent (if less extensive) layer of Edwardian and inter-war shops - a few of which were simply added to the front of existing Victorian houses - demonstrates the precinct's ongoing commercial development well into the twentieth century.

Aesthetically, the precinct is significant as a substantially intact streetscape of late Victorian commercial buildings. They demonstrate cohesion through their common scale (primarily double storeyed), materials (primarily rendered brick) and detailing (Italianate facades with ornamented parapets and so on). Street intersections are punctuated by corner shops with the ubiquitous splayed entrance. Prominent landmarks include the three-storeyed Windsor Hotel at 107 Victoria Avenue (corner Page Street) and the even grander four-storeyed former Biltmore coffee palace at 152 Bridport Street. The Victorian built fabric is complemented by a number of Edwardian residential shops of sympathetic form and scale, and by some later



inter-war buildings (including two hotels and a bank in the Moderne style) that are of aesthetic interest in their own right.

- 25 Although the building on the review site is not specifically mentioned in the statement of significance, it is mentioned in Volume 1 of the *Port Phillip Heritage Review*, which is listed as an incorporated document in Clauses 22.04-6 and 72.04. On page 313, the site is described as:

An oddly-shaped corner block at 1 Victoria Avenue, occupied by an attached pair of dwellings, became the site for a new medical clinic with residential flats attached (c. 1935).

- 26 The *Port Phillip Heritage Review* recognises (at page 315) that the inter-war buildings in the precinct:

...may be stylistically different to their Victorian and Edwardian counterparts, but nevertheless tend to be sympathetic in scale and form, and are often of architectural interest in their own right. These include ... the former doctor's clinic and flats (now office/studio space and residences) at 1 Victoria Avenue, with its rendered walls, curved corner and projecting window hoods.

- 27 Mr Raworth further describes the existing building in the following way:

The property originally contained a pair of Victorian dwellings with shared stables at the rear. Property service plans show these dwellings underwent minor alterations in 1911 and 1923, with major alterations occurring in 1924 and 1934. It would appear that the current interwar appearance of the building dates from the 1934 alterations.

- 28 The following plan extracted from Mr Cross' evidence statement depicts the different sections of the building and dates of construction.

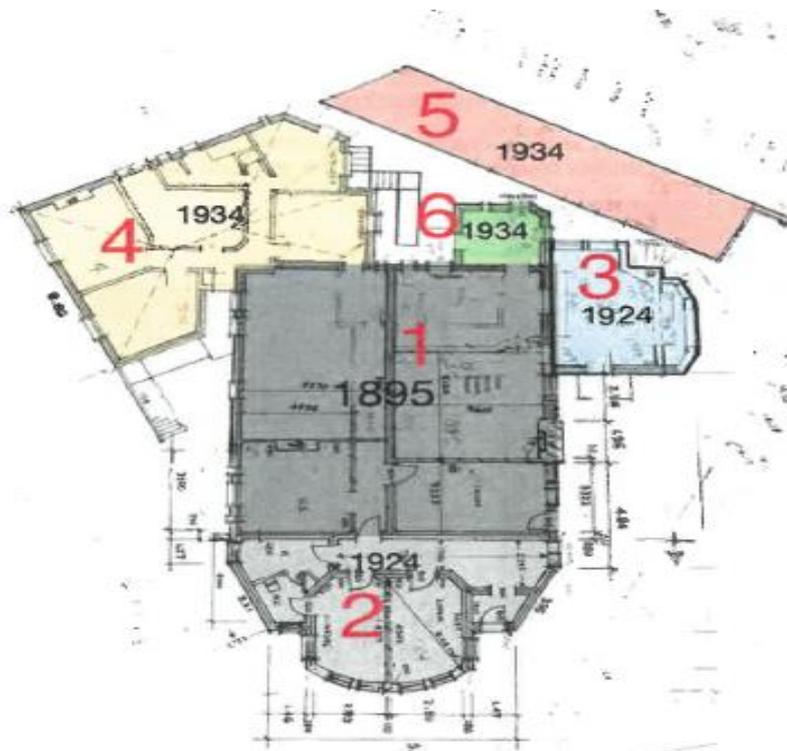


Figure 1(BsBS): Building Portions.

- 29 Mr Raworth’s description, and the above plan, reflect the description given by the other heritage witnesses and has formed the basis of our assessment of the issues in dispute.
- 30 Importantly all heritage witnesses, including Mr Raworth who was called by the Applicant, acknowledge that policy does not support the demolition of graded buildings. Indeed, the objectives of heritage policy at Clause 22.04-2 discourage the demolition of significant and contributory heritage places and specifically states that demolition of significant buildings be refused unless and only to the extent that the building is structurally unsound. The replacement buildings are to display design excellence which clearly and positively supports the ongoing heritage significance of the area.
- 31 We deal with the replacement building later in our reasons, but the first issue to address is whether the demolition of the building should be permitted having regard to the condition of the building and whether it can feasibly be rectified and re-used, and the merits of doing so given its level of contribution to the heritage place.

Heritage provisions and policies

- 32 The purposes of the Heritage Overlay include the conservation and enhancement of those elements that contribute to the significance of heritage places. A decision guideline at Clause 43.01-3 is whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- 33 The local heritage policy at Clause 22.04 applies to all land within a Heritage Overlay, and (amongst other things) it applies the findings of the *Port Phillip Heritage Review*, Volumes 1-6 (Heritage Review).³ The Heritage Policy contains objectives which include the following (at Clause 22.04-2):
- To retain and conserve all significant and contributory heritage places.
 - To discourage the demolition of significant and contributory heritage places.
- 34 The review site is identified as a ‘significant heritage place’ on the *City of Port Phillip Heritage Policy Map*.⁴ The policy at Clause 22.04-5 defines a ‘significant heritage place’ to include buildings and surrounds that are individually important places of either State, regional or local heritage significance and are places that together within an identified area, are part of the significance of a Heritage Overlay. These places are included in a Heritage Overlay either as an area or as an individually listed heritage place and are coloured ‘red’ on the *City of Port Phillip Heritage Policy Map* in the *Port Phillip Heritage Review*.

³ An incorporated document under Clauses 22.04-6 and 72.04 of the Scheme.

⁴ Which forms part of the Heritage Review.



- 35 It is policy to refuse demolition of a significant building unless and only to the extent that:
- the building is structurally unsound;
 - the replacement building and/or works displays design excellence which clearly and positively supports the ongoing heritage significance of the area.
- 36 The local policy specifically identifies the structural condition of a building as a relevant matter to consider in demolition applications. It is worth stating that the role of policy is to guide decision making, and it is to be applied in an intelligent and flexible way having regard to the entire strategic and policy framework affecting the future use of land.⁵
- 37 Determining the structural condition of the building is therefore important in deciding whether the building should be demolished. But what guidance is offered about the meaning of structural unsoundness?
- 38 The term ‘structurally unsound’ is not defined in the policy at Clause 22.04-3 or in other clauses, and accordingly it has its ordinary English meaning.⁶ The meaning of ‘structural’ is relevantly defined in the Macquarie Dictionary to be ‘of or relating to structure; relating or essential to a structure.’⁷ The definition of ‘unsound’ is ‘not sound’ where ‘sound’ is relevantly defined as ‘free from injury, damage, decay, defect; in good condition, robust.’⁸
- 39 The meaning of the expression ‘structurally unsound’ has previously been considered by the Tribunal in the context of the Port Phillip Planning Scheme. In *Harding v Port Phillip CC*⁹ the Tribunal stated that the expression ‘in ordinary usage would include the meaning that the building or significant parts of it, such as the foundations and/or walls and/or roof, are likely to collapse within the foreseeable future (say within the next 10 years).’¹⁰
- 40 In *Advant Pty Ltd v Port Phillip CC*¹¹ the Tribunal broadly agreed with the approach taken in *Harding*, and stated that ‘if a building is structurally unsound for the purposes of demolition policy in this scheme, its structural core comprising its walls, roof or foundations must be more likely than not to fail to such an extent, within the medium term without repair or remedial works, as to make the building likely to collapse or unable to be reasonably safely occupied.’¹²

⁵ *SMA Projects v Port Phillip City Council* [1999] VCAT 1312 at page 8.

⁶ Clause 73.

⁷ Macquarie Dictionary (online at 7 June 2019) ‘structure’ (definitions 1, 2 and 3).

⁸ *Ibid*, ‘unsound’ and ‘sound’.

⁹ [2002] VCAT 416.

¹⁰ *Ibid* at [37].

¹¹ [2016] VCAT 1113.

¹² *Ibid* at [23].



- 41 In *Ford v Port Phillip CC*¹³ the Tribunal agreed with the conclusions in *Advant* regarding the expression ‘structurally unsound’ and stated that it must refer to ‘defects in the dwelling’s structure which manifest in a risk of collapse and/or make the building unsafe to occupy’.¹⁴
- 42 These previous decisions provide guidance but ultimately, we have to form our own opinion about the structural condition of the building based on the material presented to us. Even if a building can be demonstrated to be structurally unsound, this must be considered together with other matters in determining whether demolition should be allowed. These matters include the heritage significance of the place in question; whether the building can be feasibly rectified and re-used, and the merits of doing so having regard to its level of contribution to the heritage place.

Heritage significance of the building

- 43 The Council submits that the Heritage Review and the Heritage Policy do not have a hierarchy within the category of ‘significant heritage places’ and the loss of the building would be that of a significant building. In this regard, the Council relies on the evidence of Messrs Lovell and Gard’ner.
- 44 Amongst other things, it is Mr Lovell’s evidence that the subject property was identified as a C grade building in the *City of South Melbourne Urban Conservation Study* (Allom, Lovell and Sanderson, 1987). His opinion is that the property is a significant building in a local context and there does not appear to be an argument to suggest that a decision on demolition on structural unsoundness grounds should be supported by any determination that the place is of a lesser level of significance, and the impact of demolition is thereby diminished. It is Mr Lovell’s view that the demolition of the building is inconsistent with the objective to conserve and enhance significant heritage places.
- 45 Amongst other things, it is Mr Gard’ner’s opinion that the property is appropriately recognised within HO443, and that its recognition as a ‘significant heritage place’ is consistent with that of other examples in the *City of Port Phillip Heritage Policy Map*. Mr Gard’ner’s evidence is that the building is highly intact to its interwar form and the demolition of the existing building would adversely affect the historic and aesthetic/architectural significance of HO443. His evidence is also that the complete demolition of a ‘contributory’ or ‘significant’ graded building within the Heritage Overlay is contrary to State policy at Clause 15.03-15 and it would ‘...adversely affect the significance of the heritage place’ as identified in the decision guidelines at Clause 43.01-8. He also noted that although the property is not specifically identified under ‘What is significant?’, the citation for the Bridport Street/Victoria Avenue Commercial Precinct specifically notes the importance of this building.

¹³ [2017] VCAT 1348.

¹⁴ *Ibid* at [22].



- 46 Ms Robinson submits that the building is identified as a significant heritage place within the Scheme, it is highly intact to its interwar form and demolition would adversely affect the significance of HO443. She submits the site should continue to make a contribution to the precinct for present and future generations. In this regard, the Respondents rely on the evidence of Mr Briggs which is that the proposal would adversely affect the heritage significance of the heritage place. In answer to questions in cross-examination, Mr Briggs' evidence was that if the Allom Lovell Study from 1987 is relied upon, then the grading is at the lower end of the grading scale. It is his view that whilst the building is different to the Victorian character of the precinct, it contributes to this character.
- 47 The Applicant contends that whilst the building is graded as significant, the individual significance of the building is relatively modest as demonstrated, in part, by the fact that it was graded at the lower end of the relevant heritage studies.
- 48 In this regard, the Applicant relies on Mr Raworth's evidence. Mr Raworth acknowledges that the building is identified as significant but referred to the range of significance to be found within this classification. He pointed to the *Port Phillip Heritage Review* (Volume 1 – Version 27 October 2018) which explains the system of ranking the significance of places from A to F. It is Mr Raworth's opinion that it is likely that the subject building was graded at the lower end of the spectrum of A, B, C and D buildings that comprise the classification 'significant', i.e. most likely D. It is Mr Raworth's view that the building(s) on the review site, form an unremarkable grouping, albeit a grouping that remains substantially intact to that period, i.e. to the period since the evolution of built form on the site was completed, c. 1934. In Mr Raworth's opinion, whilst demolition of this building will result in a loss, it will not be a loss that is comparable to that of a more highly graded 'significant' building such as an A, B or C grade building.
- 49 We acknowledge that there are different views about the level of significance of the building including Mr Raworth's view that a D grading under the Heritage Review seems likely, and Mr Lovell's evidence that the building was identified as a C grade building in the *City of South Melbourne Urban Conservation Study* (Allom, Lovell and Sanderson, 1987).
- 50 There is no distinction given to the level or degree of significance that a heritage place or building may have in Clause 22.04, although it is a relevant consideration in our view.
- 51 We find that the building on the review site displays features of, and informs an inter-war character which is of historic and aesthetic interest in its own right as set out in the statement of significance as follows:

Historically, the precinct is significant for associations with an early and significant phase of settlement in Albert Park... The subsequent



(if less extensive) layer of Edwardian and inter-war shops - a few of which were simply added to the front of existing Victorian houses - demonstrates the precinct's ongoing commercial development well into the twentieth century.

...

Aesthetically, the precinct is significant as a substantially intact streetscape of late Victorian commercial buildings... The Victorian built fabric is complemented by a number of Edwardian residential shops of sympathetic form and scale, and by some later inter-war buildings (including two hotels and a bank in the Moderne style) that are of aesthetic interest in their own right.

- 52 Whilst the building itself is of relatively modest significance, we find that it is typical and representative of buildings from a period of development which are recognised as being historically and aesthetically interesting in their own right in HO443. The building is substantially intact to its inter-war form and in our view, it is a building of significance which contributes towards an appreciation of the heritage precinct, and which plays a role in formulating the visual impression of the historic and aesthetic character of the area. The fact that the building is not a remarkable example of its type does not undermine its significance. In our view, a building does not need to be remarkable or the best example of its type to be a meaningful element within a heritage precinct.

Heritage streetscape considerations

- 53 Whilst the intactness of the streetscape is not referred to in Clause 22.04 in relation to the demolition of a 'significant building', we consider it is relevant having regard to the decision guidelines in the Heritage Overlay and the policy at Clause 22.04 which refers to the surrounding character.
- 54 The Victoria Avenue streetscape that is contained within HO443 is reasonably intact with a limited number of infill buildings. Proximate to the review site, Victoria Avenue consists of one and two-storey rendered masonry terraces with small or zero street setbacks, and awnings projecting over the street. The exceptions to this prevailing one and two-storey height are the primary school opposite the review site and a single three-storey infill building. There is a two-storey building to the south of the review site which is identified as significant.
- 55 Bridport Street contains buildings of between one and four storeys, predominantly with ground floor shopfronts, with residential upper levels. The tallest building in the area is the Biltmore, a four-storey former coffee palace. There is a small group of buildings in Cardigan Place which form part of the HO443 precinct including a row of three, two storey late nineteenth century terraces, which are identified as significant. There are also some recent two and three storey infill developments in this area.
- 56 The Merton Street streetscape is out of the HO443 precinct and consists of residential buildings including nineteenth century terraces and double



fronted villas, most of which have face brick or rendered finishes. This street has a limited number of infill buildings and presents as largely intact. To the immediate south of the review site is a single-storey double fronted dwelling that is graded contributory.

- 57 Therefore, the Victorian and Edwardian context of the site remains strongly evident, with the main inter-war element in this area being the building on the review site. Other examples of inter-war buildings within the precinct include the former bank and the Albert Park Hotel, both located in Dundas Place. Given its location on the corner of an intersection; the triangular shape of the land (with a curved corner to Victoria Avenue and Merton Street) and its two-storey height, the building is an appreciable element in the street, and we find that there are grounds to retain the building on the basis of its contribution to HO443.

Condition of the building

- 58 The first limb of the local policy regarding demolition of significant buildings at Clause 22.04-3 involves an inquiry about whether the building is ‘structurally unsound’. The Applicant’s submission is that the building is structurally unsound. The Council and the residents challenge this contention. The evidence of the witnesses in this regard significantly varies.
- 59 The Council relied on Mr Jackson’s evidence. In summary, Mr Jackson’s overall conclusion is that the building is generally in poor condition with a number of reasonably significant structural issues. His evidence is that the building is not structurally unsound and that the defects that he has identified can be remediated and that other works may be required to remediate hidden defects upon further investigation.
- 60 The Respondents represented by Ms Robinson relied on Mr Gardiner’s evidence. In summary, Mr Gardiner’s overall conclusion is that the building is not structurally unsound; its structure is in reasonable condition, and that it can be adequately repaired and maintained to provide a long life. In his opinion, the building does have defects including wall cracking, corroded lintels and timber decay which should be repaired before progressing further. The defects are not unusual for a heritage building, they are typical of most buildings of a similar age in this area, and the building is not unsafe or a risk to the public.
- 61 The Applicant relied on Mr Manivannan’s evidence. His evidence is that the foundations of the building that were revealed in the excavation of 7 test pits showed bluestone masonry sitting on fill and clay or sitting directly on the clay in the test pits adjacent to the 1895 building (pits 2 and 7) and concrete foundations in the remaining test pits adjacent to building portions (pits 1, 3, 4, 5 and 6).
- 62 The Applicant also relied on the evidence of Mr Cross. In summary, Mr Cross’ overall conclusion is that the building is structurally unsound. In his view the footings of the 1895 part of the building cannot be underpinned or stabilised; these footings need to be replaced to a depth of at least 1 metre to



make the building structurally sound, and the cracked, bowed, subsiding and leaning walls of the 1895 part of the building require replacement. In his opinion, the remaining building portions have shallow concrete footings which can be underpinned and jacked into a level position which will cause further cracking. His view is that due to cracks, leans and subsidence, the masonry walls require extensive repairs and replacement.

- 63 Mr Cross relied on a structural assessment methodology to assess structural soundness in the buildings based on the structural performance assessment criteria detailed in Australian Standard AS ISO 13822-2005 and the Building Code of Australia (BCA).¹⁵
- 64 The Applicant also referred to other material regarding the structural condition of the building, including the report by Mr Farrar of Farrar D Pty Ltd¹⁶, which relevantly concluded that:
- The building has suffered extensive structural damage and that it is in poor structural condition; and
 - That there are serious concerns ...surrounding the existing foundation and external masonry wall stability and structural integrity, and the possible danger to the public of outward collapse or partial collapse.
- 65 The Applicant referred to the email from Mr Rossi¹⁷ (a Building Surveyor/Senior Enforcement officer with the Council) who reviewed Mr Farrar's report and inspected the site. Mr Rossi acknowledged the potential for the front façade to be retained and expressed the view that the building is showing signs of excessive movement of the footing resulting in cracking and movement of external walls, and that the damage that has already occurred makes the retention via propping and underpinning of the walls unsafe and unfeasible. He concluded that the building as a whole is structurally unsound and cannot be rectified.
- 66 Mr Townsend went to some lengths to point out that Mr Rossi's email was not referred to in the Council Officer's report and submitted that Mr Gard'ner and Mr Lovell should have referred to Mr Rossi's email in their expert witness statements if they were aware of it. Whilst we can understand the Applicant's frustration, and it is unfortunate that the existence of Mr Rossi's email was not brought to the attention of the Council in the Officer's report, Mr Rossi's email was provided to the Tribunal with the material submitted by the Council pursuant to the Tribunal's *Practice Note PNPE2 – Information from decision makers*. The fact that an application for review is a hearing 'de novo' makes the Council Officer's report and the conduct of Council officers in preparing the report of secondary relevance. The Tribunal must consider and decide the whole

¹⁵ Mr Cross made an error in his statement of referring to an incorrect version of the Building Code of Australia. He correctly acknowledged this before adopting his statement.

¹⁶ Farrar D Report dated 5 June 2017.

¹⁷ Email dated 23 July from Mr Rossi to Malin Johnson at the Council.



matter afresh based on the submissions and evidence it receives. If Mr Gard'ner and Mr Lovell were aware of Mr Rossi's email it would have been prudent for them to disclose this to the Tribunal, although the fact that they have not does not significantly affect the weight that we place on their evidence given they have formed their own opinions about these matters.

- 67 Below is a further summary of the evidence of each witness regarding the structure of the building grouped under headings reflecting the key issues.

Foundation and footings

- 68 Mr Jackson's opinion is that there has been out of plane movement of the external brickwork to the parts of the building including the Victoria Avenue elevation which have rotated outwards. The possible cause of this is the founding of the building on natural sand or within fill placed upon reclaimed land, or tree roots causing changes to the moisture content of the founding soils. In Mr Jackson's opinion, a substantial amount of the building needs to be underpinned including the Victoria Avenue wall and possibly other walls in the 1895 building. His evidence is that he has experience underpinning bluestone footings, and that methods are available to underpin different sized bluestone piers. Depending on the size of the bluestone, these include the 'PFC' method where the uppermost bluestone piers are supported by anchors fixed to the bluestone, followed by the removal of cobblestones below and underpinning. Mr Jackson was unable to produce written records of other projects which he stated he had worked on in which bluestone footings were underpinned when asked to do so by the Applicant's representative.
- 69 Mr Gardiner described the bluestone footings as 'strip footings' comprised of small bluestones on top of small cobbles and fill and acknowledged that the walls above are out of plane and cracking. In his view, evidence of movement in buildings of a similar age can be seen all over the region, and he could not see any large cracks, 'stepping' of parapets or bulging that would indicate differential settlement of footings beyond what can be remediated without underpinning, which he does not believe is required although it could be considered. He recommends against underpinning parts of the building unless there is an isolated foundation problem, as it can cause differential movement and cracking.
- 70 Mr Gardiner's opinion is that the degree of settlement of the building shown in the surveys attached to Mr Cross' expert witness statement is contributing to the wall cracking and that it is not atypical. In his opinion, underpinning is not desirable. He recommends monitoring the building at six-monthly intervals for 12 months. If this shows that there is no movement then underpinning is not helpful in his view. Instead of underpinning, he recommends that the walls be tied in to the floor and roof; that vertical joints be cut in the solid masonry of all the external walls and some internal walls at 6-8 metre intervals; that ties be put through the joints and that they be sealed to the weather. He recommends that consideration



be given to conventional underpinning after first considering whether chemical underpinning is suitable as it is cheaper and faster. In his view jacking is not required, but it can put the building close to level, and as a consequence some cracks may close, and some may open.

- 71 On the other hand, Mr Cross considers that the footings and foundations of all the buildings are structurally unsound. In his opinion, the bluestone plinths and cobblestone footings of the 1895 building are moving differentially and are causing extensive masonry cracks and building subsidence. He considers that these footings need to be removed and replaced, or this building will keep sinking and cracking and that consequently reconstruction of the 1895 building is required. In his view this is unfeasible due to misalignments with the retained sections of the building requiring localised rebuilding of the intersecting roofs, walls and floors. The shallow concrete strip footings of building portions 2-6 don't prevent differential movement and they need to be underpinned and jacked into the horizontal plane.
- 72 Whilst Mr Cross considers that the PFC method of underpinning recommended by Mr Jackson could work, he considers it unfeasible here because there would be difficulties with bolting steel channels to the bluestone plinths in the 1895 building and with removal of the roof and floor and with jacking the internal walls (amongst other things). In his opinion, the use of resin or grout as suggested by Mr Gardiner could make the building fall over in 'bits and pieces' as it carries a risk that the soil could be overfilled. The control joints recommended by Mr Gardiner would 'never wash' because they should only be used if there is a complying footing; they are not used for differential settlement as they are used to articulate walls to prevent random cracking, and they would make the building weaker because there are no footings in the 1895 building down to 1100mm.

Walls, floors and ceilings

- 73 It is Mr Jackson's opinion that there has been in-plane movement and cracking of brickwork in a number of places. Depending on the size of the cracks in the walls and their location, action should be taken to ensure the safety of building occupants, including checking that the wall is balanced on the footings and complies with current standards. In his view it is likely that the ground floor framing and sheeting has deteriorated and there could be a failure of the ceiling sheeting to fix to the timber structure above, or more problematic structural issues with the framing itself.
- 74 It is Mr Gardiner's opinion that there is out of plane movement in all external walls which is typical for buildings of this era which were not built with control joints to accommodate brick expansion and reduce cracking from foundation movements. In his opinion, the cracks shown in the diagrams in Mr Cross's statement need to be measured and that cracks that are in the order of 15mm are in the range that requires remediation. He



can't say whether the survey data regarding the walls in Mr Cross' report shows that the walls have moved over time, because there is no data to confirm that the building was constructed level. In his opinion, whilst walls are not at risk of immediate collapse, they should be attended to as ongoing movement is a sign that 'things are serious.'

- 75 It is Mr Cross' opinion that the masonry walls have extensive cracking; excessive wall leaning; differential subsidence and bowing. In his view, stabilising individual bluestones in the 1895 building presents difficulties that cannot be overcome without footing replacement, which results in a requirement to reconstruct the walls of the 1895 building. At the least, a significant part of the 1895 building, the front curved section, and building 3 need to be reconstructed to eliminate wall leans and address the cracks. Mr Cross' evidence is that the Helifix ties suggested by Mr Jackson are generally used for isolated cracks and their use is not feasible in this case, and that parts of the façade of the main building have become dangerous and could partially collapse in the event of induced adverse load or movement such as excessive wind pressure, further subsidence or an earth tremor.

Mortar mix, weatherproofing and masonry ties

- 76 It is Mr Jackson's opinion that whilst the lime mortar in the external brickwork is weaker than cement mortar, from a repointing perspective there is no difference between lime and cement mortar. In his view, the steel plate/angle lintels and the concrete lintel reinforcement over the window openings has corroded, and cracks that are not structural (of which there are many) need to be remediated for weatherproofing purposes. In his view, any degraded galvanised iron ties within the wall cavities should be replaced with 'Helifix' ties (stainless steel ribbon drilled through the bricks).
- 77 It is Mr Gardiner's opinion that the mortar in the building is structurally appropriate. For the purposes of 'weatherproofing', it is Mr Gardiner's opinion that required works include installation of weepholes in cavity walls where they are absent and repair of the roof, parapet, cracks and render. In his view, degraded galvanised iron ties can be replaced with Helifix ties within the cavity walls.
- 78 In Mr Cross' opinion, the mortar, masonry and 'weatherproofness' do not comply with current minimum standards. In his view the mortar contains no cement and cannot be used in certain structural calculations; the mortar will have to comply with current building standards in repairing the building, and that this will be unachievable with cracked, leaning, bowed and subsided masonry. Mr Cross's evidence is that he observed no damp proof courses or weepholes. In his view, a qualified engineer would need to certify the continued use of existing masonry ties.



Remediation

- 79 In Mr Jackson's opinion the works that are required include the repair or replacement of the external stairs and the lintels above the window frames; underpinning of the walls where there has been in-plane and out of plane movement, and jacking. His evidence is that installation of a suitable root barrier is required and at ground floor level, the removal and replacement of the timber framing is required. Works to address the ceiling lining are required in his opinion, and if the structure above is damaged, it may require replacement.
- 80 In Mr Gardiner's opinion the corroded lintels and timber defects should be repaired or replaced. In his view, various techniques can be used to repair cracks in the brickwork, including installing Helifix ties; local rebuilding; repointing and installing control joints. In his view the brickwork may need maintenance from time to time if settlement is ongoing. It is Mr Gardiner's evidence that the walls should be reconnected to the floor and the roof and that the floor is likely to need repair or replacement.
- 81 In Mr Cross' opinion, the footings and walls of the 1895 building require rebuilding, and the remaining buildings need to be underpinned, jacked into the horizontal plane, and the masonry repaired. In his view, about 40% of the masonry in building portions 2-6 requires replacement and more than 50% if the footings are jacked. His view is that cracks need to be repaired; the leaning and bowed walls must be aligned to the vertical plane to mate with the retained walls, and there must be connection or realignment of the new and old brick walls. In his view, the floor and roof of the 1895 building require replacement; the render needs to be removed, and then replaced after the cracks are repaired, and flashings, weepholes and damp-proof courses need to be installed to make the building weatherproof. It is Mr Cross' conclusion that reconstruction of the buildings is the only practical method of making the buildings structurally sound.
- 82 We accept that the condition of the building is poor, and that if the remediation works Mr Jackson recommends are not undertaken now or in the short term then, within about a 10-year time frame there would be an issue with the structure, and it would be approaching a state of unviability. We note that later it was Mr Jackson's evidence that he could not comment on the 'pain threshold'. His view is that it is too difficult to answer whether or not the building would be safe to occupy at that time.
- 83 Mr Gardiner's opinion is that remediation works are required in the next year to hold the walls, and that over time the building will deteriorate further if no works are undertaken.
- 84 It is Mr Cross's opinion that parts of the façade of the main building have become dangerous and could partially collapse in the event of an induced adverse load or movement condition such as wind load, further subsidence, ground movement or earth tremor, and that the walls on the Victoria



Avenue and Merton Street façade are dangerous and should be reconstructed.

85 We have carefully considered this evidence and on balance, we consider that the following structural elements of the building are degraded, damaged, or in poor condition:

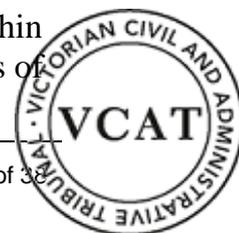
- The footings of the 1895 part of the building, consisting of unmortared bluestone plinths underlain by cobblestones. It is very likely that these footings have moved and caused cracks in the masonry;
- The footings of building portions 2-6, which consist of shallow concrete strip footings. On balance, it appears that these footings have not prevented differential movement;
- The walls have out of plane movement and contain cracks. Certain walls are leaning and bowing as a result of foundation movements;
- The galvanised ties within existing wall cavities bonding the internal and external masonry skins together;
- Although not strictly a ‘structural’ matter, the external render, flashings, weepholes and damp-proof courses which contribute to making the building ‘weatherproof’ are inadequate, as are the corroded steel plates and lintels over the steel windows.

86 It is Mr Cross’s view that any lime mortar mix in the building may not be suitable for structural purposes under AS 3700-2011 and that any part of the existing structure that is used to support reconstructed work will require a special design known as a ‘Performance Solution’ and certification by a qualified engineer. We do not consider that the use of the mortar mix in any retained portions of the building is practically impossible.

87 In large measure the structural problems with the building have occurred because the building has not benefited from the ongoing maintenance and repair necessary for buildings of this age.

88 We accept that the current owner has only relatively recently been responsible for the condition of the building, and that its current poor condition appears to be the consequence of many decades of gradual decline and lack of maintenance. One example of this lack of maintenance, which all parties observed on our accompanied inspection, was the deterioration to windows and adjoining brickwork, particularly evident in the wall along Dundas Lane. As any building owner understands, damage or deterioration to a building, no matter the age, needs to be attended to promptly to avoid further and usually more expensive repairs if damage/deterioration is to be minimised.

89 The building was occupied at the time of our inspection. Nevertheless, based on the facts and circumstances of this case, we accept that without remediation works being undertaken on the building, it is likely that within 10 years or so the structural core of parts of the building, including parts of



the footings and the walls, will fail so as to make at least part of the building likely to collapse, or unable to be reasonably safely occupied. However, we are not persuaded that the building is beyond repair.

Feasible re-use

- 90 We have already referred to the evidence regarding remediation of the building. The evidence is not that the building cannot be remediated. However, the witnesses differed in their views as to the appropriate way to remediate the building.
- 91 There is a dispute about the practicality of undertaking the necessary works to underpin the footings of the 1895 building. Mr Jackson is of the view that these issues could be resolved, and Mr Gardiner's evidence is that underpinning is not desirable and other methods may be available. On the other hand, Mr Cross has significant reservations about whether these footings can be underpinned. Whilst there would no doubt be practical issues in attempting to rectify the bluestone footings of the 1895 building, we are not persuaded that completing the works is impossible.
- 92 We consider that the rectification works are likely to include most of the following works:
- Replacement or underpinning of the footings of the 1895 building (although it appears that conventional underpinning methods may not be suitable for this building);
 - Replacement of the walls of the 1895 building;
 - Replacement of the floors and roof of the building;
 - Replacement of a substantial proportion of the front façade;
 - Underpinning and jacking of the footings of building portions 2-6 which is likely to cause cracks requiring repairs to the walls;
 - The replacement of the corroded masonry ties and repairs to the cracking; and
 - Installation of damp proof courses, weepholes and flashings and remediation of the steel plate angle lintels and concrete lintels and surrounding brickwork.
- 93 With respect to the cost of the remediation works, the Council relied on Mr Grimes' evidence. It is his evidence that the estimated indicative cost to renovate and mediate the building is \$3,425,000; \$7,617,000 for a new 4 storey replacement apartment complex, and \$5,577,000 for a partial renovation and a partially new development.
- 94 Mr Grimes' costings were based on a 'scope of work' presented in Mr Jackson's evidence and in a memorandum prepared by Mr Lovell. However, in giving evidence, both Mr Jackson and Mr Lovell indicated that they had not prepared this material with a view to it constituting a scope of



works for costing purposes. Mr Grimes conceded that his costings would ‘vary significantly’ if the scope of works varies significantly.

- 95 Whilst it might be the case that the building could be restored, having considered Mr Grimes’ evidence we are of the view that the \$3,425,000 estimate to renovate and mediate the building is likely to be conservative and that the cost is likely to be higher because more work is likely to be required. This additional work includes the removal of additional internal and external render (where required); additional Helifix ties; removal and replacement of additional windows and doors; brickwork replacement and work to mate the brickwork amongst other things. We accept that the cost of rectification is likely to be significantly greater than \$3,425,000. We do not consider that the rectification of the building to address the structural issues we have identified is practically impossible, but it would involve significant expense.
- 96 In respect of the potential for a component of the building being retained, it was Mr Lovell’s observation that partial retention with some attached new development is a ‘challenging proposition’.¹⁸
- 97 In terms of the works required to rectify the building, it appears that modification or replacement of a substantial portion of the heritage fabric of the building would be required, including potentially the walls and footings of the 1895 building, and a significant portion of the Victoria Avenue façade. The extent of the external alterations to the building has the potential to adversely affect the heritage place by replacing or reconstructing a significant extent of the heritage fabric that is the essence of the significance of the building to the heritage place (HO443). This work could potentially involve around 50% of the Victoria Avenue façade that, in heritage terms, contributes to the role played by this building in the heritage streetscape. We are not persuaded that the circumstances of this building require the scope of rebuilding that is likely to be required, particularly to the Victoria Street façade.

Conclusion in relation to demolition of the building

- 98 We have carefully considered all of the material before us and have given significant weight to the policy directions at Clause 22.04-2 that discourage demolition of significant heritage places.
- 99 We accept that the existing building on the review site makes a contribution to the heritage place (HO443). The building is essentially intact in terms of its streetscape presentation. Its setting and context comprise one and two-storey rendered masonry terraces in Victoria Avenue; buildings of between one and four storeys in Bridport Street and terraces and double fronted villas in Merton Street generally from the Victorian and Edwardian periods which are notable in this heritage place (HO443). The loss of the building would have an adverse impact on the heritage place in which it is located as

¹⁸ As set out in Mr Lovell’s memo dated 18 February 2019 to Romy Davidov.



a whole. Nevertheless, we acknowledge that there is a discretion to be exercised regarding demolition under the Heritage Overlay, and whilst the policy at Clause 22.04-2 discourages the demolition of significant heritage places, it cannot prescribe an outcome.

- 100 Based on the facts and circumstances of this case, we have been persuaded that significant parts of the building are ‘structurally unsound’ in sense of that expression described in previous Tribunal decisions such as *Harding*, *Advant* and *Ford*. We find that structural elements of some parts of the building, particularly the footings and walls of the 1895 building and the Victoria Street façade, are elements of the structure of the building which manifest in a risk of collapse within the foreseeable future without repairs or remedial works.
- 101 Depending on the intentions of a property owner it is possible that a building in such poor condition as this building could be restored. Virtually any building in poor condition can be restored, although the cost of doing so may be so high as to make it financially prohibitive. We have been persuaded that the building could be rectified, but the costs of doing so would be very high.
- 102 If we accept Mr Cross’ evidence, the parts of the building requiring renewal include the walls of the 1895 building and parts of the Victoria Avenue façade which contribute to the role of this building in the streetscape. We place weight on the extent of work that appears likely to be required which could be said to be out of proportion to the role of the building from a heritage perspective. We have considered the relevant Scheme provisions, including the purposes and decision guidelines of the Heritage Overlay and the relevant policies in the Scheme. Our conclusion is that whilst a decision to demolish the building would adversely affect the significance of the HO443 precinct, this adverse outcome may be justified because at least parts of the building are structurally unsound, but only if a suitable replacement building is proposed.

IS THE NEW BUILDING AN ACCEPTABLE FIT?

- 103 In considering whether the replacement building is acceptable, it is necessary to go beyond the heritage policy and to consider the broader range of policies which we set out in paragraphs 8 to 20. These include the metropolitan wide policies encouraging an intensification of development within and near activity centres, including neighbourhood activity centres and especially those with good public transport connections.
- 104 However, policy also recognises that intensification and development opportunities will be generally greater in the higher order centres and less in neighbourhood and other lower order centres. There is also recognition that development opportunities will be moderated depending on site context and the type of zones and overlays applying to an area or site.
- 105 We have previously discussed the heritage policy at Clause 22.04 when discussing demolition of the existing building. Clause 22.04 also includes



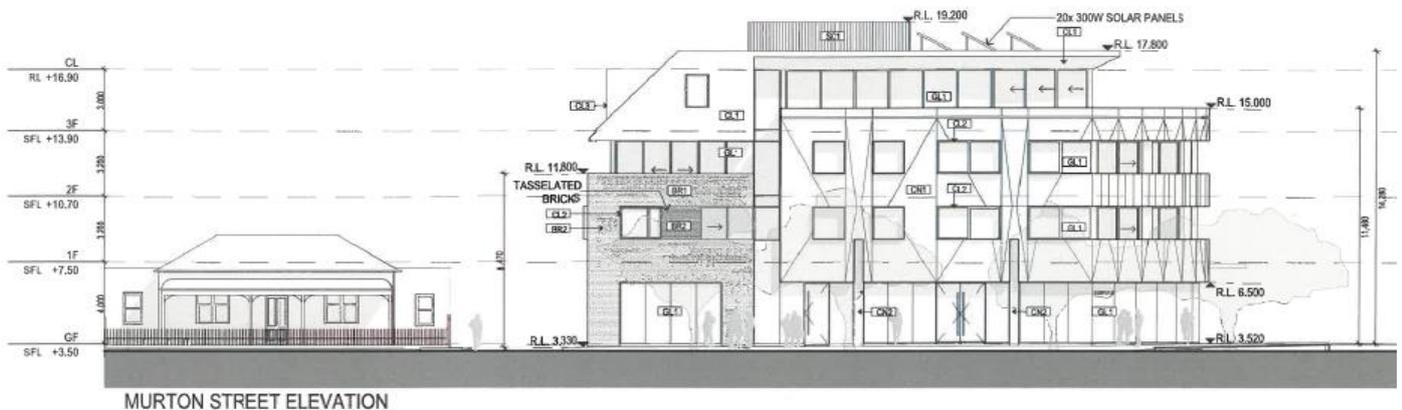
policy for new development including two performance measures. The policy was discussed in submissions and in the evidence statements of Messrs Lovell, Gard'ner, Briggs, Raworth and Ms Ring.

106 Before turning to discuss their evidence, it is helpful to recap the key features of the replacement building as follows:

- A four-storey building with a three-storey street wall and an upper top level recessed by 2 metres from Victoria Avenue and 2.56 metres from Merton Street, other than a small section of wall near Dundas Lane which extends to within 1.36 metres of Merton Street. A protruding eave on the top level extends to within 800mm of the Victoria Avenue street wall below and within 1360mm of the Merton Street street wall below.
- Overall height of 14.47 metres (RL 17.80) with roof top services/lift core extending to 15.87 metres (RL 19.20).
- The building has a curved form as it presents to Victoria Avenue/Merton Street and is built to site boundaries except for a 1.25 metre wide pedestrian walkway along Victoria Lane and an indent for the entrance to the car lift off Dundas Lane. The walkway along Victoria Lane leads to the residential lobby located centrally within the building
- The building is clad in light coloured off-form concrete to the Victoria Avenue and Merton Street facades, which are punctuated by clear glazed windows and balconies. To the rear the cladding is black bricks with some tessellated brick decorative elements.
- The top level is clad in a black charcoal metallic finish with clear glazed windows. It has a splayed roof towards Dundas Lane with light coloured off-form vertical fins matching the lower levels which project from the splayed roof.
- The food and drink premises occupy floorspace behind the curved frontage to Victoria Avenue and Merton Street, with doorway access to both streets. One retail space has frontage to Victoria Avenue and the other to Merton Street, each with one doorway access to the street.

107 The overall composition and elements of the building can be seen in the following Merton Street and Victoria Street elevations.





MURTON STREET ELEVATION



VICTORIA AVENUE ELEVATION

What did the witnesses have to say about the new building?

108 We provide the following summary of the evidence of each of the heritage/architectural witnesses in the order presented at the hearing. We also include a summary of Ms Ring's evidence which also dealt with urban design, heritage, and internal and external amenity issues including the internal layout of dwellings and the commercial premises.

109 Mr Lovell states that the key considerations having regard to policy are the expectation for design excellence and the need for new development to be respectful of the scale, form, siting and setbacks of near-by contributory and significant buildings, for new development to sit comfortably and harmoniously integrate, for new development to reflect the prevailing streetscape scale and not dominate the streetscape or public realm and for the detailed design and materials to complement and respond to the streetscape character.

110 Mr Lovell cites with approval the examples of new buildings in heritage settings given in Mr Raworth's evidence statement plus another at 166-182 Gertrude Street, Fitzroy. Having regard to those examples, Mr Lovell

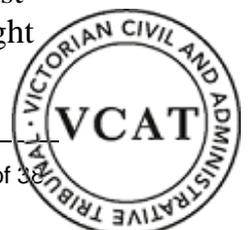
considers that the proposed building does not achieve design excellence, nor does it adequately respond to the heritage setting. He acknowledges the site is challenging from a design perspective but that the prow like form with faceted precast balustrade and deep balconies is visually at odds with the surrounds and visually overwhelming.

- 111 He considers the scale is overblown and would dominate the corner and that a two-level form rather than three levels may well be achievable. He considers that the flanking facades to Merton Street and Victoria Avenue continue the muscular corner treatment with dark clad fourth level rising above and behind.
- 112 He considers that while an attempt has been made for the façade to reflect the vertical divisions of the traditional streetscape terraces, it fails to successfully respond to the fine grain of the heritage built form. He suggests a three-level façade on Victoria Avenue, stepping back at the corner towards the lower scale Merton Street houses, with a possible far more recessive fourth level. He does not support the continuous display glazed windows at ground level as it contrasts strongly with the shop fronts in the area where the extent of glass is contained within a terrace width and wall structures or pilasters provide a solid division.
- 113 Mr Lovell acknowledges that the design better manages interfaces such as along the laneways, but the overall building scale ('the totality of the form') is not in keeping with the character and appearance of adjacent buildings nor is it appropriate in this location. He notes that with the exception of a small number of unsympathetic infill developments, it is a largely intact precinct reflecting the key phases of development.
- 114 Mr Gardner considers that the three-storey street wall height is inappropriate given the consistent Victorian-era two storey scale of HO443 and the heritage provisions of the Planning Scheme and considers that the height of the facade as it presents to the street edge should be no greater than the prevailing street wall height. He acknowledges that a third level of development setback from a two-storey main form may be appropriate and considers that any upper level development should read as a recessive element that is subservient to the main form.
- 115 He also considers that the façade articulation does not adequately respond to the predominantly vertical proportions within the precinct and should be revised to reduce the horizontal emphasis of the building. He considers that the material palette represents an appropriate contemporary response to the predominantly masonry forms of the precinct.
- 116 Mr Briggs considers that the proposed building will dominate the heritage precinct because it would be the largest entity in the locality of the site given its siting and unassimilated character. He considers that the building would totally dominate the adjacent single storey dwelling at 28 Merton Street. He states that there is almost nothing in the design that legibly and evidently demonstrates excellent, or even competent, contextual design.



Given it is located on a five-way intersection and the extent of site boundary to the public domain, it will be a more commanding presence than the largest heritage presence of the 'Biltmore'. The light colour off-form concrete, dark coloured brick and metal cladding does not provide a successful visual relationship that will ensure that it is harmoniously integrated with the valued low key, village character of the heritage precinct.

- 117 He observes that the setback of the upper projecting black eave is setback 1.6 metres from the Merton Street frontage and approximately 4 metres from the Victoria Street frontage. It will be seen in perspective from across the road as approximately 150% of the height of the tallest heritage neighbour in Victoria Avenue to the west across Victoria Lane. The choice of extreme tonality for the tallest most prominent element and the contrasting light of the suspended masonry skin does not demonstrate any attempt to fit in, but at best suggests disregard.
- 118 Mr Raworth in supporting the new building specifically disagreed with the comments of Council's heritage advisor who was not supportive of a building to exceed the predominant building scale and which was said to be simply too large, and that it will become the dominant element and effectively create a visual barrier that will disconnect the Bridport Street and Victoria Avenue sections of the precinct.
- 119 Mr Raworth also disagreed with the heritage advisor that a more appropriate design would be one that maintains the same street wall along Victoria Avenue with a truly recessive upper level and better transition in scale to the single storey houses in Merton Street by reducing the height by at least one storey.
- 120 Instead Mr Raworth considers that the building makes a considered response to relevant guidelines and that although taller than the existing and adjacent buildings will, because of the top level setback with a treated visually lightweight treatment, present to Victoria Avenue as having a three-storey façade with a recessed upper level. He considers the raked roof form stepping down to two storeys at Dundas Lane and the separation provided by the laneway will provide an appropriate transition between the new buildings and the dwellings in Merton Street. The raked roof also reduces overshadowing to those houses.
- 121 He supports the three-storey façade height to Victoria Avenue as being compatible with the facade height of the commercial buildings on the other side of Victoria Lane and that the relationship between them is managed by the recessed location of the top level and by the architectural differentiation between the street façade and the recessed upper level.
- 122 Mr Raworth supports the pitched and parapeted roof elements and considers them to be in keeping with the contemporary nature of the building whilst responding to parapeted and pitched roofs within the streetscape. The light coloured off-form concrete, dark coloured brick and metal provides an



interpretative response to the common use of render and brick in heritage buildings and are low key and neutral in appearance. He considers that punched openings within the wall mass are appropriate but suggests they could be improved by lessening the width of openings to the balconies at the curved corner, thereby creating smaller openings more comparable to other windows in the precinct. Elevations and perspectives were tabled at the hearing to depict these suggested changes.

- 123 Mr Raworth also provided examples of other buildings within sensitive heritage environments which he considers achieve good contemporary design.
- 124 Ms Ring referred to policies in Clause 22.06-3 and made comment about the public realm, street level frontages, landmarks views and vistas, energy and resource efficiency, building design, urban art, landscape, public open space, private open space, residential amenity, carparking and pedestrian access, loading facilities and site facilities. She also commented about heritage policy, the internal amenity of dwellings, the layout of the commercial spaces, off site impacts such as overlooking, overshadowing, car parking, traffic and noise.
- 125 We do not repeat in detail all her comments but in summary she does not consider that the building will dominate public spaces, overshadowing of the public realm is minimal and street level frontages offer visual interest, passive surveillance, social interaction, safety, shelter and convenience.
- 126 Ms Ring states that the building has been designed to optimise solar access and that it exceeds the minimum BESS score and achieves a high STORM score. She considers the building's elevations are legible and visually interesting from a range of perspectives and successfully engages the five way intersection. Ms Ring notes that private open space for dwellings is accessible from the main living rooms and exceed the minimum dimensions, that there are no unreasonable overlooking or overshadowing impacts to the nearby residential property at 28 Merton Street, no unreasonable noise impacts and that provision has been made for site services.
- 127 She also supports the internal layout and amenity of the dwellings and discusses in some detail the layout of the dwellings, including an assessment against standards in Clause 58 including accessibility, building entry and circulation, private open space, storage, functional layout, room depth, windows, and natural ventilation.

Our assessment of the new building

- 128 This is not a pristine heritage precinct, but it is a precinct of predominantly one and two storey period style commercial buildings. There are of course a few exceptions, including those referred to in the statement of significance.
- 129 Policy at Clause 22.04-3 for new development in heritage overlay areas is that new development generally reflects the prevailing streetscape scale and



does not dominate the streetscape or public realm. Performance measure 3 seeks to distinguish between streetscapes with consistent building scale and those with diverse building scale. Despite discussion at the hearing about the consistency or diversity of the streetscape, we are not persuaded much turns on the distinction in this case. Even in the case of a consistent streetscape there is reference to the height of a new building being no higher than the roof ridgeline of the highest adjacent heritage place when viewed from the street, but that it may include higher component at the rear.

- 130 Having regard to the evidence of witnesses and our understanding of the site context we make the following comments about different components of the building.

Street wall

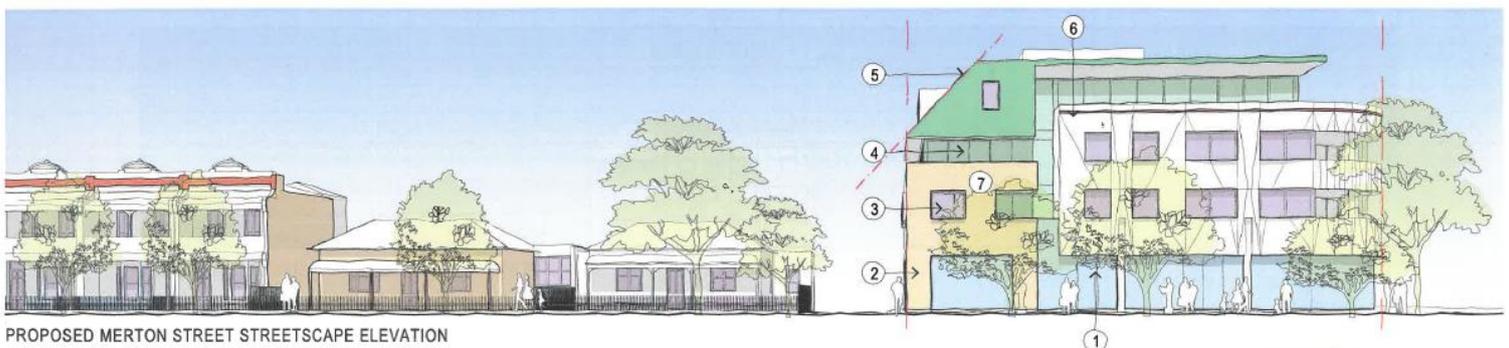
- 131 The street wall has a height of 14.24 metres for most of its length except where it reduces to 8.47 metres for a short length towards the southern end in Merton Street. The two streetscape elevations included earlier in our reasons demonstrate show the proposed street wall relates to the closest buildings in Victoria Avenue and Merton Street. In Victoria Avenue the street wall is approximately 2.4 metres higher than the ridge of the nearest adjoining commercial building (RL15.00/RL12.60 metres) and in Merton Street the difference between the double storey parapet and the ridge of the nearest dwelling at 28 Merton Street is 3 metres (RL11.80/RL8.80 metres).
- 132 The proposed streetscape elevations on Drawings TP2.04 and TP2.05 depict these height relationships in a diagrammatic way.



- 133 In the case of Victoria Avenue, the above elevation shows a stepping up from the west with a note 6 that the building height responds to neighbouring commercial buildings along Victoria Avenue with a gradual increase in scale. Whilst the proposed building may respond to the height of those other buildings, whether it does so in an acceptable way is questionable. The proposed building could equally respond if it had a lower parapet more akin to the height of the buildings at 9-15 Victoria Avenue. Depending on floor to floor heights, it would result in a building with a street wall lower than the closest buildings at 3-7 Victoria Avenue and

would allow for some variation in street wall height whilst being more respectful of the two-storey scale exhibited both in this strip of Victoria Avenue but also the primarily double storey scale referred to in the statement of significance.

- 134 Whilst an opinion is often expressed that corner sites in historic precincts contain higher buildings and that it is acceptable for new buildings to also be higher, it is also the case that the street walls of such buildings closely reflect those of the nearest buildings and that the higher new elements are set back behind that street wall.
- 135 Whilst that is the design philosophy adopted with the proposed building, we consider that the starting point (i.e. the street wall) is too high and that as a result the building will have a dominance which is not in keeping with the character and appearance of the heritage place recorded in the statement of significance.
- 136 The visual impact of the street wall and the way it extends beyond that of the primarily double storey commercial built form is exacerbated by the way in which the review site, and hence any new building, has a prominent location at the five way intersection. A reduction in the street wall by one level would result in a street wall of approximately RL 11.8 metres or 800mm lower than the nearest commercial buildings. We consider this transition in height more in keeping with, and consistent with, the double storey character of the heritage place. Our concern is not so much with the actual measurement (three level street wall 2.4 metres higher and a two-level street wall 800mm lower than the commercial buildings to the west). Instead our concern is how the street wall will appear when viewed in juxtaposition with the parapet heights of the nearest heritage buildings and in the wider heritage precinct where street walls/parapets are primarily double storey.
- 137 We make similar observations about the street wall as it curves around and extends along Merton Street as shown in the following diagram.



PROPOSED MERTON STREET STREETScape ELEVATION

- 138 We acknowledge there is a different context to Victoria Avenue, particularly towards Dundas Lane where single storey dwellings are located to the south of the lane and double storey dwellings diagonally opposite on the other side of Merton Street. We consider that a two-storey street wall, whilst higher than the single storey dwellings would be more in keeping with the double storey commercial and residential buildings on the opposite

side of Merton Street. A two-storey street wall would also recognise that it is acceptable to step up from the single storey dwellings to a two-storey street wall, and a higher building, where they are separated by a laneway which also forms a boundary between residential and commercial zones. In the absence of Heritage Overlays it may well be that a new building on the commercial side of the boundary would provide for a much greater and more abrupt increase in height. In principle, we therefore support the notion of a two-storey street wall continuing along the whole Merton Street frontage.

Height of building (Three or four levels)

- 139 Our lack of support for a three-storey street wall follows through to the overall four storey height of the building. A reduction in the height of the street wall means that upper levels are more exposed and more prominent in views within the heritage place. Whilst we accept the evidence put by all heritage witnesses that a recessed upper level is acceptable, we consider that the four storey building results in a building which is not consistent with and is discordant with the double storey scale of the nearest commercial buildings in Victoria Avenue and Bridport Street. Despite the setbacks, articulation and angled roof along Merton Street and Dundas Lane, we consider that a four-level building will visually dominate the single storey dwellings on the opposite side of Dundas Lane.
- 140 Because of the size of the site, its two street frontages and the way in which the site is visually prominent within the intersection, any new building has the potential to visually dominate this part of the heritage place. In order not to dominate or detract, it is necessary for any new building to be of scale and mass that is recessive rather than prominent when viewed within that streetscape.
- 141 We consider that the photo montages clearly demonstrate the dominating visual impact of the building when viewed within the heritage place and we are not persuaded that the façade changes suggested by Mr Raworth alleviate the impact of the excessive scale of a four-storey building on this site. Except for the nominated heritage structures referred to in the statement of significance, the proposed building would be the tallest in the centre with its height exacerbated by its exposure along two streets and two laneways.
- 142 Whilst a simplistic outcome maybe to conditionally delete either Level 1 or Level 2 in order to both lower the street wall and overall height of the building, we consider that to be an unsophisticated and unacceptable way to achieve a building of a high architectural quality. As we discuss next, we also consider that any top floor must have greater setbacks than now proposed so that is visually recessive.



Setback of the top floor

- 143 The walls of the top floor are setback 2 metres from the lower floors along Victoria Avenue, 2.56 metres along Merton Street and a maximum of 4.9 metres at the curved section facing the intersection. The awning or eave above these walls protrudes to within approximately 800 mm to Victoria Avenue, approximately 1.36m metres to Merton Street and approximately 3.8 metres at the curved section.
- 144 Both Mr Raworth and Ms Ring supported these setbacks and eave treatment. It was not an opinion shared by Messrs Briggs, Lovell and Gard'ner. Although they supported an upper level, they were not convinced that the top floor had been set back sufficient to be minimise visibility in the manner required by policy at Clause 21.06-3 (6.3.3 - require all new development to respect the predominant 1 and 2 storey scale of Victorian buildings, with higher development setback from the principle (sic) street to minimise visibility).
- 145 Whilst Mr Lovell considers that a third floor (fourth level) may be achievable, it needs to be far more recessive in both closer and mid-range views. Mr Gard'ner considers that an upper floor is not precluded provided it is adequately setback from the street edge and must be designed to read as a recessive element that is subservient to the main form.
- 146 Mr Briggs was not specific in his commentary about the top floor other than to state that the proposed building will be the dominant element in the area and that the extreme tonality for the tallest most prominent elements of the proposal and the contrasting light of the suspended masonry skin is not evidence of an attempt to fit in but suggests disregard. In answer to questions, he did not agree that further setting back the top floor would address the problem.
- 147 There was also critical comment about the angled, black toned edge of the eave and the way in which this accentuated the prominence of the eave. We agree that the eave serves to accentuate the dominance of the building given it extends close to the edge of the levels below.

Ground level commercial facades

- 148 The proposed commercial frontage at ground level is largely glazed with a limited number of vertical columns breaking up the glazing. Although Mr Raworth did not specifically address this issue in his written evidence, there was a broad consensus amongst the heritage witnesses of the benefit of further breaking up the extent of glazing by introducing a greater number of solid wall elements.
- 149 We consider that the extent of glazing is excessive and agree with Mr Lovell that the continuous display windows glazing contrasts strongly with the broken pattern of shop fronts in the precinct. If a new building is constructed on the site it should include more vertical wall elements and



other design features such ‘in-goes’ to create greater articulation more in keeping with the existing commercial shop fronts in the precinct.

Internal amenity

- 150 Ms Ring undertook an assessment of the internal amenity of the dwellings, and of the layout of the building more generally. She concluded that the new dwellings will be secure, modern and comfortable places to live in and, that subject to some minor changes such as hobless showers in accessible bathrooms, was supportive of the proposal.
- 151 We have reviewed the plans and agree with her analysis set out on pages 24 to 40 of her evidence statement. We would emphasise that we are not refusing the proposal because of poor internal amenity or the unacceptable layout of the ground floor commercial floorspace. As noted in the hearing, there are some minor changes that would be required if a permit were to be granted.

Materials and colours

- 152 Mr Raworth and Ms Ring both supported the use of light-coloured off-form concrete, dark coloured brick and metal cladding. Mr Raworth considers the materiality and colour are low key and neutral in appearance. Mr Gardner also supported the material palette and stated that it represents an appropriate contemporary response to the predominantly masonry forms of the precinct and meets the objectives.
- 153 Mr Lovell did not specifically comment on the materials and colours whilst Mr Briggs was critical of the materials and colours as not attempting to fit in with the existing character.
- 154 Whilst we do not necessarily find the choice of colours or materials visually jarring given the generally neutral colour scheme and the choice of off-form concrete and other materials, we do not find they contribute to the design excellence of the building as suggested in the fourth objective of heritage policy at Clause 22.04-2. We consider that the choice of materials and colours is unexceptional for a contemporary building whereas policy promotes a higher standard of design excellence including specific reference to materials.
- 155 We contrast the materials and colours proposed here with those used in the examples included on pages 22 to 24 of Mr Raworth’s evidence statement and on pages 32 and 33 of Mr Lovell’s evidence statement. Whilst different materials and colours have been used in all these examples, we concur with Mr Raworth that they achieve the objective of good contemporary design and with Mr Lovell that they meet the test of design excellence.
- 156 Determining design excellence is informed by many individual factors or elements, that it is a subjective assessment and that opinions will vary as to what represents design excellence. We are also mindful that although heritage policy may require design excellence, Clause 65 instead requires



an acceptable outcome. Whether a proposal achieves or promotes design excellence is just one factor, but an important one, in deciding acceptability.

Any other issues with the new building?

157 Council did not list parking or traffic shortcomings in the grounds of refusal but Mr Walsh prepared an evidence statement to deal with issues raised by Respondents. Having regard to the matters set out in his evidence statement which we have reviewed, together with the fact that parties did not require him to attend the hearing to present evidence and answer questions, we are satisfied that sufficient car, bicycle and motorbike parking is being provided, that the basement carpark layout is workable and that traffic impacts on Dundas Lane and the street network are within reasonable bounds. We would not refuse the application because of unresolved traffic or car parking issues

Conclusion about the new building

158 Policy at Clause 15.01-1S includes a strategy to require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate, whilst Clause 15.01-2S has the objective to achieve building design outcomes that contribute positively to the local context and enhance the public realm. Heritage conservation policy at Clause 15.03-1S includes strategies to encourage appropriate development that respects places with identified heritage values and to ensure an appropriate setting and context for heritage places is maintained or enhanced.

159 There can be legitimate but different opinions about the merits of a new building and whether it is an acceptable response to both its site context and relevant planning scheme provisions. That has been the case here where we have been provided with different opinions about the acceptability of the new building.

160 It will be evident from our preceding comments about different elements of the building that we do not find it warrants our support. Whilst we support the concept of a contemporary design response, we consider that the street wall is too high and that as consequence the building needs to be reduced in height. We also consider that upper level setbacks are inadequate to provide a visually recessive top and that the extent of unbroken glazing at ground floor is excessive. Furthermore, the building materials and colours, when considered along with the points above, does not result in a building of design excellence in the manner required by policy. It is a building which because of the site context within the heritage precinct, will be unacceptably dominating within the heritage precinct, is not in keeping with the primarily double storey scale of the heritage place described in the statement of significance and, as such, will adversely affect the significance of the heritage place. For these reasons, we would not issue a permit for the development of the new building.



CAN THE APPLICATION BE SEPARATED INTO TWO APPLICATIONS - ONE FOR DEMOLITION AND ONE FOR BUILDINGS AND WORKS?

- 161 Given we are considering whether permission should be granted for both demolition and construction (amongst other things) submissions were made as whether it is possible to grant permission for demolition but withhold approval for the new building and works, and the other approvals required in association with the replacement building. Mr Townshend submitted we could, a position agreed to by Mr Pitt. We consider that this submission should be rejected, for the reasons discussed below.
- 162 As set out in the information section of this decision, there are four separate provisions of the planning scheme under which a permit is required, including for the demolition, use and development aspects of the proposal. We need to be satisfied that a permit should be issued under each of the relevant planning controls before the proposal can proceed.¹⁹ Without an amendment to the permit application to alter the permission sought to demolition of the building alone, then in taking into account the matters specified in s 84B of the *Planning and Environment Act 1987 (PE Act)* we should consider and determine whether permission should be granted for the whole of the proposal, under each of the provisions in respect of which permits are required under the Scheme, and not just permission for the demolition of the building alone.
- 163 We consider that a decision to separate the demolition requirement from the remaining three permit triggers associated with the replacement building would be inconsistent with the policy at Clause 22.04-3 that requires applications for the demolition of significant buildings to be accompanied by an application for new development.
- 164 Most importantly however, under Clause 22.04-3, a permit for demolition should not be issued for demolition unless the building is structurally unsound and the replacement building demonstrates design excellence. Whilst we may be satisfied about the first limb, we are not satisfied that the replacement building displays the necessary level of design excellence to justify demolition of the existing building. For this reason, we would not issue a permit for the demolition of the building.
- 165 Based on the facts and circumstances of this case, we consider that it would also be inconsistent with the fair and orderly development of land which is amongst the objectives of planning in Victoria, set out in s 4(1) of the PE Act. To consider the demolition of the significant building on the land in the absence of an accompanying application for a replacement building would mean that we would be unable to assess whether the impact of the demolition of the significant building on the significance of the heritage

¹⁹ Refer to *Boroondara City Council v 1045 Burke Road Pty Ltd* [2015] VSCA 27 (Warren CJ, Santamaria JA & Garde AJA) (10 March 2015) in this regard.



place HO443 is acceptable in terms of what is proposed to replace the significant building on the review site.

CONCLUSION

- 166 The Heritage Overlay has purposes which emphasise the conservation and enhancement of heritage places and those elements which contribute to the significance of the heritage place. Purposes also seek to ensure that development does not adversely affect the significance of the heritage place.
- 167 Whilst planning policy recognises that buildings may be so decrepit to the point of structural unsoundness that demolition of a significantly graded building should be allowed, policy is also very clear that any replacement building must display design excellence which clearly and positively supports the ongoing heritage significance of the area.
- 168 Whilst all development is required by State and local policies to respond to site context, where such development is occurring within a Heritage Overlay we consider that there is greater sensitivity to new built form impacting on heritage fabric, whether it be adjoining buildings or the broader precinct.
- 169 Clause 71.02-3 of the Port Philip Planning Scheme requires us to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.
- 170 We accept that there will be different opinions about what represents a net community benefit and that many proposals that seek to demolish a building and replace it with an entirely new building of much greater height and scale will cause concern about the extent and impacts of the change being proposed. Such concerns have been well ventilated in the hearing before us.
- 171 Having regard to all of the material before us, we have been persuaded that, on balance, whilst a decision to demolish the building would adversely affect the significance of the heritage place HO443, this is an adverse outcome that may be justified, where a suitable replacement building is proposed. However, we are not persuaded that the replacement building is of sufficient architectural merit - design excellence in the words contained in the planning scheme – to warrant approval for the reasons we have set out in our reasons.
- 172 Whilst we are not seeking an ideal outcome, we are not persuaded that it is an acceptable outcome in accordance with Clause 65.01 or that the proposal before us achieves a net community benefit when assessed against the relevant, but sometimes competing planning scheme provisions we are required to take into consideration.

J A Bennett
Senior Member

Juliette Halliday
Member

