

Expert Witness Statement to Panel Amendment C245, Yarra Planning Scheme

200-202 Johnston Street, Collingwood

Prepared under instruction from Rigby Cooke Lawyers
April 2020

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1.0 Introduction

1. This statement of evidence has been prepared under instruction from Rigby Cooke Lawyers on behalf of the owner of the former Austral Theatre at 200-202 Johnston Street, Collingwood. I have been asked to comment on the heritage considerations associated with Amendment C245 to the *Yarra Planning Scheme* and in particular the proposal to identify the former Theatre as an individual Heritage Overlay place (HO499) with internal alteration controls.
2. It is understood the land affected by Amendment C245 includes the subject land and 71 other site specific 'anomalies' in Abbotsford, Alphington, Collingwood, Cremorne, Fitzroy, Fitzroy North and Richmond. The subject site is located mid-block on the north side of Johnston Street between Gold and Hoddle streets. It was formerly used as a Picture Theatre and is currently used for retail purposes.
3. My instructions are as follows:

Amendment C245

The Amendment proposes to amend various provisions of the Yarra Planning Scheme to correct zone and mapping anomalies, delete redundant controls, and replace interim heritage overlays with permanent heritage overlay controls.

A summary of the relevant proposed changes:

- *Amends Clause 21.11 'Reference Documents' to include new references documents;*
- *Amends Clause 22.02 'Development Guidelines for Sites Subject to the Heritage Overlay to include the following studies as reference documents:*
 - *Thematic Study of Theatres in the City of Yarra, Context Pty Ltd (2017); and*
 - *Collingwood Mixed Use Pocket, Heritage Analysis & Recommendations, GJM Heritage (2018).*
- *Amends the Schedule to Clause 43.01 – Heritage Overlay to delete existing heritage overlays corrects previous formatting errors and applies the Heritage Overlay to:*
 - *200-202 Johnston Street, Collingwood – Austral Theatre (former) (HO499);*
- *Amends the schedule to Clause 72.04 - Documents Incorporated in this Scheme to:*
 - *include reference to 'City of Yarra Database of Heritage Significant Areas, September 2018' and remove the reference to 'Appendix 8 - City of Yarra review of Heritage Overlay Areas, Graeme Butler and Associates (2007), revised February 2018';*
 - *Amends the existing incorporated document 'Appendix 8 - City of Yarra review of Heritage Overlay Areas, Graeme Butler and Associates (2007), revised February 2018', to: Change the title to 'City of Yarra Database of Heritage Significant Areas, September 2018';*
 - *Amends Yarra Planning Scheme Zone Map 6 to corrects mapping anomalies on properties that are in two zones and aligns them with property boundaries; and*
 - *Amends Yarra Planning Scheme Heritage Overlay Map 6 to correct mapping errors.*
 - ...

You are instructed to prepare a witness statement within the scope of your expertise, and express your opinion as to whether the proposal is appropriate having regard to:

- *any regulatory framework applicable to the proposal which is within your expertise to examine and comment on;*
- *your own judgement and experience; and*
- *any other matter which you regard as relevant to the formulation of your opinion, stating clearly the basis of your views.*

Please comply with the requirements of Planning Panel's Victoria 'Guide to Expert Evidence'.

4. This statement was prepared with assistance from Fiona Erskine and Guy Murphy of my office. The views expressed are my own.
5. I note that there is no private or business relationship between myself and the party(s) for whom this report is prepared other than that associated with the preparation of this statement and associated advice on heritage issues.

2.0 Sources of Information

6. External and internal inspections of the subject building have been undertaken, together with a review of the documentation associated with Amendment C245, including the *Thematic Study of Theatres in the City of Yarra* prepared by Context (26 September 2017). This statement has also been prepared having regard for the relevant planning scheme provisions including Clause 43.01, the Heritage Overlay, the Development Guidelines for Sites Subject to the Heritage Overlay, Clause 22.02, the *Yarra Heritage Database* and the *City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8 (Revised May 2018)*.
7. Other documents referred to include:
 - *City of Yarra Planning Scheme – Clause 43.01 Heritage Overlay, Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay.*
 - *City of Yarra Ordinary Meeting of Council Agenda (26 November 2019).*
 - *Additional historical sources have been referenced including historic newspapers at Trove Online <https://trove.nla.gov.au> and historic property service plans.*
 - *Guide to Expert Evidence (April 2019).*
 - *Victoria Planning Provisions Practice Note: Applying the Heritage Overlay (July 2015 and August 2018)*
 - *Heritage Issues: Summaries from recent Panel Reports, Planning Panels Victoria, Issue 2 March 2018.*

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3.0 Author Qualifications

8. A statement of my qualifications and experience with respect to urban conservation issues is appended to this report. Note that I have provided expert witness evidence on similar matters before the VCAT, Panels Victoria, the Heritage Council and the Building Appeals Board on numerous occasions in the past, and have been retained in such matters variously by municipal councils, owners, developers and objectors to planning proposals.

4.0 Declaration

9. I declare that I have made all the inquiries that I believe are desirable and appropriate, and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

A handwritten signature in black ink, appearing to read 'Bryce Raworth', with a stylized flourish at the end.

BRYCE RAWORTH

5.0 Brief History and Description

10. The subject site is a rectangular allotment located on the north side of Johnston Street in Collingwood. The site is occupied by the former Austral Theatre (later Austral Picture Theatre) constructed in 1921. The building was owned by Winifred Kenny, and operated by Robert McLeish, who was also the lessee of the Northcote, Newmarket, Clifton and Rivoli Theatres. An advertisement for the theatre's opening on Thursday 15 September 1921 stated that '*It is easily the best theatre in the district*' ... '*replete with every comfort*'.¹ A newspaper article described the building as follows:

*It is in the most modern style of architecture, the seating, ventilation, lighting and the bio-cabin and machines being on the most approved lines, while the interior decorations – of which landscapes form a distinct feature – are carried out artistically.*²

11. Although original plans for the building have not been located, a 1979 floorplan from when the building functioned as a roller skating rink gives an indication of the original layout of the theatre.

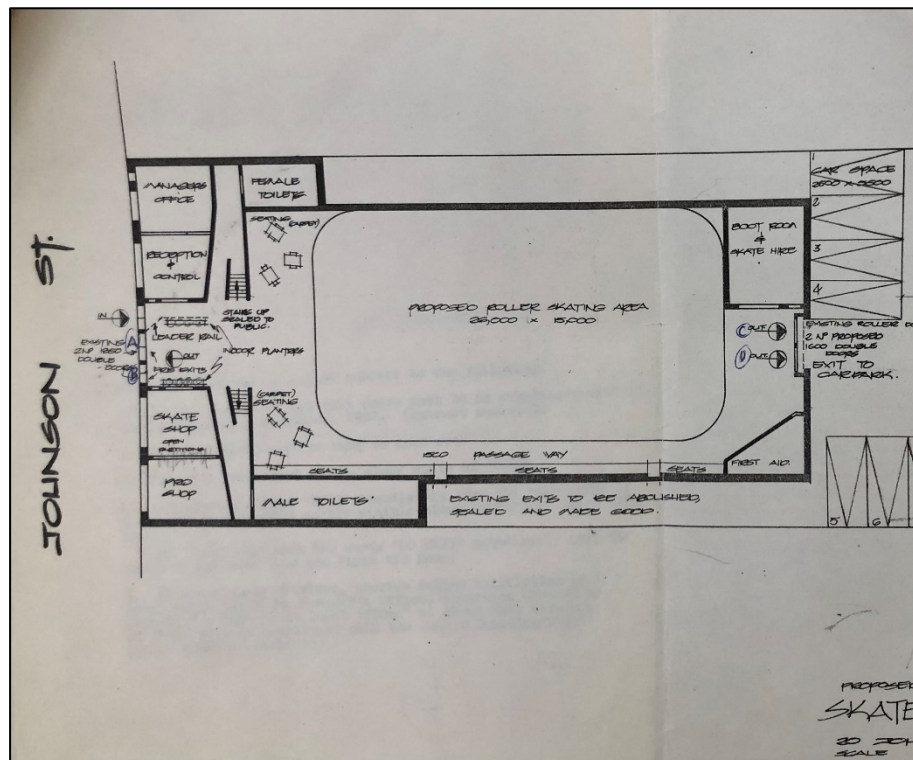


Figure 1 1979 plan showing the layout of Skate City.
Source: Public Records Office of Victoria.

¹ D. Catrice, Masters Thesis: Cinemas In Melbourne, Vol. 1
² *Table Talk*, Thursday 29 September 1921, p.41

12. The *Thematic Study of Theatres in the City of Yarra*, which forms the basis for the proposed internal heritage control, provides the following description of the exterior of the subject building:

The former Austral Theatre is located mid-block on the north side of Johnston Street between Gold and Hoddle streets. The two-storey building with gabled roof has a rendered façade which features a stripped back Greek revival style. The façade is divided into five bays, with 'AUSTRAL' still visible on the parapet of the central bay between a double moulded cement cornice, obscuring the hipped corrugated iron roof. The inner flanking bays have a pair of square windows inset below the lower cornice moulding. The outer bays have a pair of deep strip openings surmounted by projecting mouldings with an ornate decorative motif (victory wreaths) set above. Small square ventilation openings are set above the cantilevered verandah, continuous across the width of the building. The central entrance bay has been replaced with anodised aluminium glazed entrance doors and is flanked by two large shopfront windows bays. The building has rear access and a carpark accessible from Sackville Street.



Figure 2 The Johnston Street façade to the former Austral Theatre. The original shop fronts have been replaced and the cantilevered awning lacks ornamental detailing. Some of the façade windows have been obscured.



Figure 3 *View from the south east showing the former theatre at centre left. It sits in a mixed context of double-storey heritage buildings and modern infill.*



Figure 4 *The gabled rear north elevation is of simple face brick.*



Figure 5 The entry foyer retains its original plaster ceiling, but all other finishes and fittings have been refurbished, including the original entry doors and floor finishes (although the latter may survive below the present raked floor).



Figure 6 The ceiling rose in the entry lobby is of a simple, minimal Adamesque character.



Figure 7 The ground floor room beneath the upper level tier features only simple strapped decorative detailing to the ceiling. This space appears to have been part of the skate rink in the 1970s, rather than a separate room.



Figure 8 There are several ceiling roses in this space, which are of a standard design not dissimilar to those seen in residential buildings of the period.



Figure 9 View north across the main auditorium space. The original seating and proscenium have been removed.



Figure 10 The ceiling in the auditorium was minimally decorated, with only a simple decorative strapping detailing. It is in poor condition and its integrity is compromised by numerous losses of plaster and other damage.



Figure 11 View of part of the east wall to the upper area of the auditorium, showing the limited extent of decorative detailing at this level.



Figure 12 View of part of the west wall to the auditorium showing a combination of structural bracing, late wall lining and remnant plaster columns attached to side pilasters.



Figure 13 View of the ceiling decoration at the back of the auditorium above the back dress circle.



Figure 14 Detail view of the ceiling showing the strapping and floriated components.



Figure 15 Detail of stair to the first floor tier.



Figure 16 The men's toilets at first floor level retain some original porcelain and tiling, but have also been substantially refurbished. They do not appear to have originally been of a particularly decorative or interesting character.



Figure 17 *The women's ground floor toilets have also been substantially refurbished. They are not of any appreciable interest.*



Figure 18 *View up the stairs from the ground floor foyer to upper level toilets.*

6.0 Heritage Status

13. The subject site is not included on the Victorian Heritage Register, and has not been classified by the National Trust of Australia (Victoria).
14. The property is located within the Johnston Street Precinct, identified as HO324 in the Schedule to the Heritage Overlay of the *Yarra Planning Scheme*. The statement of significance for the precinct is reproduced in part below:

How is it significant?

HO324 Johnston Street Heritage Overlay Area, Collingwood is aesthetically and historically significant to the City of Yarra (National Estate Register [NER] Criteria E1, A4)

Why is it significant

The Johnston Street Heritage Overlay Area is significant:

As a good demonstration of mainly Victorian and Edwardian-era commercial and retail development in Collingwood, including hotels, a former theatre, former shops with residences over, small industrial buildings and some residential development, that represents the second and major generation of settlement that occurred in the area in the late nineteenth century, promoted by the establishment of a cable tram service there in 1887;

For the important architectural elements such as the ornate Italianate or Edwardian details on the upper storey shop facades; and

For individually significant buildings and building groups such as the Collingwood Technical School complex, a significant 20th century school design, also

As the site of the first Collingwood Municipal Reserve and a number of locally historic buildings that evolved around it.

15. The property is identified as 'Individually Significant' in Appendix 8 of the *City of Yarra Review of Heritage Overlay Areas*.
16. The statement of significance for the Johnston Street precinct also makes the following reference to the former Theatre building (underlined for emphasis):

Other significant buildings include hotels such as the Galloway Arms of 1888 (115 Johnston Street) and the Bendigo Hotel of 1911 (125 Johnston Street); shops like G Mateer's Victoria Bakery 1888 (67 Johnston Street) and Williams' Buildings of 1895 (153-157 Johnston Street) and recreational sites like the former Austral Theatre, later the Austral Picture Theatre, of 1921 (202-204 Johnston Street).

17. The Statement of Significance for the former Austral Theatre, as included in the Yarra Heritage Database, is as follows:

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What is significant?

The Austral Theatre, later Austral Picture Theatre at 200-202 Johnston Street, Collingwood was created in 1921 for Winifred Kenny and has other historical associations with persons such as Robert McLeish, C. Hore and John and Maria Lyris. The place has a fair integrity to its creation date (ground level changed; part interior existing).

Fabric from the creation date at the Austral Theatre, later Austral Picture Theatre is locally significant within the City of Yarra, compared to other similar places from a similar era.

How is it significant?

The Austral Theatre, later Austral Picture Theatre at 200-202 Johnston Street, Collingwood is historically and architecturally significant to the locality of Collingwood and the City of Yarra.

Why is it significant?

The Austral Theatre, later Austral Picture Theatre is significant as a Greek revival style, rendered theatre facade with a stepped parapet, Victory wreaths on flanking pylon forms. The first owner, McLeish, was linked with the Rivoli and other significant cinemas. It has local social and historic significance as a former long-term public building.

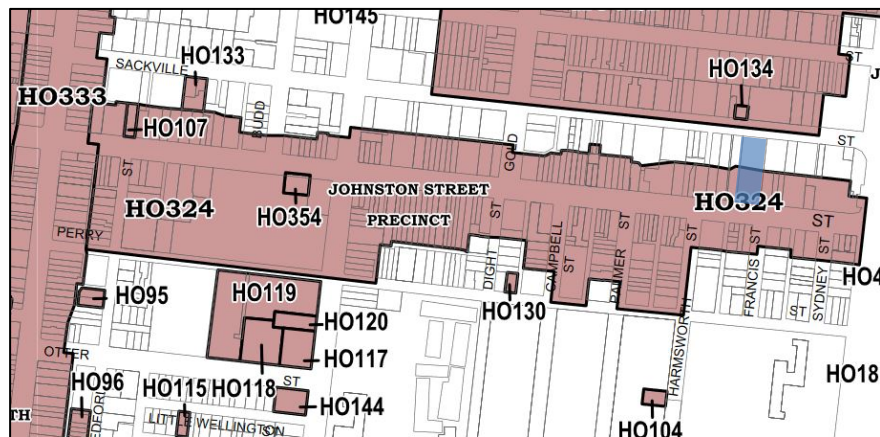


Figure 19 Detail of the Heritage Overlay map showing the extent of the Johnston Street Precinct, with the subject site shaded blue.

7.0 Discussion

18. As noted above, Amendment C245 to the *Yarra Planning Scheme* seeks to amend various provisions of the *Yarra Planning Scheme* to correct zone and mapping anomalies, delete redundant controls, and replace interim heritage overlays with permanent heritage overlay controls
19. The *Thematic Study of Theatres in the City of Yarra* has recommended that three places warrant the application of internal controls due to their intact interior features. These are the subject property, the former Burnley Theatre at 365 Swan Street, Richmond and the former Richmond Cinema at 311-317 Bridge Road, Richmond.
20. Furthermore, the *Thematic Study* has made the following recommendation that pertains to the subject property:

200-202 Johnston Street, Collingwood and 311-317 Bridge Road, Richmond are removed from their respective existing precincts (HO324 and HO310) to the extent of the existing Heritage Overlay applies; and, that a new Heritage Overlay and the associated HO Schedule number be applied to the whole of the title for each of these places.

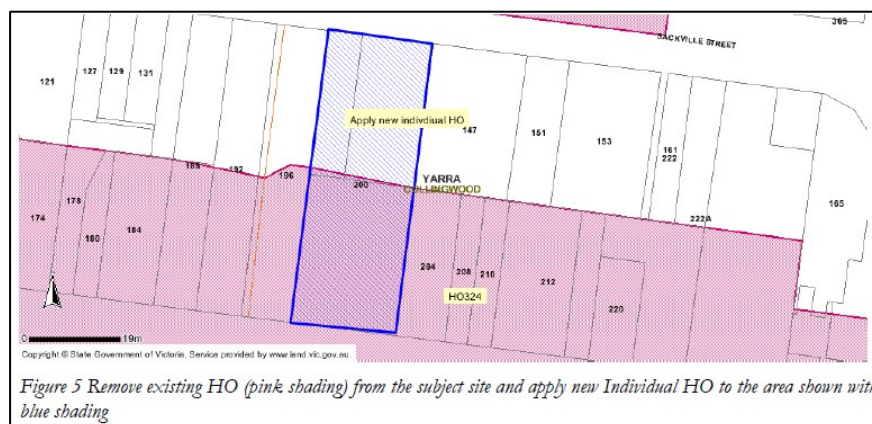


Figure 20 The *Thematic Study* recommends that an individual HO with internal alteration controls be applied to the area shaded blue. Note that the existing HO boundary excludes the northern portion of the building and its rear carparking area.

21. The *Thematic Study* describes the interior of the former Austral Theatre as follows:

Interior

The original plaster chandelier above the entrance and decorated ceiling in a Neo-Baroque highly ornate style are visible as you enter the building's foyer, with stair leading from this space to the gallery. The original men's toilets are intact with urinals and sinks. The vaulted auditorium is largely intact with the ornately decorated ceiling with regularly placed round cameo vents and arches over the entire auditorium. The foyer retains its form and detail in plaster decoration, as does the auditorium. The balcony to the gallery or circle is 'swag-bellied' and highly decorated with plaster festoons. The space of the auditorium with its large span arched ceiling can be appreciated.

The Austral is currently in use as a carpet retail store, 'Carpet World' which provides some access to the public. The following description of the interior is provided by Rupert Mann.

"The entrance foyer and ground level shop fronts are very much intact. The original plaster chandelier above the entrance and decorated ceiling (in a Neo-Baroque highly ornate style) are visible as you enter the building.

The original women's and men's toilets are still intact with urinals and sinks boarded up and out of harm's way.

... the ornately decorated ceiling with regularly placed chandeliers and round cameo vents arches over the entire auditorium. Along the side walls of the auditorium are regularly placed panels which are flanked by fluted Corinthian columns which rise to support the decorated ceiling.

The original circle is also intact minus the seating. The outer face of the balcony there is highly ornate and is covered in plaster swirls and fern-like decorations.

The proscenium is not visible as an apartment has been built over it, however I was told that large parts of it are intact. The only part that was visible was the large panels which flank the stage, they are decorated with reclining classical Greek figures and are flanked by columns and topped with decorative friezes.

This theatre is remarkably intact and is a wonderful example of the type of theatre that was once so common in Melbourne. (Cinema Treasures, contributed by Robert Mann [sic])"

22. The Thematic Study provides an assessment of the place against key criteria and a proposed revised Statement of Significance.

Assessment Against Criteria

Criteria referred to in Practice Note 1: Applying the Heritage Overlay, Department of Planning and Community Development, revised July 2015, modified for the local context.

CRITERION A: Importance to the course or pattern of the City of Yarra's cultural or natural history (historical significance).

The former Austral Theatre at 200-202 Johnston Street is historically significant as one of several suburban picture palaces in the City of Yarra. Picture palaces were immensely popular in the interwar period as places of entertainment. The picture palace and purpose-built theatres built from about 1914 provided entertainment for the working classes where live theatre had traditionally and previously catered for the middle and upper classes. The Austral theatre is historically significant for its association with Robert McLeish who operated five venues across Melbourne including the fashionable Rivoli in Camberwell.

CRITERION B: Possession of uncommon, rare or endangered aspects of the City of Yarra's cultural or natural history (rarity).

The former Austral Theatre is one of only six picture palaces surviving in the City of Yarra and one of four with surviving interiors. Others include the San Remo Ballroom (former Jubilee Theatre), Burnley Theatre and the Richmond Cinema.

CRITERION C: Potential to yield information that will contribute to an understanding of the City of Yarra's cultural or natural history (research potential). NA

CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

The former Austral Theatre is historically significant as it demonstrates particular characteristics of the picture palace associated with the advent of 'talkies'. This includes large open internal spaces to assist view lines to the screen, vaulted ceilings, mezzanine levels and bio boxes over a ground level entry. These picture places generally exhibited a neo-classical and art deco styling reflecting in a sense of the place being a 'cathedral for entertainment' — as a special part of the community sense of place at the time when entertainment was a luxury.

CRITERION E: *Importance in exhibiting particular aesthetic characteristics (aesthetic significance).*

The former Austral theatre is aesthetically significant for its stripped back Greek revival style demonstrated by the articulated cement rendered façade with applied mouldings and stepped parapet. The interior is significant for the layout including the foyer with stairs to the gallery (circle), toilets, and the main auditorium space. The foyer, swag-bellied balustrade, auditorium ceiling, walls and the proscenium are aesthetically significant for their ornate plaster detailing incorporating a variety of classical motifs including columns, figures and festoons. The history and use of the building a picture palace is best demonstrated by the interior volume, form and interior decorative elements.

CRITERION F: *Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance). NA*

CRITERION G: *Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).*

This criterion has not been assessed, however it is likely that there are people who remember attending the Austral Theatre prior to its closure. The place may hold a special attachment for them and be socially significant to a particular group.

CRITERION H: *Special association with the life or works of a person, or group of persons, of importance in the City of Yarra's history (associative significance). NA*

Revised Statement of Significance

What is Significant?

The former Austral Theatre at 202 Johnston Street Collingwood including the interior foyer and auditorium is significant.

How is it significant?

The former Austral theatre is historically and aesthetically significant to the City of Yarra. It has rarity value as a 'picture palace'.

Why is it significant?

The former Austral Theatre at 200-202 Johnston Street is historically significant as one of several suburban picture palaces in the City of Yarra. Picture palaces were immensely popular in the interwar period as places of entertainment. The picture palace and purpose-built theatres built from about 1914 provided entertainment for the working classes where live theatre had traditionally and previously catered for the middle and upper classes. The Austral theatre is historically significant for its association with Robert McLeish who operated five venues across Melbourne including the fashionable Rivoli in Camberwell. (Criterion A)

The former Austral Theatre is one of only six picture palaces surviving in the City of Yarra and one of four with surviving interiors. Others include the San Remo Ballroom (former Jubilee Theatre), Burnley Theatre and the Richmond Cinema. (Criterion B)

The former Austral Theatre is historically significant as it demonstrates particular characteristics of the picture palace associated with the advent of 'talkies'. This includes large open internal spaces to assist view lines to the screen, vaulted ceilings, mezzanine levels and bio boxes over a ground level entry. These picture places generally exhibited a neo-classical and art deco styling reflecting in a sense of the place being a 'cathedral for entertainment' — as a special part of the community sense of place at the time when entertainment was a luxury. (Criterion D)

The former Austral theatre is aesthetically significant for its stripped back Greek revival style demonstrated by the articulated cement rendered façade with applied mouldings and stepped parapet. The interior is significant for the layout including the foyer with stairs to the gallery (circle), toilets, and the main auditorium space. The foyer, swag-bellied balustrade, auditorium ceiling, walls and the proscenium are aesthetically significant for their ornate plaster detailing incorporating a variety of classical motifs including columns, figures and festoons. The history and use of the building a picture palace is best demonstrated by the interior volume, form and interior decorative elements. (Criterion E)

23. Having reviewed the *Thematic Study of Theatres in the City of Yarra* and the other background documents, and having inspected this site and the other two former theatres that are affected by the proposed internal controls, a number of key observations can be made.
24. Context appear to have followed accepted heritage study methodology that included a preliminary assessment, contextual and place history, description, comparative analysis, assessment against criteria and statement of significance. The assessment against criteria concluded that the subject property meets the threshold of local significance for Criteria A (historic significance), B (rarity), D (representativeness) and E (aesthetic significance), with the interior features of the former theatre mentioned against Criteria B, D and E.
25. The description of the character and appearance of the exterior facade of the theatre to Johnston Street is appropriate in broad terms, though the existing awning appears non-original, and most likely replaced one of more decorative design. A number of upper level windows have been sealed or covered over and the facade is painted in an unsympathetic manner. The suggestion that the ground level shop fronts are 'very much intact' is incorrect, with modern glazing replacing original window/door joinery.
26. This said, while it is understood that Context inspected the interior, they have nonetheless relied heavily upon the description and photographs of the interior by another party, Rupert Mann (not Robert, as cited by Context) (date not known, but possibly 2004, as per the date of the photographs cited by Context in the citation for the site). Further to the photographs used by Context, it is noted that the ornate balcony with plaster festoon decoration of 2004 is not apparent at present, being either altered or concealed by stock, and the ceiling appears less intact today, and in poorer condition, than at that time. Moreover, the photographs of 2004 show the ceiling at that time retained some chandeliers that are no longer evident on site.
27. The description of the interior overstates both its intactness and the elaborateness of the decoration. Certainly it is not my view that it is today '*remarkably intact and ... a wonderful example of the type of theatre that was once so common in Melbourne*'.

28. The entry foyer from the street appears largely intact, at least to the extent of its ceiling and 'space', but it features a relatively simple, conventional decorative scheme to the ceiling not dissimilar to what might be found in a residential dwelling from the period. The original timber or tile floor is no longer in evidence, having been covered over or possibly destroyed with the introduction of a ramped floor.
29. The adjoining space to the north of the foyer is likely to have originally contained ground floor seating (now removed), and subsequently appears to have been part of the large skate rink space in the 1970s, but has now been enclosed as a separate room, with offices introduced between it and the main body of the remnant auditorium. The ceiling to this space is relatively plain in character, with strapping and a small number of decorative ceiling roses.
30. The ceiling to the main auditorium space was originally decorated with strapping and moulded wreaths. This was of a simple and conventional character. The side walls were divided into regularly spaced bays by lesenes decorated with narrow moulded columns to each corner. The wall and ceiling plaster decoration is largely, but not completely, intact, albeit in poor condition and with numerous losses and areas of damage. On the other hand, the proscenium and stage were originally the focus of the auditorium and are no longer in evidence, having apparently been largely (if not entirely) removed. The upper level seating area remains close to its original plan, but is very simple in character and lacks any particular interest. All original auditorium seating has been removed.
31. The internal stairs are generally intact, but are plain in character. The toilets may be intact in terms of plan, but appear to have had many of their original fittings replaced and to have been of little decorative interest to begin with.
32. No visible evidence remains in the interior of the landscape decoration for which the theatre was noted at the time of its opening.
33. *Planning Practice Note 1: Applying the Heritage Overlay* notes the following in relation to internal alteration controls:

This provision should be applied sparingly and on a selective basis to special interiors of high significance. The statement of significance for the heritage place should explain what is significant about the interior and why it is important.

34. Overall, the citation fails to make an accurate qualitative comment on the relative simplicity of the decorative scheme in what would have been a working class entertainment hall, and on the extent to which it has been compromised by changes to the interior and by general deterioration and damage.
35. The interior plasterwork that remains in the auditorium requires extensive repairs to replace missing details or repair plasterwork that is in poor condition. Panels of plaster have collapsed or sagged in various locations. Structural cracking was noted in the exterior brickwork at the northern ends of the both the east and west elevations.

36. While it can be agreed that the former Austral Theatre is of some minor degree of local historic and aesthetic interest, the primary aesthetic significance relates to the Johnston Street facade and its contribution to the adjacent streetscape, not to the interior. The interior appears to have originally been of a relatively plain, conventional design in terms of layout and plasterwork, and has since been so heavily comprised that it no longer fully communicates the experience of a 1920s picture house in the manner of other examples of more intact and more aesthetically sophisticated cinemas. Internal spaces such as the 'foyer with stairs to the gallery (circle), toilets, and the main auditorium space' were universal to all picture theatres, and do not make the place aesthetically significant in and of themselves. The stage and proscenium are key elements to theatre planning, which are now gone from the subject building. The quality of the interior decoration in terms of elaborateness, inventiveness and materials is a key consideration in assessments of the internal significance, and in the subject building they are of a relatively simple, unremarkable character. The remaining original internal fabric lacks flamboyance. The absence of any detailed reportage or illustrations of the building in the architectural or local press is indicative of the building's conventional, unremarkable character. If the building was the work of a notable architect, it may reasonably be expected their identity would have been reported or attributed.
37. On the basis of this analysis, I do not believe the interiors of the former Austral Theatre are intact or significant to a sufficient degree to warrant the application of internal controls in the *Yarra Planning Scheme*.
38. The former Austral Theatre is currently identified as individually significant within a precinct. The existing statement of significance notes the building's historic significance as a former theatre and the aesthetic of the Johnston Street frontage. The existing statement of significance and external heritage control adequately capture the significance of the place. The proposed individual overlay, extending over the whole title, is not warranted, although arguably the precinct overlay should extend to the full depth of the site, so as to include the rear (north) of the building and the carpark.
39. Of the three properties identified for internal controls in the *Thematic Study of Theatres in the City of Yarra*, the subject property is understood to have been at the low end of the spectrum in terms of intactness to its original form and the sophistication of its internal decoration at the time of preparation of the study. This said, it is also noted that the interiors to the other buildings have each undergone some recent changes. Of the interior decorative fabric that remains, its condition varies from fair to poor. This includes sections of decoration that are overpainted, damaged elements, peeling paint etc.
40. However condition is not typically taken into account when assessing significance. The document *Heritage Issues Summaries from Panel Reports* (Issue 2 March 2018) states that:

Several Panel reports distinguish between condition and intactness: a place may be quite run-down but still be substantially intact and retain its heritage values. Being in poor condition does not of itself disqualify a place from being listed on the Heritage Overlay, whereas lack of intactness may do so.
41. While the building interior is in poor condition, it is more salient to the current analysis that it has, as a whole, a low degree of intactness and is of little significance.

42. Aside from places that are included in the Victorian Heritage Register, there are only two other places or groups of places that have internal alteration controls specified in the Schedule to the Heritage Overlay of the Yarra Planning Scheme. These are a dwelling known as Bokhara at 1 View Street, Alphington, where the hall has remnants of an embossed dado and border papers and some Victorian ceiling roses, and six shops at 51-53, 59-61 and 67-69 Smith Street, Fitzroy, that retain their pressed metal ceilings. Given the thousands of buildings in Yarra that are subject to the Heritage Overlay, this is a small number of places with internal alteration controls, and is indicative of a broad intent to apply such controls sparingly, in accordance with the practice note.
43. In relation to other municipalities, it is noted that where theatres or cinemas are individually listed with internal controls, these are generally examples that are of a high order of interest and integrity that are included in the Victorian Heritage Register. Moreover, these often retain their original function, which assists in the preservation of the interiors in particular.
44. Other typical examples with a Heritage Overlay control recognising local significance – such as the Palace Balwyn Cinema; Thornbury Regent Theatre; Geelong Picture Theatre; Mason's Picture Theatre, Chelsea; former Edithvale Cinema; former Grand Theatre, Footscray; former New Essendon Picture Theatre; Union Road Theatre, Ascot Vale; and Cameo Cinema Belgrave – do not have internal alteration controls. While I am not able to comment on whether these retain any notable interior features, there is an appreciable and relatively consistent approach to listing in the associated municipalities, and in Yarra to date, in which the interiors of theatre/cinema buildings have not been subjected to a control under the Heritage Overlay.
45. This is appropriate in terms of the long term conservation potential of these sites, as there is little impetus for conservation/maintenance of the remnant interiors given that the features are not related to, and do not contribute to, the current function of the place(s). The financial implications of internal controls for the subject site are considerable, especially given the competing objectives with the Design Development Overlay, DDO15. The subject property, along with neighbouring sites to the east and west, are within this DDO, which identifies these sites as having considerable development potential. The application of internal controls would severely restrict development on the subject site.
46. Having regard for all the above, and having regard for the low degree of intactness and undistinguished character of the interiors, there seems little substance to the overstated claims of significance for the interior found in Council's study, nor for the proposed internal control.
47. It also seems to me from experience across a broad range of related planning matters that there is a case to be made against the proposed Heritage Overlay listing of the interior in terms of concepts such as standard practice in the application of the Heritage Overlay and in particular having regard for the high bar established by the practice note in relation to the application of internal controls. The proposed control does not accord with standard and accepted practice in the application of the Heritage Overlay in relation to the interior to this building, which is incomplete, in poor condition, and in my view, unimpressive as an exemplar of its type.

48. In conclusion, I recommend that the proposed changes to the Heritage Overlay in relation to the subject site, including the introduction of a site specific Heritage Overlay with internal controls and the extension of the control to the whole of the title, should be abandoned, and the extent and type of listing of the place should remain as at present, possibly with the mapping corrected to include the full depth of the land.
49. Moreover, the proposed new statement of significance for the site should be set aside in favour of the existing statement of significance.
50. Furthermore, it is my view in a more general sense that the proposed internal controls to the three identified theatres are not warranted, and this aspect of the Amendment as a whole should be abandoned.

Bryce Raworth

CONSERVATION | HERITAGE

BRYCE RAWORTH

M. ARCH., B. A. (HONS), ICCROM (ARCH)

Bryce Raworth has worked with issues relating to heritage and conservation since the mid-1980s, and has specialised in this area since establishing his own consultant practice in 1991. **Bryce Raworth Pty Ltd, Conservation • Heritage**, provides a range of heritage services, including the assessment of the significance of particular sites, preparation of conservation analyses and management plans, design and/or restoration advice for interventions into significant buildings, and detailed advice regarding the resolution of technical problems relating to deteriorating or damaged building fabric.

From 2004-2011 Raworth was a member of the Official Establishments Trust, which advises on the conservation and improvement of Admiralty House and Kirribilli House in Sydney and Government House and The Lodge in Canberra. As a member of the former Historic Buildings Council in Victoria, sitting on the Council's permit, planning and community relations committees, Raworth has been involved with the registration and permit processes for many registered historic buildings. In 1996 he was appointed an alternate member of the new Heritage Council, the successor the Historic Buildings Council, and in 1998 was made a full member.

At present he provides regular advice to architects and private owners on technical, architectural and planning issues relative to the conservation and adaptation of historic buildings, and is occasionally called upon to provide expert advice before the VCAT. He is currently the conservation consultant for the cities of Frankston, Kingston and Stonnington, and is a member of the Advisory Board to the Australian Centre for Architectural History, Urban and Cultural Heritage, University of Melbourne (ACAHUCH).

With respect to historic precincts, the company has provided detailed advice towards the resolution of heritage issues along the Upfield railway line. The company is currently contributing to redevelopment plans for the former Coburg Prisons Complex (comprising Pentridge Prison and the Metropolitan Prison) and the former Albion Explosives Factory, Maribyrnong. In 1993 Bryce Raworth led a consultant team which reviewed the City of Melbourne's conservation data and controls for the CBD, and in 1997 **Bryce Raworth Pty Ltd** revised the former City of South Melbourne Conservation Study with respect to the area within the present City of Melbourne. The firm is currently completing documentation for significant heritage places and areas in the City of Stonnington.

In recent years **Bryce Raworth Pty Ltd** has also provided documentation and advice during construction on the restoration of a number of key registered and heritage overlay buildings, including the Ebenezer Mission church and outbuildings, Antwerp; the former MMTB Building, Bourke Street West, Melbourne; the former Martin & Pleasance Building, 178 Collins Street, Melbourne; the former Uniting Church, Howe Crescent, South Melbourne; Heide I & II, Heide Museum of Modern Art, Bulleen; Melbourne Grammar School, South Yarra; various guard towers and other buildings, Pentridge Prison, Coburg; and Coriyule Homestead, Curlewis.

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Professional Status:	Conservation Consultant and Architectural Historian
Current Positions:	Conservation Consultant to the cities of Kingston, Frankston and Stonnington
Organisation Membership:	Australian Institute of Architects VPELA (Victorian Planning and Environmental Law Association)
Professional Experience:	<p>independent practice as conservation consultant and architectural historian from January 1991 (ongoing). Services include: identification and assessment of the significance of sites and complexes; preparation of guidelines regarding the safeguarding of significant sites; provision of technical, design and planning advice to architects, owners and government on issues relating to the conservation of sites of cultural significance; expert witness advice on conservation issues before the VCAT</p> <p>member, Historic Buildings Council (architectural historian's chair) 1993-1996; member, Heritage Council (architect's chair) 1998-2002</p> <p>conservation consultant to the cities of Brighton, Northcote and Sandringham (1989 only), Essendon, Hawthorn and Kew (1989-1994), Melbourne (1992-2009) and Prahran (1992-1994)</p> <p>established the Metropolitan Heritage Advisory Service on behalf of the Ministry for Planning & Environment - this service was offered to the cities of Brighton, Essendon, Hawthorn, Kew, Northcote and Sandringham in 1989-90</p>
Studies:	<p>Certificate of Architectural Conservation, ICCROM (International Centre for the Study of the Preservation and the Restoration of Cultural Property at Rome), 1994</p> <p>Master of Architecture by thesis, University of Melbourne, 1993 (thesis: A Question of Style: Domestic Architecture in Melbourne, 1919-1942)</p> <p>B. Architecture (First Class Honours), University of Melbourne, 1986</p> <p>B. Arts (Second Class Honours, Division A), University of Melbourne, 1986</p>
Committee Membership:	<p>Member of Advisory Board, ACAHUCH (Australian Centre for Architectural History, Urban and Cultural Heritage, University of Melbourne)</p> <p>Twentieth Century Buildings Committee, National Trust of Australia (Victoria), 1990-1994 (Chairman 1992-1993)</p> <p>RAIA Jury, Conservation Category, 1995, 1996, 1998 and 2001 Awards (Chairman 1996 & 1998)</p>
Awarded:	<p>Henry and Rachel Ackman Travelling Scholarship in Architecture, 1987-88</p> <p>JG Knight Award, conservation of Heide 1, Royal Australian Institute of Architects, Victorian Chapter, 2003</p> <p>Lachlan Macquarie Award for heritage (commendation), conservation of Heide 1, Royal Australian Institute of Architects National Award program, 2003</p> <p>Award for Heritage Architecture, conservation of Coriyule Homestead, Australian Institute of Architects, Victorian Chapter, 2015</p> <p>Award for Heritage Architecture, conservation of Coriyule Homestead, Australian Institute of Architects, National Awards, 2015</p>