

## THE HISTORY OF HERITAGE OVERLAY 174

This report investigates the history of Heritage Overlay 174. The investigation was initiated when a Planning Officer referred to the heritage citation HO174 for the property of 338-344 Toorak Road, South Yarra. Upon location, it appeared HO174 applied not to 338-344 Toorak Road, South Yarra but to a different property address altogether. While HO174 should apply to 338-344 Toorak Road, South Yarra, in actual fact, it applied to 9 Towers Road, Toorak.

After preliminary research, it appears that HO174 has covered two separate properties during two separate time periods. As result, this has caused an element of confusion relating to HO174's application. Therefore, in light of this information, this paper aims to provide a brief history detailing the movement of the overlay, whilst summarising the overlay's current existence.

Prior to 1998, the property of 9 Towers Road, Toorak, was listed under interim heritage protection. In May of 1998, the property was identified to be included in the Schedule to the Heritage Overlay by way of Amendment L61 (soon to be renamed C6). It was allocated the heritage overlay number 174. The Prahran Conservation Review: Selected A2 Buildings (Context; 1993) provides a review of the property, highlighting its Urban Conservation Status (UCS) as being 'not in review'. With the assistance of this information, Bryce Raworth Pty Ltd wrote the property's citation to coincide with the amendment (refer to citation folders) to which he states the property "is of regional significance". This citation was referenced in the citation folders that are a useful resource within the Planning Department. It is unsure, however, at what stage (month, year, etc) the citation was included in the citation folders.

The owner later objected to the inclusion of her property under Amendment C6 and as result, 9 Towers Road, Toorak (and other properties), was deleted from HO174 including its interim protection by way of Amendment C6 Part 1, which was gazetted in December 2000.

During the early months of 2001, Amendment C12 was being prepared to, amongst other things, include the property of 338-344 Toorak Road, South Yarra, known as the Toorak/South Yarra Library, under heritage protection. The library was allocated the heritage overlay number 174. However what is again unknown, is how this

property was allocated a number that had previously been allocated to a different property.

Unlike 9 Towers Road, Toorak, there is no property citation for the library listed in the citation folders. Nor does it feature in the City of Prahran, Conservation Review (Context, 1993) documents. In addition, there is no record of the property on the Victorian Heritage Register and Heritage Inventory Online. However, on the contrary, there is a National Trust of Australia (Victoria) classification report of the property on the Subject File 30.10.4.93 Part 1.

Nevertheless, the inclusion of the library under heritage protection was a relatively minor requirement of the amendment that received no objections compared to the other requirements. Needless to say, this part (C12 had been split into Part 1 and Part 2) of the amendment process, Amendment C6 Part 1, flowed smoothly and was gazetted in September 2001. Consequently, the property of 338-344 Toorak Road, South Yarra, known as the Toorak/South Yarra Library was therefore included in the Schedule to the Heritage Overlay – HO174.

At present, the property at 338-344 Toorak Road, South Yarra, known as Toorak/South Yarra Library is covered by HO174 (as verified in IntraMaps). However, the property remains unlisted from the citation folders, making its heritage significance is difficult to acquire.

On the other hand, the property at 9 Towers Road, Toorak, is free of any heritage restrictions (as verified in IntraMaps). However, its citation remains in the citation folders and is indexed as HO174.

*In my opinion, I believe that the confusion surrounding HO174 has resulted from an error in applying the heritage overlay. As the same Planning Officer worked on both amendments, it is possible that when she relinquished the heritage overlay number 174 from 9 Towers Road, Toorak, in 2000, she later adopted it in 2001 for the library overlay number. Whereas instead, she should have adopted the next consecutive number from the citation folders – a standard practice.*

**It is my recommendation, that all information relating to 9 Towers Road, Toorak, should be removed from the citation folders and categorised elsewhere (eg, library) to avoid possible confusion. To standardise the**

*Refer "Heritage  
General Enquiries"*

***situation, the National Trust of Australia (Victoria) Classification Report should be used as the citation for 338-344 Toorak Road, South Yarra, which should be indexed in the citation folders.***

## Timeline of Events –

### 9 Towers Road, Toorak

- May 1998 – Amendment L61 proposed 19 individual buildings be included in Schedule to the Heritage Overlay to the SPS (9 Towers Road included).
- May 1998 – Letters sent to affected property owners outlining the heritage studies to be undertaken on their properties.
- Opportunity to lodge concern required by 12 June 1998.
- June 1999 – Letters mailed to affected property owners informing them of the inclusion of their property under Amendment L61 (9 Towers Road included).
- July 1999 – Notice of Amendment L61 in Gov Gazette
- 30 June to 21 July 1999 – Notice of Amendment L61 in Malvern Leader.
- 22 July to 1 September 1999 – Public exhibition of Amendment L61.
- 26 August 1999 – Consultative meeting held with the owners of the affected properties.
- (The meeting brought about an extension to the closing date for submissions until the 1 September 1999 – objections received)
- (At some point, the owners were later advised that the closing date for submissions would be 23 May 2000)
- 16 September 1999 – Interim controls come into affect.
- 23 May 2000 – Closing date for submissions.
- 14 June 2000 – Owner, Mrs Greer of 9 Towers Road, lodged an objection to the inclusion of her property under Amendment L61, stating she was happy to appeal at the panel hearing.
- 11 September 2000 – Council Forum, Heritage Strategy Update – proposes Council adopt the properties that have no objections as Amendment C6.
- 19 September 2000 – New format planning scheme changes Amendment L61 to Amendment C6.
- (Council Draft Report recommended that the properties with no objection be adopted for inclusion in the HO. Various objections have been referred to Bryce Raworth for further advice and after consideration.

Raworth recommends abandoning three properties from the amendment [including 9 Towers Rd], referring three other properties to independent heritage consultant and referring three other properties to an independent panel for advice)

- 10 November 2000 – Map included on file, showing properties to be deleted from HO (including 9 Towers).
- 21 November 2000 – Letters to affected property owners, including Mrs Greer, outlining the inclusion and removal of properties in amendment.
- (Amendment C6 splits into two parts. Part 1 [the relevant part] redesignates individual heritage places to either include or delete from heritage protection or interim protection)
- (9 Towers Road is classified under interim protection at this date)
- 18 December 2000 – Amendment C6 Part 1 approved.
- 21 December 2000 – Amendment C6 Part 1 published in Government Gazette.
- 8 January 2001 – Amendment C6 Part 1 published in Stonnington Leader.
- 19 January 2001 – Letters to affected property owners informing them of the approved Amendment C6 Part 1

**Timeline of Events –  
338-344 Toorak Road, South Yarra  
(Toorak/South Yarra Library)**

- Early 2000 – Amendment C12 is prepared for various purposes including rezoning, scheme revisions and heritage overlay property inclusions.
- 338-344 Toorak Road, South Yarra – the Toorak/South Yarra Library, is amended to be included to the Schedule of the Heritage Overlay – HO174.
- 2 March 2000 – Planning Department emailed regarding notification of the inclusion of the Toorak/South Yarra Library to the Schedule of the Heritage Overlay.
- 14 May 2000 – Notice of Amendment in Stonnington Leader.
- 17 May 2000 – Notice of Amendment in Government Gazette.
- 18 June 2000 – Closing date for submissions.
- Submission lodged relating to the heritage controls on individual Maben Estate properties.
- 16 July 2000 – Council meeting adopts the “correct (ion) the zone boundary on Map 1 of Council owned land at 338-344 Toorak Road, South Yarra by rezoning the rear of the land from Residential 1 to Public Use Zone 6 and including the whole of the land as heritage place HO174 in the Schedule to the Heritage Overlay and on Map 1 HO”.
- Amendment is divided into Part 1 (including the library) and Part 2.
- 17 September 2000 – Amendment C12 Part 1 is approved by the Minister.
- 20 September 2000 – Amendment C12 Part 1 published in Government Gazette.