

## HERITAGE CITATION REPORT

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<b>Name</b>	Batavia	
<b>Address</b>	20 Darling Street SOUTH YARRA	<b>Significance Level</b> A2
<b>Place Type</b>	Villa	
<b>Citation Date</b>	2014	



Undated photograph of Batavia at 20 Darling Street, South Yarra

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**Recommended Heritage Protection**      **VHR** No **HI** No **PS** Yes

### History and Historical Context

#### *Early South Yarra*

Late in 1839, an extensive area of land to the east of Punt Road in South Yarra and Toorak was considered for alienation. Robert Hoddle forwarded the plans for these 'Suburban Allotments on the south side of the Yarra River' to Sydney on 1 February 1840. Part of this area had been included in an Aboriginal Reserve to the east of Punt Road. With the decision to sell these parcels, the Mission Station was relocated to an area to the west of Punt Road, near the present-day Botanical Gardens.

Six Crown allotments, bounded by the Yarra River, Gardiners Creek (now Toorak) Road, Punt Road and Chapel Street, were sold at the first Crown land sales in June 1840. Each had a frontage to Gardiners Creek (now Toorak) Road and

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stretched to the Yarra River. River frontages were valued and prices were relatively high. Consequently, most blocks were bought by speculators. Lot 1 was located between present day Punt Road and Caroline Street. RA Browne built a small villa named Yarra Bank on Lot 1 which he let. Around 1843, the house and allotment was sold to Major Alexander Davison, an Indian Army officer. He also bought Lot 2 from the original purchaser J Brewster. Davison left the property to his daughter Caroline and her husband Captain William Acland Anderson who remained there until about 1870. The estate, known as Davidson's Paddock, consisted of about twelve acres of garden, orchard, vineyard and swampy scrub and pasture.

In 1844, Davison sold Lot 2 to William Montgomery Bell. Bell lived at Avoca, which stretched from the line of Domain Road to the Yarra. The property boasted a boathouse, stables, a coach house, a caretaker's lodge, a lake, a formal garden, a fernery and a conservatory. Avoca was purchased by George Kirk in 1860 and later by the Alsop family. It survives today at 8 Gordon Grove where it is protected under an individual Heritage Overlay (HO45).

Lot 3 between modern-day Avoca and Murphy Streets was purchased by GR Griffiths who quickly sold it to John Robert Murphy, a brewer and wine and spirits merchant. Murphy did not develop the property but planted a vineyard on the northern slopes above the River. Lot 4 (encompassing present day Darling Street and the railway line) was bought by J L Deane.[2]

Subdivision of these early properties from the 1850s created housing allotments between Toorak Road and Domain Road, leaving the earlier homes on large sites close to the river. Caroline Street, created as a result of Davison's 1853 subdivision of Lot 1, was named after his daughter. Following the subdivision, Yarra Bank survived on the south side of Davison Street and was later used as a school. At the same time, Bell's subdivision of Avoca created Avoca Street. Subdivision of Murphy's Paddock c1854 created Murphy and Darling Streets (the latter was initially known as Prahran Street but later renamed after Governor Sir Charles Henry Darling).[3]

Kearney's map of 1855 shows Yarra Bank and Avoca with their grounds and vineyards extending to the river. South of the line of modern day Domain Road, the new subdivisions featured wide streets and large allotments reflecting the area's affluence. The low lying parts of Prahran to the south took on a very different character and the streets and houses much less salubrious. The wealthier inhabitants of South Yarra felt they had little in common with this largely working class district and several unsuccessful attempts were made to secede from the City of Prahran.[4]

Construction of the South Yarra railway station in 1862 further stimulated development in the area, although much of the land was initially bought for profit and not built on till the 1870s, 1880s and 1890s.[5] By the mid 1890s, Caroline, Avoca, Murphy and Darling Streets had been almost fully developed, typically with freestanding residences or grander forms of terrace housing.[6]

Only fragments of the early character of the area survive today. The final subdivision of Avoca Estate in 1922 allowed development in this locale to continue through to the interwar years, and the construction of freestanding residences in Federation, bungalow and Georgian Revival styles began to overwrite the earlier character of the streets to the south. During this period, the area retained the cachet established in its earliest days and the quality of the building stock remained high. However, it was during the post-war years that the most dramatic changes to the area were felt, as many of the older residences were replaced with flats.

## *Batavia, 20 Darling Street*

The house at 20 Darling Street, South Yarra was constructed c1882-1883. The City of Prahran Rate Book for 1882 lists this property under the address 18 Darling Street with the description '*B in progress*' (to indicate a brick building under construction). The net annual value was only £40 at this time. The rate book for the previous year shows vacant land at this address. The owner's name is difficult to decipher but appears to be 'Johnson Bros'. The house seems to have been

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completed by the end of 1883 when the rate book entry for 18 Darling Street describes a brick building with a net annual value of £140. It was owned by Henry Everest, a building contractor, and occupied by Mary Roycroft. No tender notice has been found for the house, but this may be because it was both owned and built by Everest as a speculative venture.

From 1884 to 1891, the house is described in the rate books as a 12 room brick building, the net annual value remaining constant at £140. The address was changed from 18 to 20 Darling Street c1890-91. In 1892, the number of rooms rises to 20, but the net annual value remains unchanged until 1893 when it falls to £106. By 1897, the net annual value had slumped to £64, reflecting the general collapse of the property market during the severe economic depression of the 1890s.

In 1904, the front room of 20 Darling Street was offered for rent to '*gentlemen*' or '*married couples*'.<sup>[7]</sup> Advertisements also appear in the *Argus* in 1914 listing vacancies at 'Batavia, 20 Darling Street, South Yarra'. After the collapse of the property boom in the 1890s, mansions and large houses of this kind were often converted to guest houses or other forms of shared accommodation.

From 1911, Lillian Greenhill and Selma Wigley are listed as the owners and occupants of 20 Darling Street. In 1915, newspapers reported on the death of Victoria Racing Club member Harry Tolson at his Darling Street residence 'Batavia'.<sup>[8]</sup> Tolson presumably named the house after the Indonesian city of Batavia (now Jakarta) where he lived prior to coming to Melbourne, although his name does not appear as the owner in rate books for this period.

The property remained with Lillian Greenhill and Selma Wigley for many years. The pair are still listed as owner/occupants in the 1950 rate book. By 1970, a 'guest house' is listed at this address.<sup>[9]</sup>

[2] Betty Malone, *Discovering Prahran - Area One*, p.5.

[3] Stonnington Local History Catalogue. Registration No. PH1192.

[4] Betty Malone, *Discovering Prahran - Area One*, p.7.

[5] Betty Malone, *Discovering Prahran - Area One*, p.11.

[6] MMBW Detail Plan No. 946.

[7] *Argus*, 14 January 1904, p.8

[8] *The West Australian*, 30 April, 1915, p.6.

[9] Sands and McDougall Directories.

## Description

### Physical Description

The site at 20 Darling Street, South Yarra is located on the eastern side of the street, midway between Toorak Road and Domain Road. It is occupied by a large, double-storey Victorian Italianate villa, formerly named *Batavia*. The villa has a hipped slate roof and an asymmetrical rendered brick facade with a projecting double-height bay to one side of an arched single-storey entry porch (also of rendered masonry construction). The porch supports a first floor balcony and cast-iron balustrade with a rendered pier, topped by an urn finial.

The facade is further embellished with late-nineteenth century Classical ornament, including vermiculated spandrel panels, archivolt and string course mouldings and bracketed eaves. The ground floor facade windows have segmental arches whereas first floor windows are square headed. The entry retains an original or early panelled timber door, surmounted by an elegant arched fanlight and flanked by 'barley sugar' columns and sidelights.

The rendered wall finish and ornate bracketed eaves treatment return along the side elevations for a short distance only. Beyond this point, the side elevations are plainly detailed with face brick walls punctuated by timber-framed double-hung

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sash windows.

Research undertaken to date has not uncovered the name of the house's designer, although the scale and quality of the building suggests the involvement of a competent architect or builder-designer.

The villa remains substantially intact in terms of its presentation to the street apart from the loss of the timber picket front fence and a single-storey front verandah that can be seen in an early undated photograph of *Batavia*. It is not known when the front verandah was removed although its footprint appears on MMBW drainage plans as late as 1958.[10] The verandah seems to have been a fairly typical 1880s design with a cast iron post and frieze supporting a corrugated iron roof. It also appears from the evidence of the early photograph that the verandah abutted the side of the entry porch somewhat awkwardly, leaving the top part of the entry porch arch exposed. This may be the result of the verandah being an early addition.

The exterior presently has a uniform white paint finish. The early black and white photograph of *Batavia* shows decorative mouldings painted a darker colour than the main body of the wall with stop-chamfered corners picked out in a much lighter tone.

Other changes to the property include the addition of a small, low-set garage on the south side of the house. The metal palisade front fence with rendered piers is also modern, but is nonetheless broadly sympathetic to the Victorian character of the house.

[10] MMBW Plan of Drainage No.11620. South East Water.

## Recommendation Reason

Following the creation of the City of Stonnington in 1994, it became apparent that there were gaps across the Municipality with respect to the manner in which heritage was recognised and protected within the Planning Scheme. In particular, there are a large number of unprotected A2 graded houses, which are, *prima facie*, worthy of individual heritage overlay controls.

The building at 20 Darling Street had been identified as an A2 graded building in the *Prahran Conservation Study* (1983) and was recommended for protection under the Town and Country Planning Act, although no heritage control had been sought. The building was also listed as an A2 graded place in the *Prahran Character and Conservation Study Building Grading Database* (1992). A2 graded buildings were defined as being:

*'... of regional or metropolitan significance, and stand as important milestones in the architectural development of the metropolis. Many will be either already included on, or recommended for inclusion on, the Register of the National Estate. (These are the equivalent of B graded buildings adopted by the City of Melbourne and a number of other councils).*

*Most of these buildings will have importance in one or more of the categories defined by the Heritage Council and outlined above, but they are not considered significant to a degree sufficient to warrant nomination to the Heritage Council. In other words, they do not demonstrate importance in a manner or to an extent which is rare or distinctive in comparison to other buildings of their type, use, era, style on a statewide basis, although they will usually be relatively rare or distinctive within their own regional or local context. They are in general important buildings within the context of the City of Stonnington and the wider metropolitan area.'*

Although the building at 20 Darling Street is graded A2 it was not included in the review of A2 graded buildings which was undertaken as part of the city of Prahran Conservation Review (Context Pty Ltd, 1993). This study included only those A2 graded places identified as having the strongest case for heritage planning protection based on their known

history and/or their architectural importance. Having regard for this, the omission of 20 Darling Street from the 1993 study does not, by default, mean that it is a building unworthy of an individual heritage listing. The detailed research and analysis undertaken for this heritage assessment has provided a more thorough consideration of the significance of the dwelling.

No detailed comparative analysis of similar buildings (other than those currently under heritage controls) has been undertaken in the preparation of this report. This notwithstanding, it is evident that dwellings of this type are becoming increasingly rare and that few are protected under heritage controls. While its position within a hierarchy of similar buildings can not, definitively, be known, the future discovery of small numbers of similar buildings of equal or greater significance than the subject residence would not alter the recommendation below.

### **Architectural significance**

The subject building is of architectural significance as a fine example of a once-common suburban dwelling type in the Italianate mode. The entry porch is an unusual element which distinguishes the building from other more typical houses in this mode. The Italianate form of architectural expression came to define the character of the Municipality during the late nineteenth century and it could be argued that this expression is of greater importance within the City of Stonnington than is the case in other, younger Municipalities. The building is of architectural significance at a local level.

### **Historical Significance**

The subject building informs an understanding of how a hierarchy of estates came into being with middle and upper middle class estates being developed on the higher ground with workers housing occupying the less desirable lower-lying areas that were prone to flooding. The building is of historical significance at a local level.

## **Comparative Analysis**

### **The Italianate mode**

Although many single-storeyed villas were built in Melbourne during the nineteenth century, after the 1840s the grandest Melbourne houses were always of two storeys, or occasionally three as at Government House and *Cliveden*. Owners often added a storey to their single storey houses as their fortunes improved, for example, Como at South Yarra had added a second storey by 1855. Towards the end of the century, there was an increasing tendency to prefer the higher status of a two-storey house over one of a single storey [11].

The architectural expression of a grand two-storey house could reflect any one of a range of fashionable British antecedents drawing their inspiration from classical Greek or Georgian sources to the more picturesque, such Gothic or Tudor. According to Jill Franklin,[12] British country houses of the mid-nineteenth century drew predominantly from the range of Picturesque styles. While the Picturesque Gothic was gaining popularity, it was not as popular as those drawing on Tudor, Elizabethan or Jacobean antecedents. About a third adopted an Italianate style combining informal massing with a plain rendered expression enriched by classical motifs. The balance adopted a formal symmetrical classical expression. The Italianate was seen to combine the stateliness of a classical style with a picturesque and fashionable asymmetry. The Italianate style had its origins in the landscape paintings of Nicholas Poussin and Claude Lorrain over a century earlier. These artists had reconsidered the landscapes and architecture of rural Italy as a vision of Arcadia and inspired a broader pursuit of 'the Picturesque' in architecture. As Apperly notes:

*'... the Picturesque movement in architecture and landscape design gained strength in Britain without ever completely forgetting its Franco-Italic beginnings. From this movement, a significant strand of nineteenth century domestic*

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*architecture emerged that endeavoured to establish a vaguely Italian ambiance drawing on images of the rambling farmhouses of the Campagna and idyllic villas in the Tuscan countryside.'* [13]

Through the first half of the nineteenth century, the mode spread widely in Britain fuelled by the works of architects such as John Nash and Charles Barry and through designs promoted in pattern books such as Charles Parker's *Villa Rustica* (1832). In 1845, the style received Royal endorsement when Prince Albert, working with architect Thomas Cubitt, designed *Osbourne* on the Isle of Wight as a retreat for Queen Victoria and the Royal family. *Osbourne* with its plain stuccoed expression and tall balustraded tower would become the model for many large residences throughout the Empire including Government House in Melbourne. Throughout the first half of the nineteenth century, the formal classical styles were more popular in Victoria than they were in Britain. As Kerry Jordan notes:

*'Grand houses in Victoria prior to 1850s tended to adopt the formal and symmetrical Colonial Georgian or Regency expression. However the Italianate became the most popular style for grand houses in Victoria in the second half of the century ... The choice in 1854 of the Italianate Toorak House as the residence of the Governor of Victoria as well as the choice of an Italianate style for the new Government House in 1871, gave the style more status making it more fashionable than any other in the colony.'* [14]

While status undoubtedly played a part in the demand for this mode of expression, there were also practical advantages in an Italianate approach. Jordan continues:

*'... the detailing to doors and window framing were identical to the common English way of building with which local tradesmen were already familiar. Given the scarcity of skilled tradesmen in the colony, to build in any other way would therefore have been . difficult and expensive. A classical style house could also be built in any material even in cheaper ones which could then be covered with stucco.'* [15]

Consequently the style, which emerged as the preferred expression for Melbourne's grandest mansions of the mid-century, was quickly adapted to suit more modest suburban villas and terraces. As Apperly notes:

*'The Italianate style was never an 'academic' idiom. As a style of domestic architecture in Australia, Victorian Italianate made minimal reference to Italy. Mouldings and minor details usually had a classical feeling, but two of the style's prominent characteristics - the faceted bay and the stilted segmental arch - were not specifically Italian at all. A Victorian Italianate building of any consequence has a tower capped with a low-pitch pyramidal roof - or, more pretentiously, with a balustrade - and it is likely to have asymmetrical principle elevation.'* [16]

As the style evolved to accommodate less substantial residential types, the deliberate asymmetry and rambling form inspired by the Picturesque massing of wings and towers of buildings such as *Osbourne* became less central to the mode. So much so that the Italianate terrace forms of the 1880s were not substantially different to their forebears of a generation earlier apart from an appliqué of 'Italian' detailing.

## **Italianate buildings in Stonnington**

The development of the former Cities of Prahran and Malvern coincides with the emergence of the Italianate forms of expression in Victoria. Consequently the City of Stonnington retains a disproportionate number of Melbourne's better examples of the mode. A number of these, typically the grandest and most elaborate mansions or those associated with Victoria's most notable families, have been added to the Victorian Heritage Register. These include: Toorak House, Greenwich House and Mandeville Hall in Toorak, and Malvern House (formerly Valentines) in Glen Iris.

A number of substantial Italianate suburban villas have been identified as being important at a regional or local level. These have typically been protected under local Council heritage controls. These include:

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STOKELL (HO2) 51 Adelaide Street, South Yarra  
CARMYLE (HO9) 7 Carmyle Avenue, Toorak  
COONAC (HO21) 65 Clendon Road, Toorak  
SHERREN HOUSE (HO50) 177 Heyington Place, Toorak  
TWO STOREY VILLA (HO82) 44 Mercer Road, Armadale  
SEBROFF (HO84) 514 Orrong Road, Armadale  
LARNOOK (HO85) 519 Orrong Road, Armadale  
TRELWARREN (HO86) 543 Orrong Road, Armadale  
BELCROFT, later Whernside (HO117) 2a Whernside Avenue, Toorak  
VILLA WITH TOWER (HO214) 13 Mercer Road, Malvern  
WYUNA (HO240) 116 Kooyong Road, Armadale  
TWO STOREY VILLA (HO309) 72 Elizabeth Street, Malvern  
CARRINGTON (HO318) 58 Kooyong Road, Armadale  
MONTROSE HOUSE (HO367) 38 Huntingtower Road, Malvern

In addition, a number of Italianate style buildings of a single storey have also been protected under individual Heritage Overlays such as Flete House in Flete Avenue, Malvern (HO38) Woodside at 19 Woodside Crescent, Toorak (HO175), Waiora at 321-327 Glenferrie Road, Malvern (HO312) and a range of smaller villas such as those found in Stanhope Avenue, Malvern or Auburn Grove, Armadale. However, these single storey examples are of a substantially different scale and form and, apart from their shared vocabulary of applied Classical ornament, do not compare readily to the subject site.

A number of the double-storey Italianate buildings listed above are typically very grand mansions central to the original development of Toorak and Malvern. While they fall below the threshold for inclusion on the Victorian Heritage Register, they nonetheless tend to illustrate some aspects of the economic or political development of the State in addition to their value to their local areas. Places such as Larnook constructed for William H Miller (son of Henry 'Money' Miller) in 1881 or Sherren House, built as Beaulieu for retail Tycoon Mars Buckley in 1863 are massive suburban dwellings associated with extensive curtilages. While these are instructive as to the development of local mansion estates and illustrate the activities of the upper most echelon of society, they do not help to inform an understanding of more typical Victorian middle class suburban development in South Yarra, and the Municipality more generally. The subject building is more directly comparable to less substantial Italianate residences with smaller curtilages, such as Carrington at 58 Kooyong Road, Armadale (HO318); the two-storey villa at 72 Elizabeth Street, Malvern (HO309); and Montrose House at 38 Huntingtower Road, Malvern (HO367). These examples typically adopt a standard Italianate asymmetrical plan form with a polygonal projecting bay to one side of a cast-iron return verandah, although Carrington is somewhat more unusual for its pyramidal roofed entry porch. The subject building does not rely so heavily on cast iron lacework for decorative effect, and it is also made distinct from other more common asymmetrical villa designs by its rendered entry porch. In this municipality, no other double-storey Victorian villas with a similar facade configuration have been identified, although an elaborate rendered entry porch can be found on an otherwise basic single-storey Italianate house at 13 Mercer Road, Armadale.

Carrington and the villa at 72 Elizabeth Street, Malvern are only slightly more intact than the subject building, largely through the retention of their original verandahs. Montrose House has lost its double-storey return verandah, and the adverse impacts of this change are more pronounced than the loss of the subject building's smaller, single-storey verandah (noting that this verandah may have been an early addition). That is to say, the integrity of Batavia has not been greatly diminished by the loss of the verandah. Intactness aside, the subject building is no less architecturally distinguished than these broadly contemporary examples.

Where the buildings listed above do illustrate the ideal of an Italianate suburban villa, Council's strategic direction in the past has leant towards the protection of the single-storey villas with towers. *Wyuna* (HO240) at 116 Kooyong Road,

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Armadale and 1043 Malvern Road, Toorak (HO324) both have a simple, square tower to two storeys rising above an otherwise straightforward single-storey villa.

While these dwellings illustrate the aspirations and desires of Melbourne's middle class and illuminate one particular strand of the development of the Italianate mode in suburban Melbourne, dwellings of this type appear to be uncommon locally. The heritage controls in these instances have been implemented for the protection of the rarity of these iconic building forms.

By contrast asymmetrical two-storey Italianate villas (with or without towers) appear to have been reasonably common in the more affluent parts of the former cities of Prahran and Malvern. Aerial photographs predating World War Two give the impression that the houses in these areas were frequently of two-storeys and of a broadly Italianate demeanour.[17] It is reasonable to speculate that buildings of this type were once well represented in the Municipality's wealthier enclaves but are now reasonably rare. Looking more closely at Victorian building stock in the environs of the subject site, much of this area's affluent nineteenth century suburban character was erased in the post war period when large numbers of houses were demolished and replaced by flats. A small number of surviving mid-Victorian residences in South Yarra on the hillside are protected by individual heritage overlay controls, including HO32 - 15 Darling Street (c1863), HO33 - 30 Darling Street (c1856), HO165 - 24 Murphy Street (c1860s), HO5/VHR H206 - *Richmond House*, 58 Avoca Street (1858), HO6/VHR H809 - 64 Avoca Street, and HO45 - *Avoca*, 8 Gordon Grove (1848). These houses are significant for their early construction dates, pre-dating Melbourne's 1880s boom period, and as such they are not directly comparable to mature Italianate expression of the subject building. *Caroline House* at 74 Caroline Street, South Yarra is more directly comparable to the subject building. It was built as a single-storey house in 1857 and given a second storey addition and tower in 1886 by architect J A B Koch. The two stages of construction can be readily discerned in the change from the refined simplicity of the ground floor to the more elaborate Italianate treatment of the first floor and tower. *Caroline House* is included in the *Caroline Street Precinct* (HO355) as an A1 graded building.

[11] Jordan, *Houses and Status: The Grand Houses of Nineteenth Century Victoria*, p.117.

[12] Franklin quoted in Jordan, p.117.

[13] Apperly et al, *A Pictorial Guide to Identifying Australian Architecture* p.70.

[14] Jordan, p.119.

[15] Jordan, p.113.

[16] Apperly et al, loc cit.

[17] Stonnington Local History Catalogue, Reg No. MP202, MP12038. PH90 & PH3.

## Statement of Significance

### *What is Significant?*

The building at 20 Darling Street, South Yarra is a large, double-storey rendered masonry villa in the Victorian Italianate style. Constructed c1882-1883, and later known as *Batavia*, the villa remains substantially intact externally to its nineteenth century state.

### *How is it Significant?*

*Batavia* at 20 Darling Street, South Yarra is of local architectural and historical significance to the City of Stonnington.

### *Why is it Significant?*

*Batavia* is of architectural significance as a fine and substantially intact late-Victorian Italianate villa. Locally, the Italianate mode of architectural expression pervaded all strata of residential design and had, by the late 1880s, come to define the architectural character of Melbourne's inner ring of suburbs. The house's rendered entry porch is an unusual



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element which distinguishes the building from other, more typical, houses in this mode. *Batavia* also shows a degree of composure and restraint in its application of Classical ornament that sets it apart from the flamboyant Boom-era houses of the late 1880s, which generally relied more heavily on cast-iron lacework for decorative effect.

*Batavia* is historically significant as surviving evidence of the affluent character of the South Yarra hillside in the nineteenth century. Melbourne's prosperity through the latter half of the nineteenth century coupled with the growth of its public transport system, allowed many Victorians to opt for a home in the fresh air and tranquillity of the suburbs away from the noise and dirt of the city. Beginning as early as the 1850s, the subdivision of large land holdings in South Yarra, and other parts of Stonnington, created new middle class enclaves, populated by businessmen and their families pursuing the suburban ideal of a *rus en urbe* ('country in the city'). These developments became common in the higher parts of the former City of Prahran, away from the low lying swamp land.

*Batavia* also forms part of a relatively small extant group of substantial double-storey Italianate villas within the Municipality which illustrate the role of houses generally, and classically-inspired houses in particular, as symbols of wealth, status and taste for Melbourne's middle and upper classes.

## Recommendations 2014

<b>External Paint Controls</b>	No
<b>Internal Alteration Controls</b>	No
<b>Tree Controls</b>	No
<b>Fences &amp; Outbuildings</b>	No
<b>Prohibited Uses May Be Permitted</b>	No
<b>Incorporated Plan</b>	-
<b>Aboriginal Heritage Place</b>	Yes

## Other Recommendations

The extent of the Heritage Overlay should apply to all of the land known as 20 Darling Street, South Yarra.

This information is provided for guidance only and does not supersede official documents, particularly the planning scheme. Planning controls should be verified by checking the relevant municipal planning scheme.