



Bryce  
Raworth  
CONSERVATION | HERITAGE

# Heritage Impact Statement

Former Pentridge Prison, Coburg (H1551)  
Proposed Buildings 1 and 2

Revised 1 December 2023



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## 1.0 Introduction

This report has been prepared in relation to the amended permit application for the development of two multi-storey buildings to the west of former Pentridge Prison A Division - identified as Buildings 1 and 2 in the *Pentridge Coburg Design Guidelines and Masterplan - February 2014*. It provides an assessment of the potential heritage impact resulting from the amended scheme, involving two additional levels to Buildings 1 and 2.

## 2.0 Sources of Information

The analysis below draws upon site inspections and a review of the Victorian Heritage Register documentation and relevant documents including, *Pentridge Conservation Management Plan* (Bryce Raworth Conservation, 2016), the *Pentridge Coburg Design Guidelines and Masterplan* (NH Architecture, February 2014) and *Principles for considering changes to places in the Victorian Heritage Register* (made and published under s19(1)(f) of the Heritage Act 2017, December 2022)

It is intended that this Heritage Impact Statement be read in conjunction with the amended drawings by CHT Architects and other documents submitted as part of this permit amended application.

## 3.0 Methodology

This Heritage Impact Statement has been prepared with regard to the Burra Charter and its guidelines, as amended in 2013, and is in general accordance with Heritage Victoria's *Guidelines for Preparing Heritage Impact Statements* (June 2021). It seeks to respond to the following key questions:

- Why a place or object is of cultural heritage significance to the State of Victoria*
- What options were considered in developing the proposal*
- What impact (positive and/or negative) the proposed works will have on that significance,*
- If a negative impact is proposed, why the proposed option was chosen and why other more sympathetic options were not feasible, and*
- What measures are proposed to minimise and mitigate negative impacts.*

## 4.0 Background

Since the closure of HM Pentridge Prison in 1996, a number of documents have been prepared to help protect the heritage assets on the site and guide future development. The earliest such document was the Allom Lovell & Associates Conservation Management Plan [CMP] (August 1996). It was predicated on a best-case scenario for the conservation of the heritage buildings and structures located on the site, without any consideration for the way in which the site might be developed in the future. An updated CMP for the Shayher-owned portion of the site was prepared in 2016 (by Bryce Raworth Conservation) to reflect the changes that had taken place over the intervening twenty years. The 2016 Pentridge CMP provides the basis for decision-making with respect to heritage considerations on the site.

The 1996 CMP followed by a document titled *Coburg Prisons Complex Development Strategy: Heritage and Development Issues* (prepared by Bryce Raworth Conservation in association with Tract Consultants Pty Ltd, August 2000). The Development Strategy was devised in consultation with Heritage Victoria, the Moreland (now Merri-bek) City Council and the National Trust of Australia (Victoria). It built on the intent of the earlier CMP, but allowed for the retention, conservation and interpretation of the significant heritage buildings, while also considering the opportunities for future development of the site. Subsequent to this, the *Pentridge Piazza Design Guidelines and Masterplan* (Vol 1 and 2, prepared by TRACT) were endorsed by the City of Moreland in April 2003 after extensive consultation, including a process of review and comment by Heritage Victoria.

The current 2014 *Pentridge Coburg Design Guidelines and Masterplan* (Masterplan) by NH Architecture builds on the 2009 document produced by NH Architecture for VALAD. The 2009 *VALAD Pentridge Coburg Design Guidelines and Masterplan* received a letter of in-principle support from Heritage Victoria. The letter of support, while emphasising the aim of retaining as much original fabric as possible, does not specifically criticise or reject any of the outcomes contemplated in that document. The 2009 Masterplan was approved through Amendment C125 to the Moreland Planning Scheme. The Explanatory Report for this Amendment notes that although Heritage Victoria did not have powers to endorse the Masterplans, they were generally supportive of both the Masterplan for the Shayher-owned portion of the site as well as Pentridge Village to the south.

The current 2014 Masterplan incorporates some development proposals that received permits under the previously approved Masterplan, but also departs from that document in some key respects. The revised Masterplan contemplates a similar extent of retention and development as proposed in 2009, however the distribution of the development has been altered. In 2014, when the updated Masterplan was approved, the Explanatory Report confirms that the amendment was prepared in conjunction with representatives of Heritage Victoria. In effect, Heritage Victoria has been engaged as a key stakeholder in the development of both Masterplans and has provided in-principle support both times.

The current 2014 Masterplan reflects the consolidated outcome of consultation with key stakeholder authorities including Heritage Victoria and Merri-bek City Council, and is an incorporated document to the Merri-bek Planning Scheme.

## 5.0 History and Description

The current proposal is for development of the land between the perimeter bluestone wall on Champ Street and the western elevation of A Division. Largely constructed between 1860 and 1865, A Division was originally intended to be used as a separate female prison. It served in this capacity for a very short period, before the women were promptly transferred back to the Melbourne Gaol the following year.

Regardless, A Division bears the legacy of its original purpose by virtue of its relative isolation within the Pentridge site: unlike the complex of buildings addressing the Parade Ground to the south, A Division was originally almost completely enclosed by bluestone walls, with only a single opening providing controlled access to the male prison. The main entrance to the Female Prison was from the north gate in the western boundary (now Champ Street).

A Division is a double-storey bluestone cell block that ultimately adopted a similar cruciform plan form to the Panopticon model, but was initially built on a T-shaped plan with cell ranges to the north and east. The eastern cell range was constructed first, in 1862-63, while both the west wing (containing the chapel and offices) and the northern cell range were completed in 1865. The south wing of A Division, containing 67 cells, was constructed using prison labour c1891-99.

Towards the end of 1862, a row of four bluestone warders' residences were constructed to the west of the Female Prison, most likely using prison labour.<sup>1</sup> Originally built for the staff of the Female Prison (A Division), they were later used by the Chief Warders of Pentridge.

A site plan of 1901 shows walled exercise yards formed by the cells ranges of A Division. Two larger yards extended to the north-east and south-east and in the north-east yard a series of small airing courts radiated from an elevated central sentry position similarly to the Panopticon (B Division). This radial exercise yard was demolished between 1951 and 1955. A carriageway ran from the Champ Street entrance gate, around an elliptical garden bed and to the main entrance of the chapel wing.

The Chief Warders' Quarters were demolished in 1965 to make way for the construction of a new Young Offenders' Block (J Division).<sup>2</sup> A number of other secondary structures were constructed on the subject site over the years, however these have since been demolished and the site is presently undeveloped.

1 Detailed plans of these buildings do not appear on later detailed plans of the site, suggesting they were not designed by the Public Works Department.

2 Victorian Social Welfare Department. *Annual Report Year Ended 30 June 1965*, p.23.

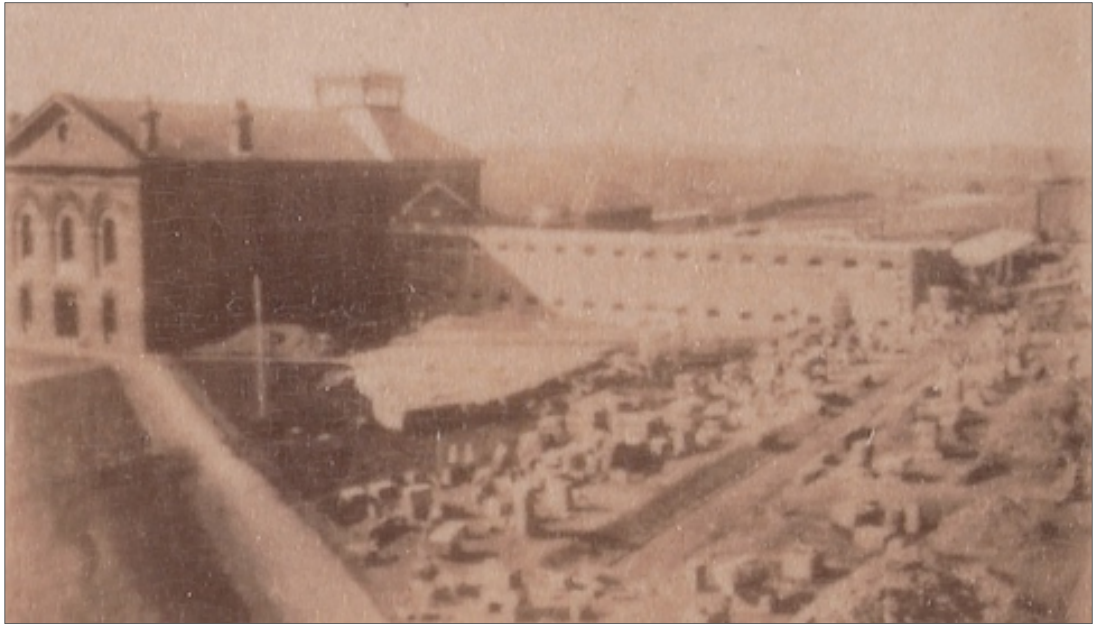


Figure 1 Photograph showing the south wing of A Division under construction, c1896. Source: State Library of Victoria.

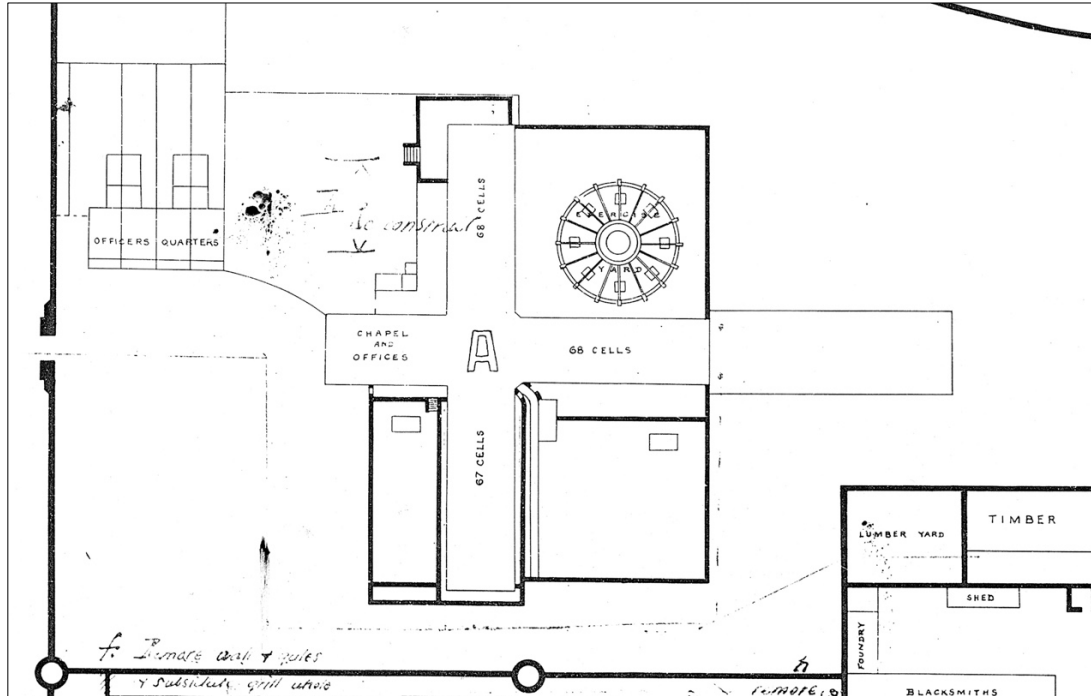


Figure 2 Extract from a c1901 site plan of Pentridge Prison showing A Division with walled yards to the north and south sides and separate warder's quarters to the west near the Champ Street gate. North is to the top of the page. Source: Public Record Office Victoria.





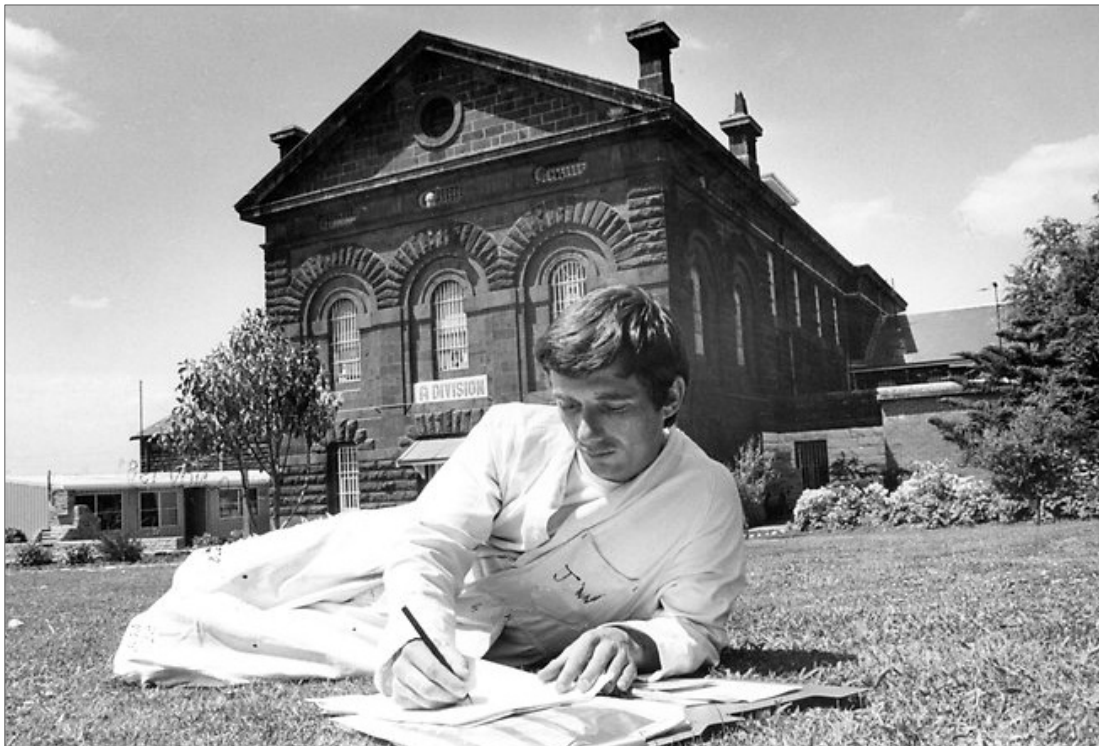
Figure 3 Part of a c1935-40 aerial photograph of Coburg showing the area to the west of A Division. Photographer Charles Daniel Pratt. Source: State Library of Victoria.



Figure 4 Undated (pre-1965) photograph of the A Division warder's quarters. Note the effort to 'beautify' the prison yard with ornamental garden beds. Source: H M Pentridge Prison facebook page.



*Figure 5* A c1980 aerial photograph of A Division with the J Division block to the lower left-hand side of the image. The warder's quarters had been demolished by this time. Source: H M Pentridge Prison Facebook page.



*Figure 6* Prisoner outside of A Division, 1981. It provides further evidence that the immediate setting of A Division was not historically austere and devoid of trees. Source: Herald Sun.





Figure 7 A Division viewed from the west, c2000. Note that the façade is partially obscured by mature trees. Source: H M Pentridge Prison Facebook page.



Figure 8 View from the south-west of A Division showing the Champ Street prison wall. Source: Hin Lim Photography





Figure 9 The Champ Street wall and gate. Note that A Division is almost entirely concealed from view.



Figure 10 View to the west façade of A Division through newly created entrance (i.e. it is not an historically significant view corridor).





Figure 11 A Division viewed from the south-west.



Figure 12 A Division viewed from the north-west.



Figure 13 Open space between A Division (left) and the Champ Street wall (right).

## 6.0 Heritage Listings

### Heritage Victoria

The former HM Pentridge Prison complex is included on the Victorian Heritage Register (VHR No.H1551). The extent of registration is described as follows:

1. All of the buildings known as:
  - B1 Main Gate and Administration Building
  - B2 Former Chief Warders and Overseer of Works Residences
  - B3 Former Hospital (former E Division)
  - B4 B Division
  - B5 B Division Annexe (former Kitchen)
  - B6 Industries Buildings
  - B7 A Division
  - B8 H Division
  - B9 Walls, Gates and Lookout Towers
  - B10 G Division (Jika Reformatory for Girls)
  - B11 D Division including remnant exercise yard walls (New Female Prison) B12 F Division
  - B13 Laundry
  - B14 South Gate to former Women's Prison

as marked on Diagram H1551 held by the Executive Director.

2. All of the land marked L1 and L2 on Diagram H1551 held by the Executive Director.



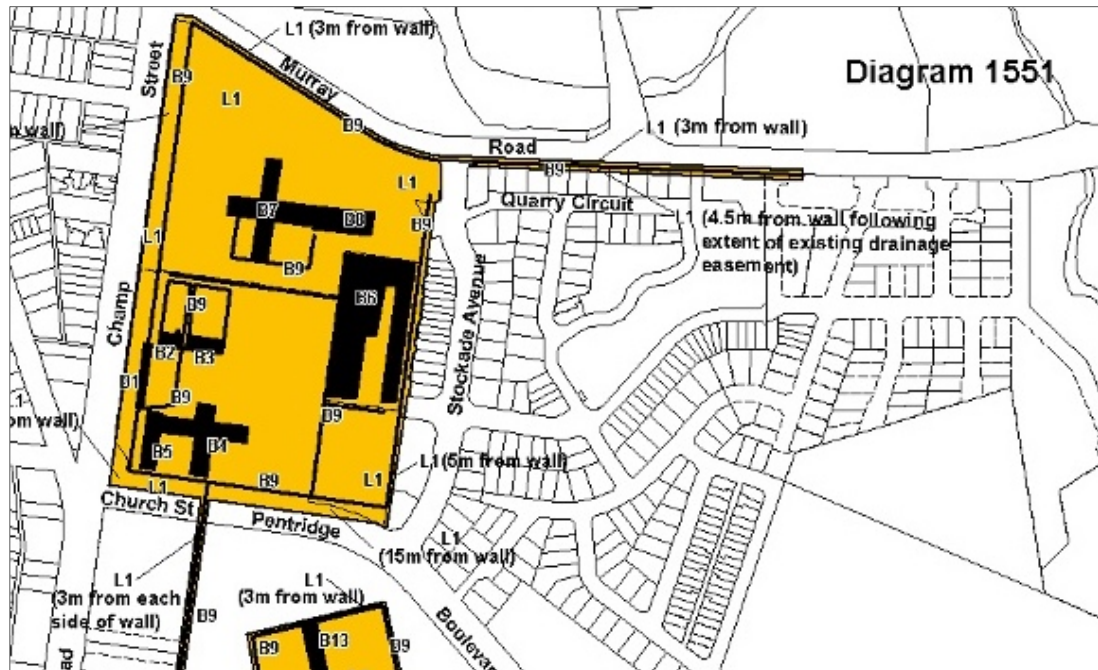


Figure 14 Part of Diagram 1551 showing the extent of registration (shaded yellow) for Pentridge Prison. Source: Victorian Heritage Database.

#### National Trust of Australia (Victoria)

The former Pentridge Prison site as a whole is also classified as a place of state significance by the National Trust of Australia (Vic) (File number: B1303). The National Trust has adopted the levels of significance identified in the 1996 Conservation Management Plan.

The National Trust has no statutory powers although it is expected to play an advisory role and provide comment on proposals for the subject site.

#### City of Merri-bek

The former HM Pentridge Prison complex is also subject to a heritage overlay identified as HO47 in the schedule to the heritage overlay of the Merri-bek Planning Scheme. The boundaries of the heritage overlay largely reflect those of registration, although the street trees and land along Champ Street to the west of the perimeter wall are under a separate heritage overlay, HO287.

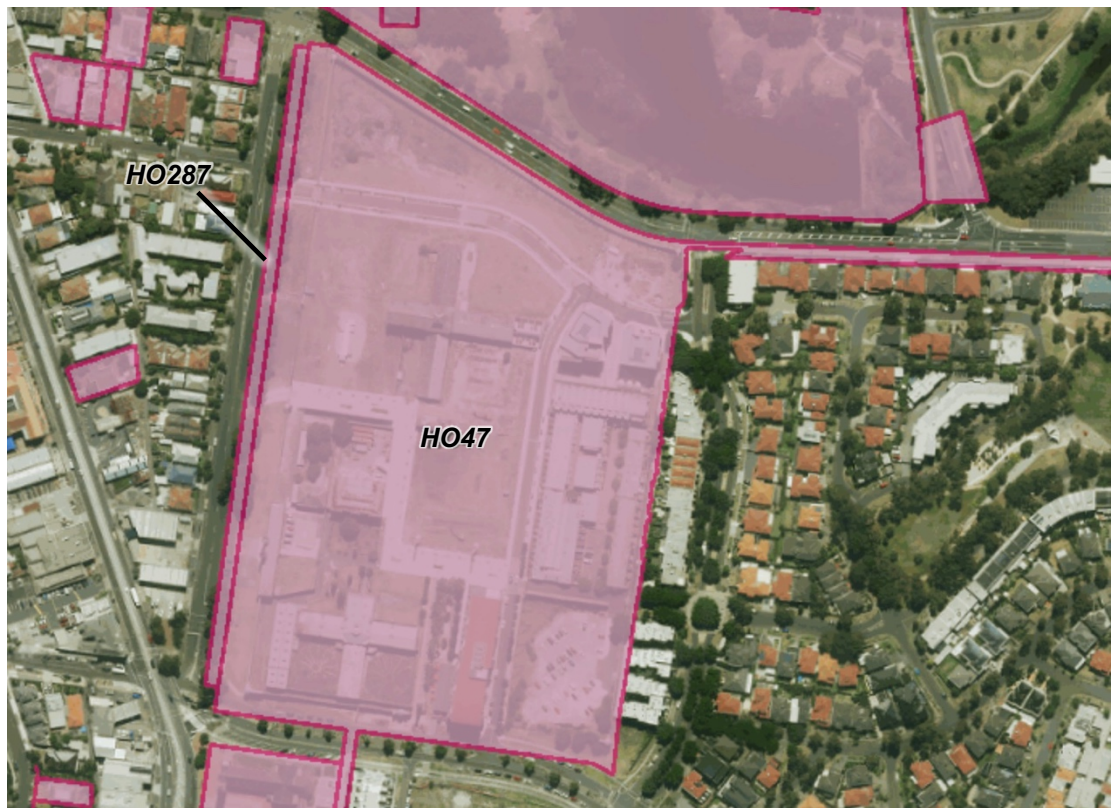


Figure 15 Aerial photograph showing the northern extent of HO47 and HO287. Source: Mapshare.

## 7.0 Statement of Significance

The Statement of Significance for the former HM Pentridge Prison complex (VHR Place No.H1551) – as provided in the VHR citation for the place – reads as follows:

*What is significant?*

*The former HM Pentridge Prison was established in December 1850. The structures remaining from the prison consist of A Division, B Division, B Division Annexe (former kitchen), D Division including the exercise yards, the former hospital (Former E Division), F Division, G Division (Jika Reformatory for Girls), H Division, the main gate, Administration Building, the former Chief Warders and Overseer of Works Residences, the Industries Buildings, the laundry, the south gate to the Women's Prison, and remaining bluestone walls, gates and lookout towers.*

*The first stage of the prison was the 1850 to 1857 Pentridge Stockade Complex, a relatively ad-hoc group of structures built by prison labour using predominantly local materials. None of these structures survive, although the boundary of the prison was established at this stage. The second phase undertaken in the late 1850s and early 1860s was the construction of Inspector General William Champ's model prison complex, based on the British Pentonville model and incorporating a relatively sophisticated system of prisoner classification and penal reform. These were all constructed of locally sourced bluestone. The prison was gradually expanded and developed in stages, reflecting both developments in design as well as broader Government policies relating to the operation of the prison system.*

*Following the Stawell Royal Commission of 1870, an extensive work program for prisoners was introduced at Pentridge and a complex known as the 'Industries' was constructed. These included a timber yard, a woollen mill, carpenters and blacksmiths workshops completed in 1879, and tailors and bootmakers workshops completed in 1886.*

*A women's prison was constructed on the site between 1860 and 1865, now known as A Division. This was superseded when a new female prison was constructed on the site between 1887 and 1894, in order to provide completely separate accommodation for women. This section is now known as D Division. Pentridge remained the main female prison in Victoria until it was replaced by the new women's prison, HM Prison Fairlea in 1956.*

*From the 1870s Pentridge was also the location of reformatories for girls and boys, established following the findings of the Stawell Royal Commission of 1870. The Jika Reformatory for Boys was accommodated in an existing building (F Division), between 1875 and 1879, while a purpose built reformatory was constructed for Protestant Girls (G Division), operating between 1875 and 1893.*

*In 1900 labour yards for A Division were completed. During the 1950s these yards were later converted to a high security block which became known as H Division. In 1924 Pentridge replaced the Melbourne Gaol as the main remand and reception prison for the metropolitan area. The bodies of approximately thirty-six prisoners executed at the Melbourne Gaol were exhumed and relocated to Pentridge, where they were reburied. Pentridge also became the venue for ten prisoner hangings, until the last Victorian prisoner to suffer the death penalty, Ronald Ryan, was executed in D Division in 1967. In 1960 during a term spent in Pentridge, the Aboriginal artist Ronald Bull painted a mural depicting a traditional tribal scene. The mural survives and is located at the east end of F Division. In April 1995 the Office of Corrections ordered that the six main towers at Pentridge be closed, since most of the high security prisoners from the gaol had been relocated to Barwon as part of the downgrading of Pentridge to a medium security prison. The prison was finally closed in 1997 and the land and buildings subsequently sold.*

*This site is on the traditional land of the Kulin Nation.*

*How is it significant?*

*The former HM Prison Pentridge is of historical, architectural, archaeological, scientific (technological) and aesthetic significance to the State of Victoria.*

*Why is it significant?*

*The former HM Prison Pentridge is of historical significance as the largest prison complex constructed in Victoria in the nineteenth century.*

*The former HM Prison Pentridge is of architectural and historical significance as a nineteenth century complex of buildings that demonstrates a number of phases in the development of the penal reform system. Most of these structures still survive, largely intact. The range of cell blocks, workshops and other buildings, the relatively dispersed layout of the buildings and the large scale of the site as a whole demonstrate the unique character of Pentridge as the principal establishment for long-term prisoners. The planning of A, B and D Divisions are representative examples of the overwhelming influence and continuing development of British planning models, from the 1830s until the end of the nineteenth century. F Division is a rare surviving example of early nineteenth century prison buildings. The former prison is of architectural significance due to its monumental size and the austere Classical style of the nineteenth century prison buildings. The complex of buildings and walls are important for their expression of the requirements of containment and order.*

*The former HM Prison Pentridge is of historical significance in the history of child welfare in Victoria. It was the location of reformatories for both girls and boys, established following the findings of the Stawell Royal Commission of 1870. The prison complex includes the purpose-built Jika Reformatory for Protestant Girls (G Division), which operated between 1875 and 1893.*

*The former HM Prison Pentridge is of archaeological significance for its archaeological features, deposits and relics that relate to the construction and use of the site. The burial area and industry refuse site adjacent to the east wall of the F Division includes the burial sites of all executed prisoners relocated from the Old Melbourne Gaol between 1929 and 1937, and the burials of nine prisoners executed at Pentridge between 1928 and 1951. The area adjacent to the east wall of D Division is significant as the former burial site of Ronald Ryan, and as the site where executed prisoner burial remains were reinterred in 2011.*

*The former HM Prison Pentridge is of scientific (technological) significance for its original ventilation systems in A, B and D Divisions, and the surviving original cisterns and other elements of the water supply system in B Division. The apparently intact thermo-ventilation system in B Division is of particular importance.*

*The former HM Prison Pentridge is of aesthetic significance due to its grim and imposing bluestone walls and towers which are important landmark features.*

## 8.0 CMP & Masterplan Design Guidelines

As previously noted, all heritage places which are included in the Victorian Heritage Register (VHR) are subject to the requirements of the Heritage Act 2017. The two main documents that serve to guide the management of the former HM Pentridge Prison complex and ensure that any future development respects the cultural heritage significance of the site are the *Pentridge CMP (2016)*, and the *Pentridge Coburg Design Guidelines and Masterplan (2014)*. Some of the relevant sections of these documents are considered below:

### **Pentridge CMP**

The 2016 Pentridge CMP sets out the following policy for future development of the site under Section 6.8, Future Developments:

*Policy*      *Future works should not obscure or damage original fabric, and should not obscure the legibility or appearance of the significant prison buildings and the way in which many of them address the Parade Ground. New external structures should be readily distinguishable and physically independent from the significant fabric. Where possible, future works to the significant buildings and structures should recover aspects of the form, detailing, and materials from the periods of key significance, (i.e. up until the late nineteenth century).*

*Policy*      *Significant views to the site and views within the site should be conserved or re-instated.*

*...The significance of the former H.M. Pentridge Prison derives largely from its intact nineteenth century fabric, and the clarity of its form as a nineteenth century prison. Any future development should therefore conserve its significant fabric, and respect the principal views of the early buildings.*



*It is important to retain the large area of open space to the main Parade Ground to help maintain the early buildings' significant character and presentation.*

*Although it is critical to minimise the impact that development of the Pentridge site will have upon the fabric of structures of primary significance, and upon the significance of the site as a whole, it is also important to recognise that a degree of development is necessary in order to make the place a vibrant living and working environment that is economically sustainable into the future. The survival and maintenance of the significant fabric depends upon achieving economically sustainable adaptive reuse outcomes. Although the proposed redevelopment of the site in this manner will result in a substantial and readily appreciable change to the character and appearance of the place, it will also provide an opportunity for the revitalisation of the historic building stock and for conservation works that are, in many instances, long overdue.*

*Given that the site itself is significant, and is a registered historic place, it is important that any new built form on the place be designed with appropriate regard for the character, appearance and significance of the place, while nonetheless being expressive of its own time, i.e. good contemporary design. Wherever possible new external structures should be kept separate from the historic fabric. Any buildings erected on the site should not impede principal views to the significant buildings on the site.*

*Future landscaping should interpret the predominantly rigid geometries of the main Parade Ground, although the early austerity of the Parade Ground is not suitable for the adaptive reuse of the site and it would not be appropriate to adopt a literal approach to restoring its historical character. Large scale, axial landscape elements might be used to help interpret the main Parade Ground.<sup>3</sup>*

The CMP also emphasises the importance of maintaining principal views of key buildings within the broader site. With particular respect to an appropriate setting for A Division, it is policy to:

- *Retain principal views of the front facade of A Division from the Champ Street gate.<sup>4</sup>*

#### **The Pentridge Coburg Design Guidelines and Masterplan (2014)**

The Masterplan shows Building 1 at a scale of 8-5 levels and Building 2 at a scale of 9-6 levels (both step down towards Division A). The cross section for Building 2 anticipates a basement below the Champ Street level, the existing perimeter wall concealing most of levels 1 and 2, and the two buildings being separated. The Masterplan also shows the building edge to overhang the bluestone perimeter wall (refer Figure 18 below).

In terms of heritage, the Masterplan states that Buildings 1 and 2 must respect the existing heritage elements (both buildings and walls) and be stepped in terms of scale to complement the Division A ridge height.<sup>5</sup> Design excellence is encouraged for all buildings. The Masterplan also anticipates a forecourt entry between the two buildings that will help provide views to A Division. The courtyards to the east of the new buildings and west of Division A are designated as a local community park for active and passive recreation and as a courtyard for uses such as community gardens, formal planting and children play spaces.

3 Pentridge CMP, pp.151-152.

4 Pentridge CMP, p.164.

5 Design Guidelines and Masterplan, p.30.

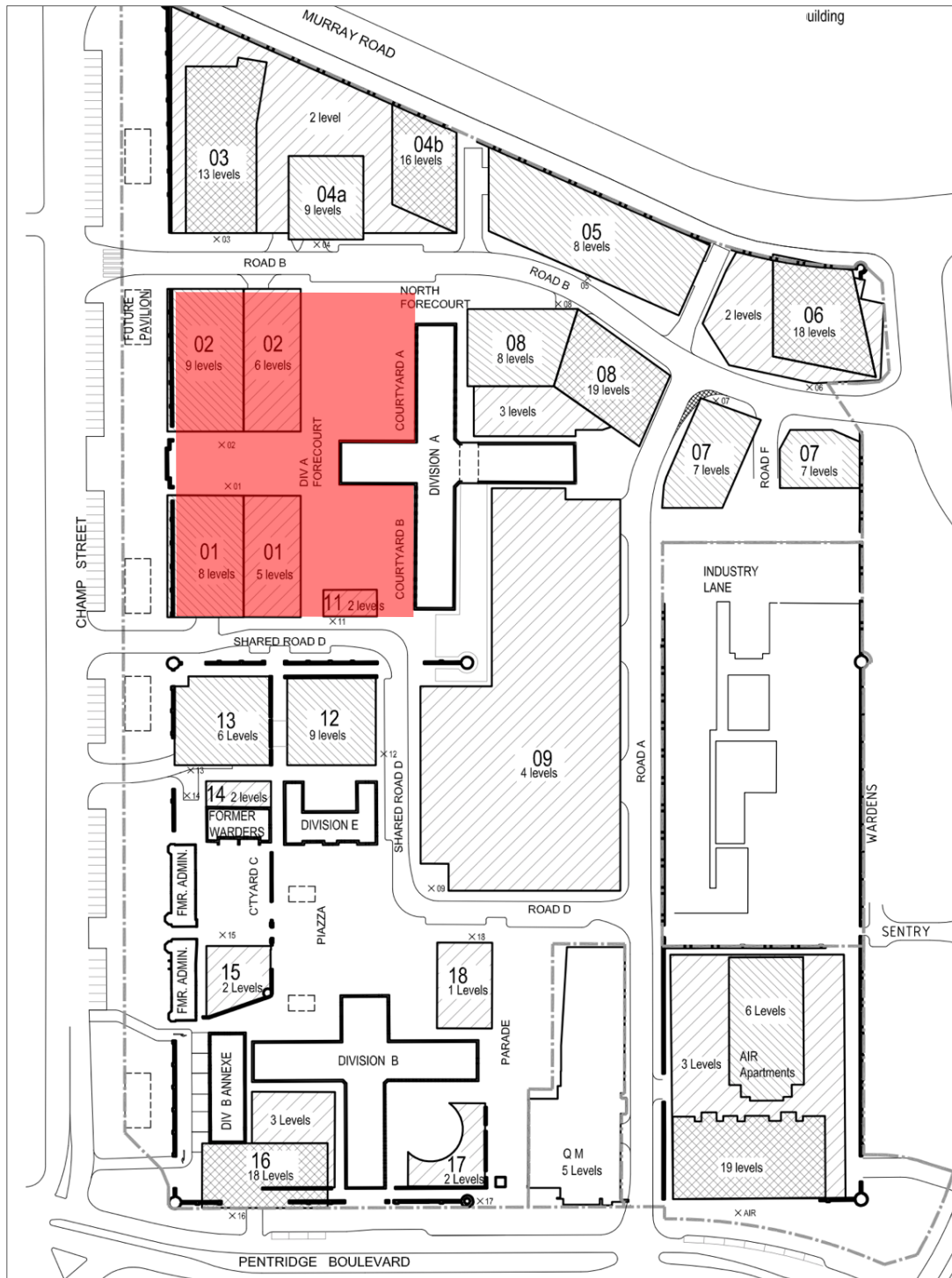


Figure 16 Figure 4.1.2g showing the Masterplan Building Envelope Site Plan from the Pentridge Coburg Design Guidelines and Masterplan (February 2014), p.26. The proposed development site is shaded red. Note that the 2 level Building 11 is deleted from the current scheme.

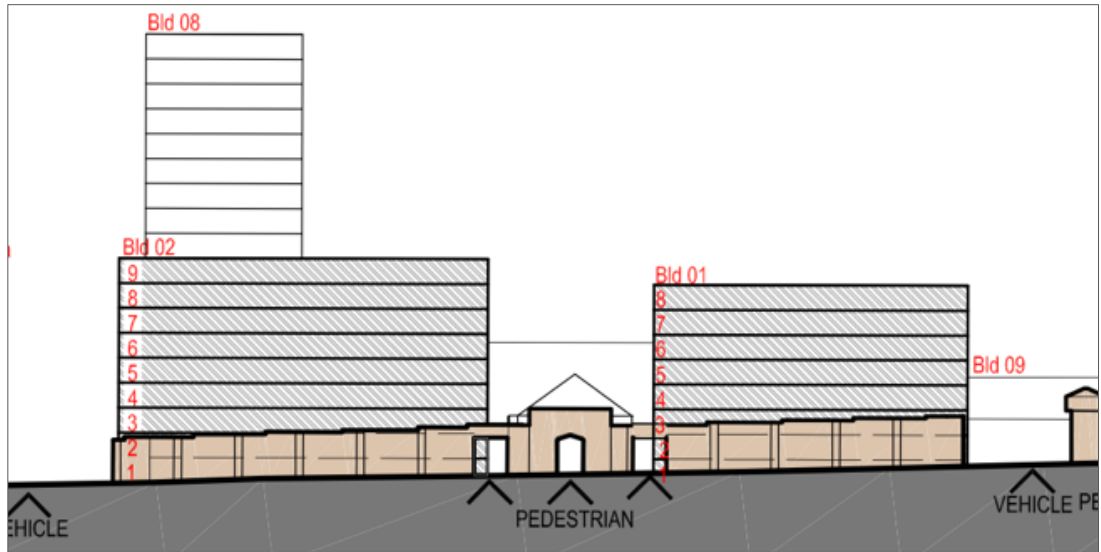


Figure 17 Proposed Champ Street elevation as shown in the Pentridge Coburg Design Guidelines and Masterplan (February 2014), p.27.

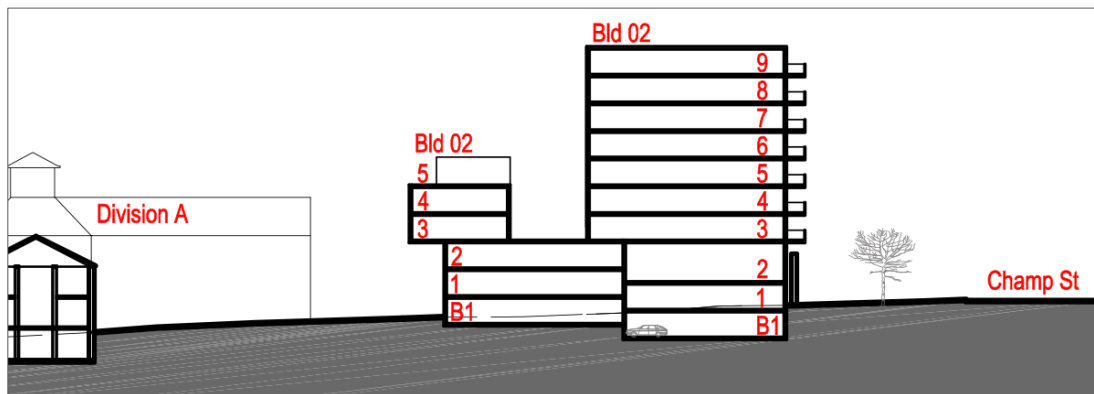


Figure 18 Section through Building 2 as shown in the Pentridge Coburg Design Guidelines and Masterplan (February 2014), p.28.

## 9.0 Proposal

The present proposal is for the development of the land extends westwards from A Division to the Champ Street gate. Two multi-storey apartment buildings (Buildings 1 and 2) are to be constructed in the area either side of the gate. As noted, the current proposal has been amended to include two additional levels, such that Building 1 (on the south side of the Champ Street gate) rises to an overall height of 11 levels. Building 2 (on the north side of the gate) has a total of 12 levels. Both buildings incrementally step down in height to the east to create a lower rise interface with the historic A Division cell block. The three levels of basement car parking sitting underneath Buildings 1 and 2 will be accessed via Monnering Drive.

As described in the heritage impact statement provided in support of the previously amended scheme, substantial changes have already been made to the original permit application scheme to address concerns raised by Heritage Victoria. The curvilinear Art Deco inspired elements that were a feature of the original application have been removed in favour of a generally rectilinear expression. The overall aim of the previous amendments has been to make Buildings 1 and 2 more deferential to the architectural character of the historic prison buildings. The façade has less vertical greenery, and now utilises darker coloured cladding materials that better harmonise with the prison’s bluestone walls. The podium has been reduced in extent with increased setbacks provided from the north-west and south-west corners of A Division, and also made less visually assertive through deletion of the arched colonnades.

Landscaped public open space remains an integral part of the current redevelopment scheme. A pedestrian access route is provided from the Champ Street gates, passing between Buildings 1 and 2 before connecting with the main north-south circulation spine. The change in level from Champ Street is managed by steps and ramps flanked by garden beds and plantings. The forecourts to the north-west and south-west of A Division are to be landscaped with gently undulating areas of lawn providing a venue for active and passive recreation. A flexible event space and community garden are to be created within the bluestone walled courtyard south-west of A Division. Paths are variously paved in exposed aggregate, cobblestones and large unit pavers (in bluestone or similar) compatible with the historic character of the prison.

## 10.0 Analysis of Heritage Impacts

The section below analyses the impact of the proposed new development on the significance and character of the former HM Pentridge Prison complex, including adjacent or nearby significant buildings and structures, the landscape context and the broader site.

As noted, this report has been prepared in general accordance with Heritage Victoria’s guidelines for Heritage Impact Statements. With respect to the proposed works, it seeks to respond to the key questions previously set out in Section 3.0.

### What options were considered in developing the proposal?

As previously discussed, the proposal is a key element in the current Master Plan for the site. Alternative outcomes that have been considered and dismissed include the following:

- Options for the incorporation of a greater number of residential units within heritage buildings have been set aside on the basis that the cell block buildings in particular can only sustain such a use through substantial demolition and alteration of a nature that would fundamentally undermine their integrity and significance;
- Options for a lower number of residential and other units within the redevelopment have been set aside because the costs associated with the ongoing management of the site would be prohibitive for future owners;



- The proposed future envelopes anticipated in the 2014 Masterplan, including the present development envelopes, have been resolved in a manner that provides for maximum retention of significant fabric while allowing development of a higher scale in areas that are somewhat separate from the key public spaces associated with the heritage buildings. Relocation of the present proposal to a different part of the site would undermine this approach and result in a greater impact than will arise from the current proposal.

What impact (positive and/or negative) will the proposed works have on [the] significance?

Importantly, Buildings 1 and 2 do not themselves physically impact any significant registered fabric – they stand free of the Champ Street prison wall. Physical changes proposed to original fabric are limited to the creation of a single opening in the bluestone wall to the southwestern yard of A Division for pedestrian access - noting that the original application proposed full demolition of the wall, and that a latter iteration of the scheme as presented to Heritage Victoria involved multiple new openings in the wall.

The amended scheme with two additional levels will not bring about a pronounced increase in the visual bulk of Buildings 1 and 2 (as illustrated below). Only one additional level is provided at a lower part of the buildings where the floor plate is at its largest – the other additional level is at uppermost part of the buildings where the floor plate is at its smallest. The staggered setbacks also ensure the tallest parts of the development are distant from the historic Division A building. Previously approved and constructed developments at Pentridge have demonstrated that the registered place is capable of accommodating tall development provided that the lower level interface with heritage elements is sensitively managed – an objective that is satisfied by the amended scheme for Buildings 1 and 2.



Figure 19 South elevation of Building 1, previous scheme (left) and current amended scheme (right).



Figure 20 North elevation of Building 2, previous scheme (left) and current amended scheme (right).

The works will have positive impact on the significance of the place in generating the funds necessary for the ongoing maintenance and care of the heritage fabric. Positive impacts also arise from the creation of well-designed public open space to the front of A Division, providing opportunities for the broader community to experience and appreciate the significant qualities of the registered place. It needs to be recognised that landscaping and strong public realm design has an important role to play in adapting the former prison site to become a place that will attract visitors, as well as addressing climate and environmental factors (e.g. reducing the urban heat island effect). The landscaping should not be seen to be inappropriate even if heritage issues are considered in isolation, being that the immediate setting to A Division was not historically austere and devoid of trees (refer figures 4, 6 and 7).

*If a negative impact is proposed, why the proposed option was chosen and why other more sympathetic options were not feasible?*

Multi-storey buildings in this part of the site are seen as being necessary to the scheme insofar as they will help create the facilities required for a body corporate large enough to carry the costs of sustaining the site at viable premiums. As the site will be owned and managed by a body corporate rather than by a public authority, there must be a sufficient population base to ensure that annual body corporate fees and other costs are not excessive, as this will undermine the viability of the development as a whole. The approach is based on the need to balance positive economic outcomes in this precinct against the costs incurred in the conservation of significant buildings such as the Administration Building on the Champ Street frontage of the site, A Division, B Division, the original hospital building (later known as E Division), and the observation posts.

Buildings 1 and 2 have a prominent site address along Champ Street and are recognised in the 2014 Masterplan as being either commercial or residential buildings. These buildings are located in the mixed-use precinct of the site, the central focus of which is to be the restored A Division building. This area has previously been identified as being well positioned to accommodate the higher density development that previous economic impact analyses indicate is essential to the ongoing economic viability of the site.

The amended design of Buildings 1 and 2 generally align building envelopes set out in the Masterplan in terms of siting, massing and scale – albeit with the comparatively modest increase in height of two levels. Buildings 1 and 2 are both separated from A Division as well as from each other. As per the Masterplan, they are located adjacent to the perimeter wall, and have been massed so the areas of greatest height are furthest away from A Division. However, the configuration of these buildings has been improved from that anticipated in the 2014 Masterplan as they both adopt a splayed design to broaden the view corridors to A Division from the Champ Street gate. This will allow for enhanced appreciation of this heritage element from the public realm.

Views to A Division from outside the perimeter walls have not historically been considered a key aspect of the site's significance. Indeed, until recent times, A Division was largely concealed by the tall bluestone perimeter wall that extended the full length of Champ Street. Only parts of the roof and the upper part of the roof lantern over the central crossing were visible from the western side of Champ Street: no part of A Division was visible from the eastern side. It is also the case that the front western

wing of A Division sits several metres lower than the ground level of the western perimeter wall, a fact that further limits views of A Division from outside the site along Champ Street.

It is only with the ongoing adaptive reuse of the site that wider views of A Division have been made available. Views towards A Division from Champ Street were only opened up after the breaches to Wall E were made. Both these breaches offer oblique views of A Division from certain points in Champ Street. However, none of these views could be considered to be of historical importance.

Historically, the principal views towards A Division would have only been seen when the building was approached through the northern Champ Street gate. Early plans show that the Warders' Quarters were located to the north of this main axis, and that a circular driveway lead to the main entrance of A Division. It appears that the Champ Street gate itself was never fully realised, and that construction ceased once the gateway rose to the requisite height.

The historical views to the A Division façade are to be reinstated as part of the proposed scheme with the Champ Street gate being opened up for pedestrian access. This will provide axial views to A Division consistent with the original design intent for the northern part of the site, although one notable difference is that views through the Champ Street gate will be permanently available: such views would only occasionally have been on offer while the site operated as a prison. As the existing steel roller door is not original, the removal of this fabric poses no issues from a heritage perspective.

This aspect of the proposal accords with the heritage policies for the gates set out in Section 7.12 of the 2016 CMP, wherein it is stated that twentieth century elements to both the Main Gate and the Champ Street gate should be removed and the gates should be permanently fixed in an open position.<sup>6</sup>

*What measures are proposed to minimise and mitigate negative impacts.*

A number of measures are included to help mitigate any adverse heritage impacts associated with the proposed scheme. For example, a suite of conservation works is proposed for the Champ Street gate and the existing perimeter wall. These works include the removal of all inappropriate modern conduits and accretions, restoration works to the stonework, and the repointing of all eroded joints. In the event a heritage permit is issued, these works could be formalised into permit conditions. As previously discussed, conservation works across the site have been spread over a number of different heritage permits, so conservation works to A Division and the heritage interpretation wing are already underway and do not need to be included as part of this particular application.

The basement level carpark – a substantial and integral element of the proposed development – is to be accessed off Moonering Road, thereby limiting its potential for external impacts. It will provide facilities that the development as whole requires without encroaching on significant fabric. The entrance to the carpark is sited at the lowest point of the land to help avoid the need for long car ramps to different parking levels by taking advantage of the natural fall of the land.

6 Pentridge CMP, p.167.

In contrast to the building envelope proposed in the Masterplan (refer figure 18), which partially overhung Wall E, the western elevations of the two buildings are now setback behind the wall to ensure they do not overwhelm the heritage fabric. Furthermore, Buildings 1 and 2 have been sited and massed to further enhance views to A Division, even beyond the building envelopes contemplated by the Masterplan, with splayed building footprints and reduced mass as they step down towards the main axial approach from the Champ Street gate.

In terms of architectural expression, the facades of Buildings 1 and 2 are articulated by means of alternating bands of glazing and precast concrete to help break down the visual mass of the facade. This treatment also continues the horizontal emphasis established by the perimeter wall. Balconies are incorporated into the building facade, rather than being expressed as an extension to the building envelope. The selected palette of materials – including textured concrete – is sympathetic to the massive qualities of the setting and the prevailing bluestone materiality while also being clearly distinguishable from the surrounding historic fabric. The proposed design represents a contemporary response to the strong architectural character of A Division and the surrounding perimeter walls.

Although the current proposal will result in a substantial and readily appreciable change to the character and appearance of the place, it will also provide an opportunity for the revitalisation and activation of the historic building stock and for conservation works. The proposal forms an integral part of the broader scheme for the adaptive reuse of the site, an adaptive reuse that balances both the conservation and development imperatives of making the former HM Pentridge Prison site a vital and sustainable environment for the future.

Care has been taken to ensure the proposed landscaping works will not obscure any significant view lines to A Division. The main axial pathway from the Champ Street gate to A Division is unobstructed, and proposed tree plantings have been strategically located so as not to unduly interfere with the view corridor to A Division.

As there have been a number of other buildings constructed on this portion of the site in the years since the former Wardens' quarters were demolished, it is likely that the site has already been disturbed in the past. However, it is recognised that the Pentridge Prison site has a high archaeological potential with regard to demolished and subterranean structures. As with works to all parts of the site, excavation works on the site will proceed with an appropriate level of archaeological monitoring by fully qualified experts. Should any archaeological remnants be discovered in the course of works, all works will cease and Heritage Victoria will be notified immediately.

#### Reasonable or Economic Use

The proposal needs to be considered within the broad ambit of considerations under the *Heritage Act*, which are intended to support the sustainability of places and also take into account the reasonable or economic use of the place. As noted, under the *Heritage Act* the Executive Director must consider the impact associated with the refusal of any such proposal:

*101 Determination of permit applications*  
[...]



*(2) In determining whether to approve an application for a permit, the Executive Director must consider the following— [...]  
(b) the extent to which the application, if refused, would affect the reasonable or economic use of the registered place or registered object.*

Although it is critical to minimise the impact that development of the Pentridge site will have upon the fabric of structures of primary and contributory significance, and upon the significance of the site as a whole, it is also important to recognise that a degree of development is necessary in order to make the place a vibrant living and working environment that is economically sustainable into the future. The survival and maintenance of the significant fabric depends upon achieving economically sustainable adaptive reuse outcomes. However, care has been taken to ensure that the focus remains both on A Division and the massive walls.

In respect to the reasonable use of the place, it is Heritage Victoria's policy that the Executive Director may consider the following matters:

*(1) the historic, recent and current uses of the registered place or object, (2) other compatible uses of the registered place or object, (3) the context and setting within which the place or object is located, and (4) other relevant matters.*

The historic use of the place as a prison ceased over a quarter of a century ago. It has been transformed into a mixed-use precinct with multi-storey residential buildings, a shopping centre, entertainment and hospitality venues and landscaped public plazas. The proposal is thus compatible with the now established context and setting of the registered place. All of which is to say, the proposed apartment buildings and new public open spaces will be a reasonable use of the place.

#### Heritage Victoria Principles for Changes

In addition to issues of reasonable and economic use, consideration will also need to be given to Heritage Victoria's Principles for considering changes to places in the Victorian Heritage Register (made and published under s19(1)(f) of the Heritage Act 2017, December 2022). It identifies five principles be considered by Heritage Victoria when determining permit applications, as discussed below.

#### *Principle 1. Understand why the place is significant*

Per Heritage Victoria's registration documentation, the place is of historical significance as the largest prison complex constructed in Victoria in the nineteenth century, and for its ability to demonstrate changing approaches to the development of the penal reform system. The place is architecturally significant for its monumental size and the austere Classical style of the nineteenth century prison buildings. The complex of buildings and walls are important for their expression of the requirements of containment and order and for their grim and imposing character. A Division also has technological significance for its original ventilation systems.

It is recognised that the proposal will bring about a pronounced change to the setting of A Division, but it is not change that undermines an appreciation of its monumental size, grim/austere Classical architectural expression and technological significance.

The retention of the Champ Street bluestone wall also provides tangible evidence of the vast extent of the prison complex. Crucially, the proposed development helps to fund substantial costs of restoration and ongoing maintenance of the prison and with an entire cell block of A Division dedicated to public tours. To that end, the proposed development plays an important role in preserving the significant attributes of the former HM Prison Pentridge and in allowing these attributes to be experienced by the broader community.

*Principle 2. A cautious approach*

The Burra Charter advocates a cautious approach whereby change to heritage buildings is limited to that which is necessary to care for the place and to make it useable, with overarching objective of changing as little as possible so that significance is retained. As already noted, the proposal does not change any of the significant registered fabric, apart from removal of modern accretions to the Champ Street wall and creation a new opening in a courtyard wall to A Division. Beyond this, the Burra Charter's 'cautious approach' does mean that a heritage place should not or cannot accommodate substantial change.

Article 6.3 of the Charter recognises that consideration should be given to a range of factors affecting the future of a heritage place, such as the owner's needs, resources, external constraints, and its physical condition.

*Principle 3. Protect significant settings and views*

Of relevance to the current proposal, principle 3 includes the following commentary on multi-storey development:

*Major changes which have the potential to substantially impact the setting and views of a place include:*

- *Towers - multi-level tower proposals almost always have an adverse impact on the setting of the place. They often include cantilevering over a place to maximise floor plate size and can also visually overpower a place so that the heritage elements are reduced to secondary elements.*

Accepting that Heritage Victoria's Principles discourage multi-storey development on a registered place, these principles should not be seen to be prescriptive and universal in their application. They should be reviewed and applied with discretion to take into account the particular circumstances of a site and the proposal for that site. As stated in the Principles document '*every place is different and every application is assessed on its own merits*'. In the present instance, the proposal has been designed in accordance with the masterplan for the site, in which the siting and scale of new multi-storey built form was carefully considered so as to be respectful of existing heritage elements. Accepting that Heritage Victoria has not endorsed the masterplan, they were engaged as key stakeholders in the preparation of the masterplan and have offered in-principle support for development outcomes contemplated therein. Further to this issue, multi-storey development has already been determined to be an appropriate outcome for the former Pentridge Prison site, as evidenced by the completed Air Apartments and Adina Apartment/hotel towers.



Figure 21 *Adina Hotel/Apartment tower behind historic B Division.*



Figure 22 (left) *Adina Hotel/Apartment tower viewed from the corner of Bell Street and Pentridge Boulevard.*

Figure 23 (right) *Adina Apartments, occupying the former mat maker's yard, behind retained/reconstructed bluestone walls.*

#### *Principle 4. Respectful change and new built form*

The relevant approaches to the design of new built form encouraged by Principle 4 are addressed separately below.

- *Be proportionate to other buildings and structures at a place. It should not dominate, challenge, disrupt or compete with the heritage elements.*

Buildings 1 and 2 are massed with the tallest elements to the west side with the façade stepping down on the eastern side to transition to the scale of A Division. The change in scale is also mitigated by generous buffer of open space separating A Division from the proposed development.

*Reference the heritage elements of the place without replication or mimicry.*

The proposed tower references the materiality and colours of the bluestone heritage buildings and walls without recourse to replication or mimicry.

- *Avoid highly contemporary design which is starkly different to the heritage elements.*

Buildings 1 and 2 have an unmistakably contemporary design but nonetheless establish a sympathetic relationship to the heritage elements by using a compatible palette of materials and finishes. It is again noted that the design has been revised to provide a more subdued architectural character – one that does not unduly compete for attention with the heritage elements.

- *Avoid cantilevering or extending into airspace over the place.*

The development does not extend into the airspace over the heritage buildings.

- *Retain important views to and from the place.*

The proposed development has been configured to maintain sightlines to the west façade of A Division with the provision of generous open space. The proposed new Buildings 1 and 2 have been sited to flank the key sightline to A Division from the Champ Street gate. Views to A Division from outside the perimeter walls have not historically been considered a key aspect of the site's significance. Existing views are either incidental or are the result of breaches made to accommodate roads required for the site's adaptive reuse. What is lost in terms of oblique or marginal existing views to A Division is more than balanced by the fact the key historic view of A Division – the axial view from the Champ Street gate – will be reinstated and opened for public appreciation.

- *Reflect the State level significance of the place through the quality of the new design, materials and finishes.*

As noted in section 9.0 of this report, the design, materials and finishes of the current scheme respond to concerns raised by Heritage Victoria, particularly in creating an architectural expression that is more respectful of the heritage buildings than the original scheme.

- *Avoid demolition of heritage elements.*

The proposal involves minimal demolition of heritage fabric.

- *Avoid the need to dismantle and reconstruct heritage elements.*

The proposal does not specifically anticipate the need for heritage elements to be dismantled and reconstructed.

Nonetheless, should the need arise for certain heritage elements to be dismantled for the purposes of repair/conservation this would not, prima facie, be detrimental to the heritage significance of the place.



- *Avoid structural interventions that may harm heritage elements.*

There are no structural interventions to the heritage fabric.

*Principle 5. Provide for upkeep*

Principle 5 recognises that the use of the place is important for its ongoing maintenance and retention of its cultural heritage significance. The following actions are recommended in addressing Principle 5:

- *Consult Heritage Victoria's guidance on Reasonable or Economic Use.*
- *Use the heritage values assessment developed under Principle 1 to determine the level of change that the place can sustain with minimum impact to heritage values. Adaptive reuse which triggers the requirement for substantial structural and/or seismic interventions under the Building Code of Australia is unlikely to be appropriate.*
- *Determine whether the proposed use and changes are necessary to facilitate an economically sustainable use of the place.*
- *Ensure that the proposed level of development does not substantially exceed the economic need of the place.*
- *Consider whether mechanisms such as covenants, owners corporations and the like are required to ensure funds are set aside for the ongoing maintenance, protection and conservation of the place*

Heritage Victoria's guidance on Reasonable or Economic Use has been addressed in responses provided in respect to the RFI of 5 May 2022. The multi-storey buildings are seen as being necessary to the broader redevelopment scheme insofar as they will help create the facilities required for a body corporate large enough to carry the costs of sustaining the site at viable premiums. In this respect, the proposal would help protect the highly significant buildings and structures across the site in perpetuity.

## 11.0 Conclusion

The proposal is consistent with the 2016 CMP for the site, which acknowledges the potential for the development of this part of the site as well as the adaptive use of the precinct, and outlines the key overarching heritage management principles and policies for this part of the site. Buildings 1 and 2 also adopt a massing and scale generally within the parameters anticipated in the 2014 Masterplan for the site, with a modest increase in height, but incorporating a number of design refinements to help enhance views towards A Division and to better complement the architectural character of the historic prison buildings.

Overall, the proposed development satisfies the need for the provision of facilities that the site as whole requires – namely car parking and a large body corporate – without encroaching on the highly significant fabric. In this respect, it will make a key contribution to the economic sustainability and viability of the site and its heritage buildings in the long term. The proposal has been designed with appropriate regard for the character, appearance and heritage significance of the former HM Pentridge Prison site.

To conclude, the high standard of the conservation works to the various buildings across the registered place, the works to the public realm, the archaeological investigations and the heritage interpretation programme all illustrate Shayher's commitment to a comprehensive development strategy that respects the significance of the site. The heritage buildings are understood both as significant fabric in themselves as well as a key aspect of the future character of the place.