

The Saga of 94 Merri St Warrnambool

(Victorian Heritage Register (VHR) Number H1944)

What can we learn?

A case study by Warrnambool Planning & Heritage Group

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Day of demolition for 94 Merri St – August 6, 2011 – photo courtesy of Warrnambool Standard.

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Acknowledgements, Notes and Constraints

- Thank you to all the people who generously gave their time in interviews and gave feedback and comments on the drafts.
- While we have listed the names of people who spoke to us in the appendices, we have maintained their anonymity when using quotes from interviews in the report.
- It took around 5 months to get the Freedom Of Information (FOI) documents. This was partly because our request was not specific enough in the first instance. Thank you to Mr Dermuid McCabe, DPCD Freedom of Information Officer, who was very helpful.
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- Thank you to the property owner of 94 Merri St for agreeing to participate and responding to the invitation for an interview. We really appreciated his input.

Acronymns

| | |
|-----|-----------------------------|
| HV | Heritage Victoria |
| IPO | Interim Protection Order |
| FJs | Fletcher Jones |
| VHR | Victorian Heritage Register |
| WCC | Warrnambool City Council |

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Executive Summary

The old house at 94 Merri St was listed on the Victorian Heritage Register¹ in November 2002, following an application to Warrnambool City Council (WCC) in March of the previous year for a permit to demolish the house by Mr. Terry Board. Mr Board (a hotel broker and commercial real estate agent) purchased the property in October 2000 and planned to build several dwellings on the site that would capture the sea views. What remained of the old house of state significance was demolished in August 2011, under a Permit issued by Heritage Victoria (with conditions requiring archival recording and dismantling). By this time, the house was derelict - a burnt out and vandalised shell.

This case study by the Warrnambool Planning & Heritage Group² highlights what we think are the key aspects of the long saga of 94 Merri St. We wanted to see what could be learnt because we see other state heritage sites falling into disrepair in our local area (most notably the Fletcher Jones factory, water tower and gardens³).

The 2006 Productivity Commission Report into the Conservation of Australia's Historic Places, states that the majority of heritage places on statutory lists in Australia (local, state and national) are privately owned residences and commercial buildings whose heritage features are well maintained by their owners."⁴

The same report also says that, while lists of statutory-protected properties are growing, a significant proportion of them are poorly maintained – with many having lost their heritage significance⁵. In 2008, Heritage Victoria released the *State of Historic Environment Report*, which identified around 16% of places were in poor or very poor condition⁶, while 39% were in fair condition. There are currently 2,250⁷ places and objects on the Victorian Heritage Register. The Victorian Heritage on-line database currently lists 150 places and items for Warrnambool⁸.

It is our view that a building of state significance needs local people to know why it is significant, so they can care about it, feel some ownership of it and can be proud of it. In the case of private ownership of state registered places, the owner is expected to look after something that is deemed of significance to the state – that means that it is significant to the *people* of the state and that includes *people in the local community*.

Neither WCC nor Heritage Victoria (HV) were effective communicators regarding the historical and architectural values of the house. There is something fundamentally wrong with a system of identifying state heritage values if it cannot communicate convincingly what those values are to the people on whose behalf it is seeking protection. It was not a beautiful building and the architectural and historical significance of the house was not evident to locals. The architectural heritage of hand hewn timber framing, split shingles, original plaster and paint – was all covered by later additions and modifications. Some people

¹ See Appendix 7 for the Statement of Significance from the Victorian Heritage Database

² The Warrnambool Planning & Heritage Group Inc formed in 2006 – see Appendix 6 for vision, mission & objectives. It is a small group with currently around 6 active members.

³ Victorian Heritage Register H2101

⁴ Productivity Commission report, Conservation of Australia's Historic Heritage Places, 2006, XXII

⁵ op cit XXV

⁶ "Of the 2,062 places listed, 38% were in good condition, 39% fair, 12% poor, 4% very poor and 0.6% had been destroyed. 5.5% could not be assessed due to extremely remote locations or owners refusing permission." Heritage Council of Victoria Annual Report 2007/2008 Page 27.

⁷ Figure confirmed by the Executive Director, Heritage Victoria

⁸ There are a number of places listed that have been demolished - for e.g. the Bank of Sydney was demolished in 1957 - some 55 years ago but remains on the list! For the full list see <http://vhd.heritage.vic.gov.au/#search:simple:user:list:database|places:warrnambool%20:1>

wondered why these bits couldn't be carefully recorded and dismantled and displayed elsewhere so people could actually see them?

The inconclusive⁹ story that the building was probably used as a general store by local historian, business man and newspaper editor Richard Osburne sometime around or before 1854, kept the building in a distant past and the notion of heritage as being some point frozen in olden time. What about the stories of the site since then – why didn't they have any meaning or relevance to the site? The recent 45 year history, when the house was the family home of Jack Daffy, former long serving city councillor and mayor, seems to us a very interesting story of how many families lived in the post war period and gradually improved their living conditions.

The house was *not* identified in the WCC 1983 Heritage Study as being significant and its listing on the state heritage register after purchase by Mr Board, was prompted by a request for a permit to demolish it. Generally, local people seemed sympathetic to the owner, who told his story to the media in an effective way – that is, that he bought the house in good faith with a view to developing and improving the site. Some distant expert from a government statutory authority making decisions affecting a private owner's rights, especially over an old building that people didn't know or care about, invoked little sympathy from local people.

HV need to really take note of this and look carefully at how they can increase their support for communication and education on heritage in a regional centre such as Warrnambool. Strengthening partnerships and relationships at a local level - particularly with WCC, the Warrnambool Historical Society and other community groups, seems to us to be a key way for HV to do this. As part of this, HV need to consider 94 Merri St created a puzzling heritage image with strangely invisible architectural elements from a distant chapter in a property's long history, frozen in time by an unconfirmed story of a link with a relatively unknown pioneer.

Regulatory controls and enforcement are very resource intensive and in the end they were ineffective for 94 Merri St. The 2006 Productivity Commission report proposed that all listings be on the basis of negotiated conservation agreements and that properties only remain listed while the agreement was in force. We believe **there is a need to weigh the costs to the private owner, government and community with the likely outcome and the significance of the site as part of the process for listing, especially when the private owner is unsupportive. In all cases, a negotiated conservation agreement, that includes a level of state support if needed, before a place is listed would be useful.** Similar recommendations were made in the 2006 Productivity Commission report and were later rejected by the Heritage Chairs of Australia. We challenge HV to share their current ideas about how to prevent other privately owned state heritage sites in Warrnambool from falling into disrepair.

There appears to be a puzzling **disconnect between the identification and management of local and state heritage.** HV are responsible for assessing places and objects of state significance, while local councils are responsible for identifying and managing places and objects of local significance. HV provides funding for Heritage Advisors for local councils – however there is no ability for HV to delegate to the local council the monitoring and enforcement roles of HV agreements for sites of state significance in the local area. It seems puzzling that our local council does not appear to play much of a role in managing or celebrating the state heritage places and objects in our community. Do we even know what they are definitively?

Delegation of Heritage Victoria powers to Warrnambool City Council may have assisted with monitoring and enforcement of conditions at 94 Merri St as needed. Warrnambool City Council was 'on the spot' with an immediate interest and an awareness of its poor and deteriorating state. It was more likely and able to act promptly. We suggest that HV

⁹ Appendix 7: the statement of significance says that "although conclusive evidence is not available, the building was on the balance of probabilities..." etc

advocate for the necessary change to enable it to **delegate Heritage Act powers to local councils, in order to give local authority to monitor state listed sites and enforce HV rulings and agreements in cases where this would be helpful.** We understand such a delegation may require legislative change and it would certainly need resources for the additional work it will incur for local councils.

Some things have changed since the saga of 94 Merri St. Most notably at a local level, Warrnambool City Council commenced the Warrnambool Heritage Gap Study in 2004 as it had become very clear that there were 'gaps' in what was protected locally. The final stage of this project is still in process and includes in-depth research into some 200 additional places of individual significance as well as those included in the 1983 Heritage Study¹⁰. According to WCC, "ensuring that landowners understand what is significant about their property and providing appropriate guidance and assistance in the application process will be a key challenge."¹¹ Communication from WCC about heritage matters has increased and improved over the past few years, but a lot more could be done to involve people in creative ways in discussion about local character, identity and connection to place.

At the state level, amendments were made in 2008 to the 1995 Heritage Act to now provide for the specific offence of 'not complying with a condition' (but this could not be applied retrospectively for 94 Merri St).

The dilemmas of managing 'public' heritage values in instances of disengaged private ownership, are not easy to resolve. **Not all places on the Victorian heritage register are equal in their value to the people of Victoria and it might be better, when everything is weighed up, to just pick the fights you are more likely to win.**

There have been no winners for 94 Merri St. The long saga contributed significant damage to community perceptions of what constitutes heritage and it increased confusion about the respective HV and WCC roles in identifying and managing heritage. Warrnambool's mayor Cr Jacinta Ermacora, said in an article in the Warrnambool Standard¹² just after the demolition of 94 Merri St took place, "*it's been a period that really hasn't benefited the owner or the community.....*" The owner, WCC and HV all invested significant amounts of money and time over ten years and in the end we have to ask - what was the point of it all?

The Fletcher Jones site is the most high profile example of another part of our state heritage in Warrnambool that is falling further towards a possible 'demolition by neglect' status. What could be done differently here? There is a strong local and living connection to the site and the story of Fletcher Jones and his business philosophy is a good story that lots of people beyond Warrnambool find interesting. We recommend that HV and WCC make it a priority to **conduct a survey of the Fletcher Jones site in Warrnambool to consider the current condition and integrity of its state heritage listed aspects. The survey should re-examine what remains of the most significant aspects of the site. We would like to see HV and WCC take a proactive role with the owner (present or future) to find a solution for renewal of this site and a way to share the stories attached to its history. Examples of best practice for renewal of similar sites could be used to inspire recommendations, options and incentives.**

The Fletcher Jones water tower (locally called the Silver Ball) is an important and valued landmark that contributes to the heritage and character of Warrnambool and we would hate to see it rust further and fall down. Some people in our community now view the silver ball as our largest piece of public art! We recommend WCC and HV provide funds for a current structural assessment of the Fletcher Jones water tower with a view to determining a schedule of repair and maintenance works (and their cost) to ensure this state heritage listed structure is safe and viable for the next 50 years.

¹⁰ Warrnambool Heritage Strategy, 2011 Page 7

¹¹ WCC website <http://www.warrnambool.vic.gov.au/index.php?q=node/256>

¹² Collins, Peter. Warrnambool Standard: [Merri St saga a history lesson](#), August 8, 2011

We would like to see HV and WCC take a **proactive** lead and work with the current (or any future) owner to consider options and incentives to ensure an appropriate renewal of the Fletcher Jones site. It would be great if this could be the real and positive legacy of what happened to 94 Merri St.

We have suggested in the past that the assessment processes for identifying heritage need to be more transparent, with better community consultation. While heritage advisors and experts may have special expertise in assessing heritage, they do not necessarily also have the experience and skills to conduct community engagement in order to ensure that those places valued by our community are considered. We suggest that **people with specialist skills in community engagement methodologies need to be part of the process for community consultation in matters to do with planning and heritage** where community input is needed. Evaluation of the Warrnambool chapter of the 2012 National Trust Heritage Festival would make a good starting point for planning for further community projects. We'd love to see a social history project developed about the Fletcher Jones story in Warrnambool.

Following are our recommendations to HV and WCC for some key actions that we think could make a difference for our state heritage listed sites and for understanding and management of heritage in our city. We offer these in the spirit of improving outcomes for all our state heritage sites.

Recommendations

1. WCC to advocate for increased resources to HV so it can improve the promotion of high quality outcomes for buildings and sites on the state heritage list as well as strengthen community engagement and community partnerships in regional Victoria.
2. HV consider how to make possible the delegation of Heritage Act powers to local councils, in order to give local authority to monitor state listed sites and enforce HV rulings and agreements in cases where this would be helpful. This would probably need to include accompanying additional resources to local councils.
3. WCC to consider employing a Heritage Officer to lead in the development of policy and programs relevant to the management, protection and promotion of cultural heritage and local character areas in Warrnambool.
4. HV to include with the statement of significance on the VHR database, the assessment of condition and integrity of the place or object. HV to consider undertaking statewide surveys (as in the 2008 State of Historic Environment Survey) in conjunction with local councils every 5 years and to use this monitoring tool as a driver for change and action to improve outcomes for heritage sites that are in fair, poor or very poor condition.
5. WCC, in partnership and with HV support, to conduct a comprehensive review of the state heritage sites on the Heritage Register in Warrnambool. This should include an assessment of their current condition and whether their status needs review. This review should also consider whether buildings or sites that no longer exist should remain on the list.
6. WCC, in partnership with HV, work with owners/managers of state heritage places in Warrnambool to develop management plans to provide support and certainty to current and future owners.
7. WCC to communicate with the owners/managers of the state heritage places in Warrnambool to offer interpretative signs that tell a story for each place. HV offers a free plaque with a 32-word summary and this could also be offered to owners. WCC,

with HV support, to consider producing a phone app and brochure that can be used for information, education and conducting walking tours of state heritage and significant local sites in Warrnambool.

8. WCC and HV to conduct a survey of the Fletcher Jones site in Warrnambool to consider the current condition and integrity of its state heritage listed aspects. The survey should re-examine what remains of the most significant aspects of the site to the local community and to the state. We would like to see HV and WCC take a proactive role with the owner (present or future) to find a solution for renewal of this site and a way to share the stories attached to this site. Examples of best practice and processes for renewal of similar sites could be used to inspire recommendations for options and incentives to ensure it has a viable, vibrant future.
9. WCC and HV to provide funds for a current structural assessment of the Fletcher Jones water tower (locally called the Silver Ball) with a view to determining a schedule of repair and maintenance works (and their cost) to ensure this state heritage listed structure is safe and viable for the next 50 years.
10. WCC and HV work with the Jones family to develop a social history project that tells the Fletcher Jones story and connection in Warrnambool.
11. We support the continuation of the Warrnambool Heritage Festival chapter of the National Trust Heritage Festival as an ongoing event and we suggest there should be an evaluation of this year's program to contribute to planning for next year.
12. We support the Warrnambool Heritage Strategy (2011-15) action for initiating South West Heritage Awards (working with surrounding municipalities). We recommend that WCC also initiate Urban Design Awards in Warrnambool (perhaps also working with surrounding municipalities) for encouraging the quality of our city's heritage of the future.
13. HV to improve their communication and public relations on heritage issues in Warrnambool. A suggested way to do this is to plan and implement a program in partnership with WCC and local community groups that engages people in Warrnambool about state and local heritage. Suggested topics to explore include:
 - Local, State and National Heritage - who decides and how? Are some heritage stories more important than others and who decides?
 - What is Heritage anyway – is it just all the really old stuff?
 - Local character and identity – what defines it and why should we care about it?
 - Best practice, creative solutions and inspiring tales of heritage places in modern use.
14. HV to ensure that Warrnambool people know (via a press release in the local paper and on the VHR phone app and database listing for the site) that the reports and survey material required as part of the condition of the permit to demolish 94 Merri St will be lodged with the State Library of Victoria and that samples of historic fabric from 94 Merri St. were offered to Flagstaff Hill.
15. Property owners require certainty and consistency in order to play their role in managing a city's heritage. In recognition of this, WCC must allocate sufficient funds to ensure the final stages of the long running Heritage Gap study are completed as soon as possible. As part of this, information for property owners regarding guidelines and processes related to management of their property's heritage values should be READILY accessible and available on-line.

Background: What happened?

The old house at 94 Merri St was listed on the Victorian Heritage Register¹³ (Reference H1944) in November 2002, following an application to Warrnambool City Council in March of the previous year for a permit to demolish by Mr. Terry Board. Mr Board (a hotel broker and commercial real estate agent) had purchased the property 5 months earlier and planned to build several dwellings on the site that would capture the sea views. The house had previously been owned and lived in for 45 years by Jack Daffy and his family. Mr Daffy is a former WCC councillor of more than 20 years service and former mayor of Warrnambool.

The old house was demolished in August 2011 under a Permit issued by Heritage Victoria (with conditions requiring archival recording and dismantling). By this time, the building was derelict - a burnt out and vandalised shell.

The house sat on a high profile street in Warrnambool- almost directly opposite the main Tourist Information Centre at Flagstaff Hill – a place where locals and visitors go to the museum, restaurant and shop, local markets and events. The deterioration of the building was therefore very public.

The timeline of significant events in Appendix 1, outlines some of this torturous process over four pages and is drawn mostly from Heritage Victoria documents shared with us.

Lessons: What could have been done differently?

1. The first Warrnambool Heritage Study was undertaken in 1983 and identified 6 precincts and 200 individual places of significance across the city. This study did not identify 94 Merri St. as an individual place of significance in Warrnambool.

In October 2000, Mr Terry Board had no notification of any restrictions or heritage overlay on the property certificate when he bought 94 Merri St from Jack Daffy, (who purchased the property in 1955 and adapted and modernised it to suit his growing family over the next 45 years). Five months after purchase, Mr. Board made an application to Warrnambool City Council for a permit to demolish and this triggered a legal requirement¹⁴ to investigate the history of the site. There was a realisation then that the cottage was of significance locally, and possibly at a state level.

At that point, *"the rug was pulled from under Mr Board"*¹⁵ and his plan to demolish the old building was spoilt. This dramatic change in the property's status after sale and the associated lack of certainty for the owner meant, (in the words of a Heritage Victoria reporting officer), that it was always going to be *"difficult to win the moral argument, not withstanding the heritage significance of the place"*¹⁶.

Lesson 1: *It is important for local government to have comprehensive and current heritage studies, strategies and overlays in place.*

¹³ See Victorian Heritage Database Statement of Significance for 94 Merri St. at Appendix 6

¹⁴ State legislation passed in 2000 aimed to give increased protection to Victoria's heritage by providing greater power to local councils; increasing penalties for breaches of planning laws and providing a legal requirement for councils to consider the heritage significance of a property when a permit for demolition is sought. It was this legal requirement that was the trigger for an investigation into the historical significance of 94 Merri St once Mr Board applied for a permit to demolish in 2001.

¹⁵ Several people commented in interviews that the initial process was 'unfair' to Mr. Board. This is a direct quote from one of the interviewees.

¹⁶ Comment from a HV reporting officer when highlighting lessons & issues from the case of 94 Merri St. in HV documents obtained by Warrnambool Planning & Heritage Group under FOI.

Lesson 2: *It is important to weigh the likely outcome before sites are listed on the state register – to ask will there be a ‘net benefit’ to the local community and the state of Victoria that is worth the potential additional costs to a private owner (and to government for enforcing regulations if the owner is unwilling and possibly uncompromising)? The 2006 Productivity Commission Report Conservation of Australia’s Historic Heritage Places also made this point. “ For government intervention to be warranted, the extra benefits to the community need to be greater than the added costs of that intervention.¹⁷”*

Lesson 3: *Ensure there is a negotiated conservation agreement with the private owner before a place is listed on the state register (and especially so when the owner has obviously purchased the property for redevelopment and there is not already a heritage overlay in place).*

2. It is widely held that good outcomes for privately owned places on the state heritage list depend upon having sympathetic and cooperative owners. The old house at 94 Merri St was given state heritage listing without the agreement of an owner who had recently purchased it with a plan to demolish for redevelopment, and who was obviously not sympathetic to its newfound status.

The vast majority of the most significant or ‘iconic’ heritage places are under government custodianship and government also owns a very large number of less significant sites.¹⁸ The scale showing the LEVEL of significance for listing heritage places is basically local, state/territory, national and international (world). But surely not all places that make it onto the state list are ‘equal’ in their significance?

At an early stage of the process, an assessment of the likely outcome with an unsympathetic owner weighed against the LEVEL of significance of the place to the state of Victoria, might have provided the opportunity for a different outcome. At this point, Mr Board could have made the decision to sell (or to embrace the newly determined status of his recent purchase!) and Heritage Victoria with Warrnambool City Council could have raised funds to purchase the property (or decide that its significance was not really worth the predicted fight).

Lesson 4: *A sympathetic owner is key to managing and caring for the places of state significance that are in private hands.*

Lesson 5: *All places on the heritage register are not equal in their value to the people of the state of Victoria. Criteria, that determines more of a scale of varying significance for state listed sites, would be helpful when weighing up the reality (including cost) of conservation and adapting to contemporary use.*

3. It was a less than ideal process for Mr Board to have a heritage listing placed on the building at 94 Merri St in response to his request for a permit to demolish. As part of their attempts to negotiate a favourable outcome, Heritage Victoria and WCC commissioned heritage architect plans for the site and provided other resources, such as tarpaulins to protect the roof that had been partially and illegally removed. But really, this all appeared to be a waste of public resources without the prior agreement and commitment by the owner to protect the heritage values of the building.

Lesson 6: *Incentives provided to an unsympathetic owner (at public expense) make absolutely no difference to the outcome.*

¹⁷ Productivity Commission report, Conservation of Australia’s Historic Heritage Places, 2006, Overview Page xx

¹⁸ Productivity Commission op.cit Page XVIII

4. Over a decade, 94 Merri St became more and more of an eye sore in a highly visible location in Warrnambool. It was left to deteriorate to the point where demolition became the only option. WCC councillors and officers (past and present) said they saw many apparent failures (an inability?) by HV to enforce agreements made with the owner during the 10-year period.

The timeline of significant events (attached at Appendix 1) shows a convoluted and resource intensive process over ten years. However, to look at this timeline raises the question - why didn't HV act more swiftly and more forcefully at strategic times? Was this a failure of resources, of legislation, or of HV interest in a regional centre that is 3 hours away and where they have no office or officer? Surely there were strategic points at which HV needed to either act or concede the cause was lost and switch resources to an achievable outcome elsewhere (preferably in Warrnambool to counteract the damage this site did to Warrnambool people's perception of heritage).

Lesson 7: *HV's enforcement processes appear weak and ineffective for cases such as 94 Merri St. It takes a clear focus and a lot of government resources to enforce a private owner to care for a place that they primarily just want to pull down.*

5. There appears to be a puzzling disconnect between the identification and management of local and state heritage – certainly this is the case in Warrnambool as highlighted by 94 Merri St and other currently 'threatened' state listed places in Warrnambool. The Fletcher Jones factory, water tower and gardens¹⁹ is our most high profile site that is also falling further towards a possible 'demolition by neglect' status. The shops and residences at 220-222 Timor St²⁰ (currently for sale) is another example of a very poorly maintained state heritage site in Warrnambool.

HV was unable to delegate authority to the local council for enforcement of HV agreements, notices, etc made with the owner of 94 Merri St during the long saga. Warrnambool City Council was 'on the spot' with an immediate interest in the building and awareness of its poor and deteriorating state. It was more likely and able to act promptly. Delegating management of Heritage Victoria powers to Warrnambool City Council may have assisted with enforcement of orders. Such a delegation of power may require legislative change. Allocation of resources for the additional work local councils would incur needs consideration.

Lesson 8: *Delegation of Heritage Act powers to the local council, giving local ability to monitor state listed sites and enforce rulings and agreements (along with accompanying resources) may be useful.*

Lesson 9: *Better incentives for private owners could encourage and assist a cooperative owner to make a good development outcome, (for the owner and for the wider community), more achievable for sites of state significance.*

"If heritage is a community value then the community plays a role in its conservation"²¹.

6. Warrnambool City Council and Heritage Victoria failed to effectively communicate 94 Merri St's heritage values or the stories of the site to people in Warrnambool. The Warrnambool community generally was, and still is, largely unconvinced of the value

¹⁹ Victorian Heritage Register H2101

²⁰ Victorian Heritage Register H0228

²¹ Response by the Heritage Chairs to the 2006 Productivity Commission Report. Page 13

http://www.dpcd.vic.gov.au/data/assets/pdf/file/0010/36883/heritage_chairs_response_nov_2006.pdf

either in the building (now demolished) or the stories of Warrnambool's past that attach to 94 Merri St.

It was very difficult for people in Warrnambool to fathom just what it was that was so significant about the house. It was not a 'beautiful' building and "the historical and architectural values of the site²² were not immediate or evident." The stories seemed too distant and the construction techniques too hidden for the whole saga to be worthwhile. To the majority of people in Warrnambool, it was considered a run down, insignificant building on a high profile street. (94 Merri St sits almost directly opposite the main Tourist Information Centre at Flagstaff Hill in Warrnambool – a major street and also a place where locals and visitors go to the museum, restaurant and shop, local markets and events). How many times did we hear people comment that it was an embarrassment and a disgrace or ask "what is it that's so important about the place anyway?"

This is in contrast to local sites like Granny's Grave, which is viewed fondly by many people and valued for its story, as much as for the physical site of a gravestone in the dunes.

There is something fundamentally wrong with a system of identifying state heritage values if it cannot communicate convincingly what those values are to the people on whose behalf it is seeking protection. In this case, the architectural heritage was really old stuff that you couldn't even see – hand hewn timber framing, split shingles, original plaster and paint – all covered by later additions and modifications. Some people asked if these bits could be carefully recorded and dismantled and displayed elsewhere so people could actually see them?

The 'inconclusive²³' story that the building was probably used as a general store by business man, newspaper editor and author of Warrnambool's first history, Richard Osburne, sometime around or before 1854, kept the building in a distant past and the notion of heritage as being some point frozen in olden time. What about the stories of the site since then – why didn't they have any meaning or relevance to the site? The recent 45 year history, when the house was the family home of Jack Daffy, former long serving city councillor and mayor, seems to us a very interesting story of how many families lived in the post war period and gradually improved their living conditions.

The experience of 94 Merri St highlighted the gap that exists for HVs partnerships and communication with people, local government, community groups, and the media in Warrnambool. We look forward to HVs current strategic directions and actions in practice and encourage the building of new partnerships in Warrnambool for building a wider appreciation of all aspects of heritage and the contribution it makes to "community, to sustainability, to cultural identity and to the State economy."²⁴

Lesson 10: *When local people feel a connection and care about the look or history or stories of a place, they can play an important role in ensuring its future or shaming a disinterested owner to look after it through public outcry.*

²² See Victorian Heritage Database [Statement of Significance](#) for 94 Merri St. at Appendix 7.

²³ Refer to Victorian Heritage Database [Statement of Significance](#) for 94 Merri St. at Appendix 7.

²⁴ Heritage Council Strategic Directions and Actions 2011-2015

Lesson 11: *WCC and HV should have built partnerships with educators, volunteers, local organisations²⁵, businesses²⁶ and the media to more effectively communicate the stories of settlement, people and place that made 94 Merri St. important. This could have included the more recent and interesting history of the building as a family dwelling of a high profile, long serving WCC councillor (and former mayor) where the family started life with almost no facilities and gradually modified the dwelling over 45 years.*

7. The 10-year saga of 94 Merri St reinforced and deepened negative perceptions that many people already held about heritage in Warrnambool.

Community attitudes can be strong and vocal in Warrnambool about the supremacy of private and individual rights to do what you want with your property. This includes the right to maximise the full economic value of your land and property. Warrnambool City Council and Heritage Victoria seemed unprepared to acknowledge that the process of listing 94 Merri St on the state register generated sympathy for Mr. Board (also a former prominent local footballer) as it was considered 'unfair' and an infringement of Mr. Board's individual property rights by government.

The hard to understand heritage elements of the site led to suspicion about a distant 'expert' deciding what our heritage is and the end result of demolition ended in a de-valuing of the significance of what is supposedly 'state' heritage. "If it really was of state significance, then why didn't the state buy it?"

People did not necessarily differentiate between the role of HV and WCC and both were often equally seen to be to 'blame' for the long drawn out saga. Heritage Victoria seemed to fail to recognise that the longer the saga dragged on, the more damaging this was for the bigger picture of state heritage management and in particular, for Warrnambool City Council locally.

The state heritage system currently does not work if a private owner is not sympathetic to looking after/caretaking the values of a site of state significance. Other unsympathetic owners can take heart from 94 Merri St. They learn that if you can afford to sit it out, you can eventually win. What can be done differently so that other sites in Warrnambool such as the FJ's site has a better outcome?

HV says it is accepted heritage practice to assess heritage significance as an independent intellectual exercise separate from managing change or development of the site. They do this well. From an interested public perspective, it can seem like HV puts most of its emphasis and focus on this specialised process of investigating and listing sites of state significance (we were told 40-60 new sites are added to the state heritage register annually). We suggest that HV needs to put additional emphasis on how a site can be managed or developed at the time of assessment.

We would like to see HV working with owners to negotiate conservation agreements and increasing incentives for creative ways to interpret and adapt sites for bringing them into viable modern use as an integral part of considering whether a site should be added to the register.

We suggest HV also needs to increase its emphasis on monitoring the condition of existing state heritage places in our community. Increased monitoring can be used as the driver for change and action to improve outcomes for heritage sites that are in fair, poor

²⁵ A example from Warrnambool Planning and Heritage Group's perspective of feeling that our community voice was unimportant or ignored - our letter of October 6, 2010 (Appendix 4) in response to the application for a permit to demolish was not incorporated in WCC papers nor passed on to HV as promised.

²⁶ Building strong, inclusive networks and partnerships... Heritage Victoria's strategic Direction no. 5 from 'Victoria's Heritage: Strengthening our Communities' 2006-2010

or very poor condition so we don't see the conservation values of other sites such as FJs lost through ignorance, lack of imagination, neglect or lack of resources.

We would like to see HV build stronger community and local government partnerships for improved interpretation, communication and education on state heritage sites in Warrnambool. We would like to see HV proactively share inspiring examples of best practice and creative solutions for bringing heritage places into viable renewed use to open our minds and sense of what is possible.

Lesson 12: *The long drawn out nature of the 94 Merri St saga reinforced and probably increased negative public perception about management and protection of heritage in Warrnambool. HV's role in the bigger, strategic picture of improving connections between Victorians and their heritage resources was not enhanced by the process or outcome in this case.*

Lesson 13: *HV can build more effective community and local government partnerships for improved interpretation, communication and education on state heritage sites in Warrnambool.*

Has anything changed?

1. The Warrnambool Heritage Gap Study commenced in 2004 as it had become clear that there were 'gaps' in what was protected locally.

Amendment C68 to the planning scheme (at the time of writing not yet approved by the Minister) introduces 27 heritage precinct areas. Amendment C73 proposes to include an additional 76 places. This is the largest increase in places proposed for inclusion in the Heritage Overlay since the early 1980's²⁷.

"The study will also provide recommendations to Council regarding places recommended to be included on the Victorian Heritage Register and in the Warrnambool Planning Scheme under the Heritage Overlay."²⁸

The final stage of the Heritage Gap project is still in process and includes in-depth research into some 200 places identified places of individual significance as well as those included in the 1983 Heritage Study. According to WCC, "ensuring that landowners understand what is significant about their property and providing appropriate guidance and assistance in the application process will be a key challenge."²⁹

WCC formally adopted a Warrnambool Heritage Strategy in October 2011.

2. The 1995 Heritage Act did not include a specific offence of 'not complying with a condition' and this apparently caused some difficulty in aspects of enforcement for 94 Merri St. Amendments in 2008 to the Heritage Act amendments remedied this failure, but could not be applied retrospectively.
3. Heritage Victoria is currently talking to the Municipal Association of Victoria. We hope this results in practical changes in communication with individual councils and in management of significant heritage sites.

²⁷ WCC website <http://www.warrnambool.vic.gov.au/index.php?q=node/256>

²⁸ WCC website <http://www.warrnambool.vic.gov.au/index.php?q=node/256>

²⁹ WCC website <http://www.warrnambool.vic.gov.au/index.php?q=node/256>



94 Merri St. 2008 – showing graffiti, front door removed and part of roof demolished. Photo courtesy of Heritage Victoria website.



94 Merri St with boarding – photo Warrnambool Standard, October 2010

Appendix 1: RECENT TIMELINE OF SIGNIFICANT EVENTS FOR 94 MERRI STREET WARRNAMBOOL

(Please note that the events listed are from the timelines received from Heritage Victoria via FOI and email. There may be other events considered significant by other parties).

| | |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>October 2000</u> | Mr. T Board purchased 94 Merri St, Warrnambool. |
| <u>15 March 2001</u> | Warrnambool City Council (WCC) receives a request under section 20A of the 15 Building Act 1993 for report and consent on proposed demolition of 94 Merri St. |
| <u>3 April 2001</u> | Application made by WCC to the Minister for an Interim Heritage Overlay. |
| <u>18 June 2001</u> | Assessment received from Miles Lewis in support of protection of 94 Merri St. |
| <u>26 June 2001</u> | Minister for Planning approves Amendment C16 to the WCC Planning Scheme to apply an interim Heritage Order on the site. |
| <u>July 2001</u> | Graffiti applied to the front of the building. |
| <u>1 August 2001</u> | Letter sent to the applicant (to advise of the interim Heritage Order and encouraging owner to explore a medium density scheme for the site, which retains the cottage. |
| <u>3 August 2001</u> | Front door removed from the cottage. |
| <u>17 December 2001</u> | WCC receives a Planning Permit Application for the development on the site for 3 dwellings. The development includes alterations and additions to the cottage including a second level addition over part of the building. Objections received and Heritage Advisor raises concerns. |
| <hr/> | |
| <u>6 May 2002</u> | Removal of ridging and roof sheeting from the south face by persons unknown. Damage exposes underlying shingle roof. |
| <u>16 May 2002</u> | WCC nominates the cottage to the Victorian Heritage Register. WCC concerned at suspicious damage to the building. |
| <u>17 May 2002</u> | Interim Protection Order (IPO) (issued under s.56 of the Heritage Act 1995) on the cottage. |
| <u>23 May 2002</u> | WCC writes to the owner requesting permission to protect the roof from weather by means of tarpaulins at Council cost. WCC also offers \$3,000 ex-gratia financial assistance to engage a qualified heritage architect to develop concept plants (this option was taken up). |
| <u>18 June 2002</u> | Roof repaired by WCC (with permission of the owner). |
| <u>18 October 2002</u> | Heritage Council Registrations Committee Hearing into objections to the registration of the cottage. |
| <u>28 November 2002</u> | Cottage gazetted onto Victorian Heritage Register (VHR). |

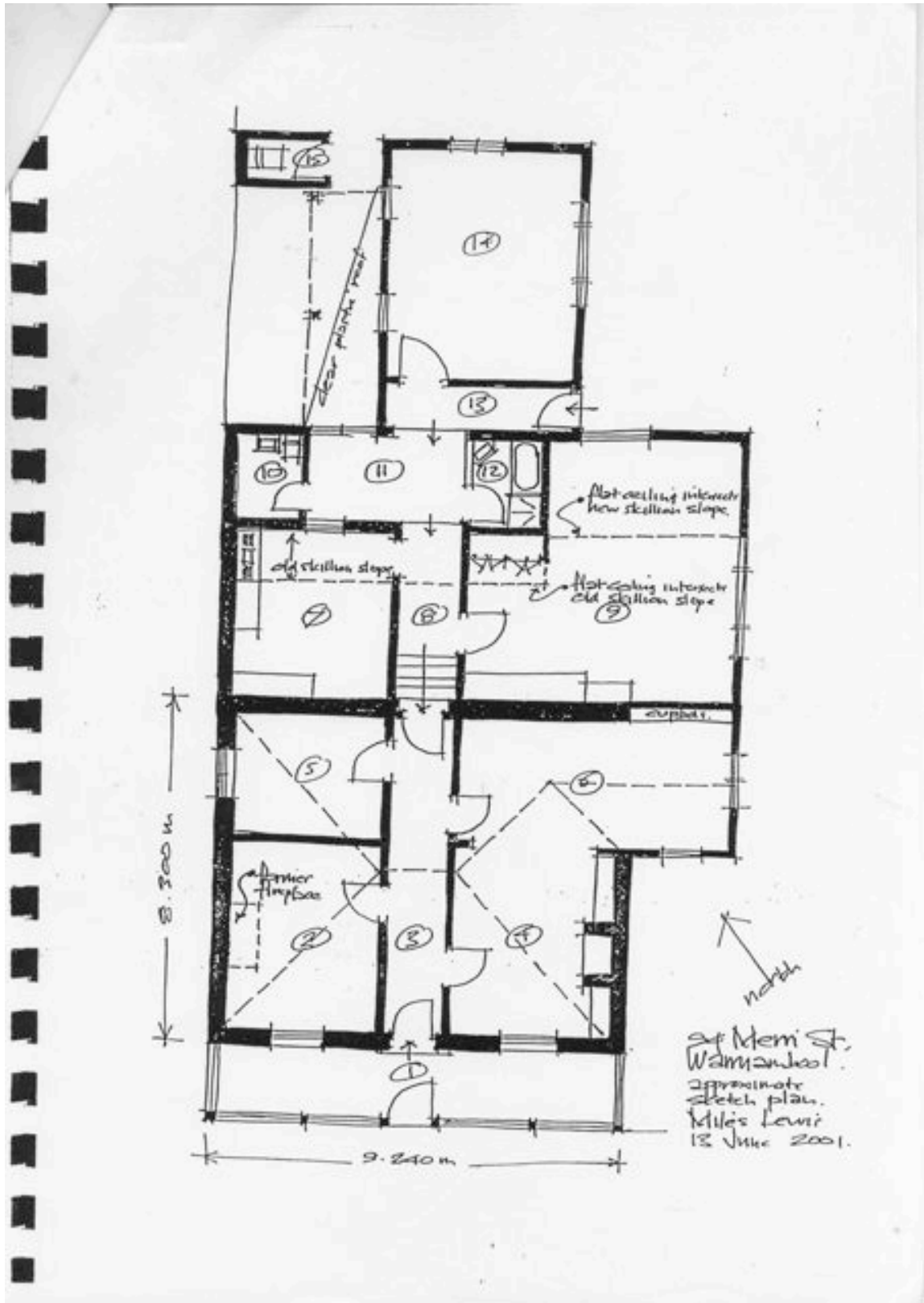
- 31 January 2003 Door removed from cottage.
- 5 February 2003 WCC notifies Heritage Victoria (HV).
- 24 February 2003 WCC write to HV regarding the condition of the building.
- 28 February 2003 Notice to Show Cause issued to Mr Board requiring building to be made secure to prevent unauthorised entry and removal of graffiti
- 8 May 2003 Meeting at HV with owner and representatives, officers of HV and WCC. Fresh offer of funding to commission a schematic proposal given.
- 30 May 2003 Ray Osborne, WCC Heritage Advisor and Council officer meet on site to discuss design opportunities and constraints to guide architects.
- 12 August 2003 Design parameters sent to HV and WCC Heritage Advisor.
- 12 and 25 August 2003 Design parameters sent to a number of Heritage Architects to seek expressions of interest.
- 29 August 2003 Design parameters sent to owner for information.
- 8 September 2003 Consultants Heritage Alliance Architects appointed to undertake schematic proposal.
- 14 October 2003 Fire occurred (later found to be lit by a small child).
- Mid October 2003 Warrnambool City Council provides Mr Board with a development plan prepared by Heritage Alliance Architects incorporating the heritage building.
- 5 November 2003 MacLeod Consulting appointed by HV provides a 'preliminary structural assessment of the building.'
- 27 November 2003 HV Executive Director writes to Mr Board advising that HV had inspected the damage and concluded that the oldest and most significant part of the building can be salvaged and incorporated into a development on the site. Indicated HV would be seeking a Structural Engineer's assessment.
- HV urges discussion of the Heritage Alliance schematic proposal and requests some urgent works to secure the building from further damage including tarpaulins to the roof and removal of wet ash.
- 24 December 2003 Owner declines to pay for tarpaulins.
-
- 22 January 2004 WCC installs tarpaulins at its own expense.
- 4 February 2004 Final MacLeod report to HV with copy to WCC. HV writes to owner to reiterate the concerns about the condition of the building and refers to s.161 – Show Cause Notice provisions.
- 13 February 2004 WCC receives a letter from structural engineers acting for the owner to the Council's Building Surveyor advising that the building is unsafe and that in the event of an accident, WCC would be liable.
- 14 February 2004 Meeting on site with HV and WCC officers and owner's professional advisors including an engineer, to discuss the condition of the building and the need for urgent works. Owner's representatives invited to apply for demolition of parts of the cottage.

| | |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>2 March 2004</u> | Heritage Permit Application P8300 submitted for the demolition of three rooms to the rear of the cottage – 13, 14 and 15. |
| <u>15 March 2004</u> | Second Heritage Permit Application P8342 for partial demolition for and removal of roofs to rooms 1, 7 to 12 inclusive submitted. |
| <u>17 March 2004</u> | Permit P8300 issued allowing some demolition of the less significant parts of the building (rooms numbered 13, 14 and 15, and removal of roofs to rooms numbered 7 to 12 inclusive) with a permit condition requiring the lodgement of a permit application within 3 months for the development of the site which would retain the heritage building. This permit was not acted on. |
| <u>19 July 2004</u> | Permit P8342 issued for demolition of rooms 10, 11, 12 and the demolition of the side and rear walls to rooms 7, 8 and 9 only with condition requiring lodgement of a permit application for a development that would retain the heritage building. |
| <u>19 July 2004</u> | Refusal issued for demolition of room 1, and demolition of the roof to the main cottage [rooms 2-6 inclusive] and requesting owner's consideration of the schematic design prepared in 2003. |
| <u>10 September 2004</u> | Appeal lodged against Refusal and Permit P8342. |
| <u>6 December 2004</u> | Heritage Council holds hearing into the appeal. |
| <hr/> | |
| <u>12 March 2005</u> | Heritage Council decision, P8869, made on the appeal. Executive Director Determination upheld but also wound back the earlier approval in order to require the retention of more fabric, resulting in Heritage Council directing a new permit be issued with varied conditions. This decision was not acted on. |
| <u>29 September 2005</u> | WCC writes to HV raising serious concerns at the state of the cottage. |
| <u>6 October 2005</u> | HV Executive Director seeks approval from the Heritage Council to issue a 'Show Cause' Notice for the 'temporary covering of all openings in the building to prevent further weather damage to the structure.' |
| <u>28 October 2005</u> | Executive Director wrote to Mr Board issuing Notice to Show cause requiring building be made safe from weather damage and unauthorised access. (Works required to be undertaken by 14 November 2005) Invited Mr Board to discuss a development proposal of his own that would retain the heritage building or consider the Heritage Alliance plan. |
| <u>8 November 2005</u> | Agent acting for the owner advises HV that due to availability of the owner and leave commitments, it is not possible to comply with the timelines. |
| <u>11 November 2005</u> | letter to the owner's agent agreeing to an extension of time to respond to the 'Show Cause' notice and now requiring works to be undertaken by 12 December 2005. |
| <u>1 December 2005</u> | Heritage Council approved that the HV Executive Director could seek a repairs notice from the Minister for Planning. |
| <hr/> | |
| <u>16 January 2006</u> | Letter to the owner's agent advising of the Heritage Council decision and advising that as no response had been made to the letter of 11 |

November and no works had commenced, that the Executive Director was seeing the Minister's consent to issue a 'Repairs Notice' under s.162 of the Act.

- 20 January 2006 Mr Board advised Executive Director he is prepared to undertake some of the works specified in the Show Cause Notice and that he will be lodging a permit application for development which retains the heritage building.
- 20 January 2006 letter and drawings received for the proposed development of the site with a two storey rear and side extension to the cottage.
- 22 February 2006 Letter sent to owner's agent providing detailed comments on the proposed development. It did not support the two-storey side extension but considered a single storey extension to the side (to replace an existing room) would be acceptable.
- 11 April 2006 revised drawing submitted in response to letter of 22 Feb 2006. Design modified and made more contemporary. Still included a two-storey extension to the side.
- 13 April 2006 Letter sent to owner's agent providing more advice. Does not support 2-storey extension to the side. Supported a contemporary design approach.
-
- 4 January 2007 Permit with conditions issued for demolition of rear and side extensions to cottage, construction of single and two storey extensions to the cottage, and construction of two 2-storey houses to the rear of the block.
-
- 21 and 23 July 2008 Prohibition Notice issued under Occupational Health and Safety Act 2004 and Notice issued under Building Act 1993 and Building Regulations 1996
- 5 August 2008 Notice to Show Cause issued noting that unauthorised demolition had occurred (over and above the demolition approved by the permit) and requiring urgent structural works to take place as outlined in the Engineer's report by Ken MacLeod Consulting.
-
- 26 November 2010 Permit issued for demolition with conditions requiring archival photographic recording, dismantling and discussions with Flagstaff Museum about its storage, archaeological investigation.
-
- 6 August 2011 Building demolished at 94 Merri St. under the supervision of Heritage Consultant David Moloney (engaged by Mr. Board).
-
- March 2012 Mr David Moloney, Heritage Consultant engaged by Mr. Board submits material and report to HV as required under the conditions of the permit to demolish.

Appendix 2: 94 Merri St Approximate Sketch Plan Dr Miles Lewis June 2001 with rooms numbered from Dr Miles architectural assessment report proposing to introduce a heritage control overlay over 94 Merri St.



Appendix 3: TERMS OF REFERENCE - Review of the Processes, Decisions and Negotiations for 94 Merri St, Warrnambool 2000- 2011.

The building at 94 Merri St, Warrnambool was placed on the Victorian Heritage Register (Number H1944) following its purchase in 2000 by Mr. Terry Board. A permit to demolish (Permit P16248) subject to conditions was granted by Heritage Victoria in November 2010.

The Warrnambool Planning and Heritage Group (Inc) formed in 2006 with a view to providing a resident voice on planning and heritage issues in Warrnambool. Our group believes that what has happened at 94 Merri St should be documented as a case study for Warrnambool City Council (WCC) and Heritage Victoria (HV) and others interested in heritage issues. The aim is to draw out lessons for the future and to make recommendations for improving processes for a better outcome for everybody than what we've seen for 94 Merri St. The aim is also to document what happened so this is available to the public record.

The Review will document and answer the following questions:

1. What was the process that occurred at 94 Merri St to identify and place it on the Victorian Heritage Register?
2. What are the significant events that occurred from purchase by the present owner to November 2010 when a permit to demolish (with conditions) was granted by HV?
3. What could or should any of the parties involved (Heritage Victoria, WCC, the owner (Mr. Terry Board) have done differently at any point in the process to ensure a different outcome for 94 Merri St?
4. Have Heritage Victoria changed any of its processes or practice as a result of what occurred at 94 Merri St?
5. Have WCC changed any of its processes or practices as a result of what occurred at 94 Merri St?
6. What recommendations could be made to WCC and HV as a result of the 10 year process with 94 Merri St. to improve processes and outcomes for other heritage sites in Warrnambool?

Key Stakeholders for interview and/or questionnaires

| | |
|------------------|---------------------------------------------------|
| Jim Gard'ner | Executive Director, Heritage Victoria |
| Bill Millard | Director City Growth, WCC |
| Kirsty Miller | Manager City Strategy & Development, WCC |
| Terry Board | Owner 94 Merri St |
| Glen Reddick | Formerly (Acting) Manager Strategic Planning, WCC |
| Andrew Lacey | Manager 2001-2006 WCC |
| Lucinda Peterson | Formerly Manager Strategic Planning WCC |

The review will be conducted by Kerri Worland and Julie Eagles from Warrnambool Planning and Heritage Group. Document and file reviews from HV, WCC and the media, as well as questionnaires and interviews with key stakeholders will form the basis of information gathering for the review.

Appendix 4: LETTER from Warrnambool Planning & Heritage Group in response to the application to demolish. Also published in the Warrnambool Standard in its entirety Saturday October 9, 2010.



*Warrnambool Planning
and Heritage Group Inc*

“Providing a resident voice on planning
and heritage issues in Warrnambool”

To: Bill Millard
Director City Growth,
Warrnambool City Council
Wed 6th October 2010

Re: Application to Demolish: Heritage Place No. H1944. 94 Merri St, Warrnambool

Dear Bill,

The very public disintegration of 94 Merri St represents a sad case of apparent willful neglect of a building deemed of significance to the state of Victoria - one of only a dozen buildings in Warrnambool that have this status. The process of identifying and protecting 94 Merri St as a heritage building may have been unsatisfactory to the developer, who bought this building with an intention to demolish and build units. The developer has certainly painted himself as a victim of the local and state heritage process and legislation and he has gained a degree of public sympathy as a result. However, the reality is that the building was identified as significant to the people of Victoria and so it should have been protected accordingly.

People in Warrnambool generally didn't have any idea why this was an important heritage building and so there has been little outcry as people watched while the building disintegrated to its current derelict state. It is apparent, and has been from the start, that the current owner doesn't care for the building's history. This then begs the question; if 94 Merri is an important part of our local and state heritage then why leave it in private hands that obviously didn't value it? Should another solution be sought in such a case other than to try and force an unwillingly owner to care for it?

Perhaps we need more ongoing involvement, discussion and debate by local people in the decisions about what history we want to value and care for in Warrnambool. We can't have a system where a locally historic building deemed of state significance is generally considered by most people to be an eyesore that should be demolished. We need a system where most people actually care about what we keep and what we don't. On the other hand, if a place or building is deemed of state or national significance and it is not necessarily valued at a local level, then how will the state or national estate care for it? Considerations for the care and interpretation of such places and buildings needs to happen at the same time as listing.

The ongoing saga around this building has had an enormously negative impact on how many people in Warrnambool view all things deemed 'heritage'. A compromise and solution needed to be found years ago. Dragging out the process of resolution while the building disintegrates means that the damage that has been done is not only to the building itself over several years - it has also cemented untruths and negative stereotypes – that heritage means you can't do what you want to on your own property, that decisions about what is heritage are made by distant people about places that don't necessarily have much local meaning.

We are uncertain what the options are for 94 Merri St now given the state of the building. However a permit to demolish would be a 'win' for the developer that will reinforce a view in our community that protecting and maintaining state heritage can really become a bit of a farce!

Our group suggests that what has happened at 94 Merri St should be documented as a case study for WCC and Heritage Victoria and others interested in heritage issues, to learn for the future so we get a better process for a better outcome for everybody than what we've seen here.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julie Eagles', written in a cursive style.

Julie Eagles
President
Warrnambool Heritage and Planning Group

APPENDIX 5: LETTER TO THE EDITOR from Warrnambool Planning and Heritage Group re 94 Merri St. 2008

Letter to the Editor
Warrnambool Standard
July 25 2008

Dear Editor,
To most people in Warrnambool, 94 Merri St appears to be a rundown, insignificant building on a high profile street.

It is in fact a building that has been deemed of significance to the state of Victoria - one of only a dozen buildings in Warrnambool that have this status. The process of identifying and protecting this building has been unsatisfactory. It has also been unfair to the developer who bought this building and site with an intention to demolish and build units. However, the reality is that the building has been identified as significant to the people of Victoria and so it needs to be protected.

The ongoing saga around this building needs to be resolved. Plans have been approved that allow for development of the site while retaining the elements that are of state significance. We would like to see these plans proceed, rather than have the building as an eye sore that has been let deteriorate with a threat of demolition. We would also like to see the site interpreted so that locals and visitors alike can understand why it is significant. We would like to see Warrnambool City Council support a public education program that highlights the social and cultural history of Warrnambool in a way that encourages discussion and appreciation of our past. The Warrnambool Historical Society does a great job with few resources. It would be wonderful to see support given to them for better facilities and for a public exhibition of their photos and archives, which would include history of 94 Merri St as one of Warrnambool's earliest remaining buildings.

Julie Eagles
President
Warrnambool Planning and Heritage Group Inc
15 Maxwell Grove, Warrnambool
PH: 55621141

Appendix 6: Warrnambool Planning and Heritage Group Inc vision, mission and objectives.

Warrnambool Planning and Heritage Group Inc

The Warrnambool Planning and Heritage Group believes it is important for the community to have a say in how we develop our built and natural environment. Warrnambool has important buildings and sites, beautiful river and coastal areas, and growing resident and tourist populations.

Sometimes it can be difficult to balance economic development with the need to maintain and develop our unique identity and history. We believe that by working together—community members, Council and developers—we can find ways to maintain and keep what we value most while also growing and changing to meet future challenges.

Our Vision

“Celebrate and protect Warrnambool’s heritage and embrace a future that reflects community views.”

Our Mission

“To provide residents of Warrnambool with opportunities for input that will shape planning and heritage within our community.”

Our Objectives

1. To encourage a visionary approach to planning and heritage throughout Warrnambool as a whole.
2. To monitor development within the city and express our views on strategic test cases.
3. To promote good development by establishing positive working relationships with Council, developers and residents.
4. Advocate for stronger local planning policies to meet the needs of the community, and clarify guidelines and standards of what is acceptable development.
5. Educate the community on planning and heritage issues via community forums.
6. Encourage best practice by developers through an awards program.
7. Lobby relevant governments and organisations on behalf of the community and support funding applications consistent with our vision and mission.

Appendix 7: STATEMENT OF SIGNIFICANCE for 94 Merri St from the online Victorian Heritage Database.

Victorian Heritage Database

Page 1 of 2

RESIDENCE

Location

94 MERRI STREET
WARRNAMBOOL, Warrnambool
City

Victorian Heritage Register (VHR) Number

H1944

Heritage Overlay Number

HO195

Level of Significance

Registered

Extent of Registration

1. All of the building marked B1 on Diagram 1944 held by the Executive Director.
2. All of the land marked L1 on Diagram 1944 held by the Executive Director being all of the land described in Certificate of Title Volume 10581 Folio 899.



Statement of Significance

What is significant?

The building at 94 Merri Street Warrnambool is amongst the earliest buildings in Warrnambool likely to have been constructed before 1854 and possibly as early as 1848. Although conclusive evidence is not available, the building on the balance of probabilities likely to be the general store which Richard Osborne and his brother-in-law John Moffat Chisholm began to construct on this site soon after their arrival in Warrnambool in 1847. The original building consists of four main rooms under a hipped roof. Some of the secondary rooms below the skillion roof to the rear, may also be early or original. The walls are now rendered externally, but were originally face brick with some incorporated stone rubble. Internal walls have hand-sawn stud frames and hand-sawn timbers are also used in the floor, ceiling and hip-roof framing. The original split shingles to the roof are currently protected by a later covering of corrugated metal. Original internal plaster and paint layers survive below a later sheet covering at least to perimeter walls. Further alterations and additions have occurred to the front verandah, and to the rear.

How is it significant?

The building at 94 Merri Street Warrnambool is of historical and architectural significance to the State of Victoria.

Why is it significant?

The building at 94 Merri Street Warrnambool is historically important as a rare, surviving structure from the early period of the development of Victoria before the impact of the gold rush. It is associated with Richard Osborne, important locally as the founding editor of the Warrnambool Examiner (proprietor 1851-1889) and the town's first historian. The first use of the building is reputed to have been a general store and as such has importance in the commercial history of Warrnambool.

The building at 94 Merri Street Warrnambool is architecturally significant as a rare surviving example of construction displaying hand-wrought timber framing, a technique displaced by the technology of machine production just a few years after the gold rush. All the major timbers of this simple building have been hand sawn. Although there have been alterations and accretions, the structure and many of the original finishes survive, including the shingle roof (preserved beneath later corrugated iron), the door fan light and framing and internal plaster and paint finishes (below framed

http://vhd.heritage.vic.gov.au/places/result_detail/12179?print=true&style=heritagevi... 20/10/2010

masonite lining).

| | |
|---------------------------|------------------------------------------|
| Year Construction Started | 1848 |
| Architectural Style | Pre-separation Colonial Georgian 1836-50 |
| Heritage Act Categories | Heritage place |
| Municipality | WARRNAMBOOL CITY |

(H00054 - 28/09/10 - 51361 places Online) [Terms and Conditions](#)

Appendix 8: People interviewed during the case study

| Name | Title |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Jim Gardner | Executive Director, Heritage Victoria |
| 2. Geoff Austin | Manager Local Government Services, Heritage Victoria |
| 3. Jacinta Emacora | Mayor Warrnambool City Council (current) |
| 4. Bill Millard | Director City Growth, Warrnambool City Council |
| 5. Jack Daffy | Owner of 94 Merri St. 1955-2001. Long serving Councillor and Mayor Warrnambool City Council (more than 20 years service). |
| 6. Lucinda Peterson | Manager Planning & Environment Southern Grampians Shire – formerly Manager Strategic Planning WCC Jan 2002 – June 2009 |
| 7. Jennifer Lowe | Warrnambool City Councillor (current) |
| 8. Glenys Philpott | Currently President Warrnambool Historical Society, Former long serving Councillor (13 years service including 4 terms as Mayor), Warrnambool City Council |
| 9. Glen Reddick | Manager City Infrastructure, Warrnambool City Council |
| 10. Peter Hulin | Warrnambool City Councillor (current) |
| 11. Kirsty Miller | Manager City Strategy and Development Warrnambool City Council |
| 12. Trudi Rickard | Heritage Advisory Sthn Grampians Shire |
| 13. Terry Board | Owner 94 Merri St |

94 Merri st (undated photo) courtesy of Warrnambool Historical Society



94 Merri St following demolition - August 6, 2011 – photo by Jeremy Lee ABC South West Victoria

