

Heritage Council Regulatory Committee

Exclusion Determination Review

**Public Housing Tower, 33 Alfred Street, North Melbourne, City of Melbourne,
Wurundjeri Woi Wurrung Country**

Members – Mr Simon Molesworth AO KC (Chair), Mr David Helms, Mr Peter Mathieson

Determination of the Heritage Council

To set aside the decision under review and make another decision in substitution for it – After conducting a review of the Executive Director’s decision to make an exclusion determination in relation to Public Housing Tower, 33 Alfred Street, North Melbourne, City of Melbourne, Wurundjeri Woi Wurrung Country, and seeking and receiving additional information from the Executive Director pursuant to section 36E(5) of the *Heritage Act 2017*, the Heritage Council has determined to set aside the decision under review and make another decision in substitution for it pursuant to 36F(1)(b) of the *Heritage Act 2017*. The Heritage Council has determined to refuse to make an exclusion determination in relation to the above place.

Mr Simon Molesworth AO KC (Chair)

Mr David Helms

Mr Peter Mathieson

Decision Date – 14 October 2025

Introduction / Background

Decision of the Executive Director to make an exclusion determination

01. On 7 May 2025, the Executive Director, Heritage Victoria ('the Executive Director'), received an application from Homes Victoria for an exclusion determination for the Public Housing Tower, 33 Alfred Street, North Melbourne ('the Place').
02. After assessing the application received, the Executive Director was satisfied that the Place has no reasonable prospect of inclusion in the Heritage Register and determined on 17 July 2025, in accordance with section 36C(1)(a) of the *Heritage Act 2017* ('the Act'), to make an exclusion determination in relation to the Place ('the Exclusion Determination').

The Place

03. The following description of the place is taken verbatim from page 6 of the Exclusion Determination:

Description of the place

The Public Housing Tower at 33 Alfred Street, North Melbourne is a 12-storey high-rise block of flats, constructed using the Large Panel System (LPS) manufactured by the Concrete House Project for the Housing Commission of Victoria (the Commission).¹ The tower is one of four "Y" or "star" type blocks constructed by the Commission, so called for the shape of the building from an aerial perspective. A central lift and services core connects three uniform, radiating wings and the flats are accessed from what was an external balcony. The balconies have been infilled with metal framing and glazing. The building is raised on concrete stilts or pilotis, a feature common to the high-rise flats of the era, and access stairs are located at the end of each wing.

Integrity

The integrity of the place is very good. The place can be read as a public housing tower built by the Commission using the LPS.

Intactness

The intactness of the place is good. Modifications undertaken at the place include: infill of the balconies with metal framing and glazing; refurbishment of apartments throughout; updating of the lobby and common areas; infill of part of the ground-floor undercroft; and on the upper floors, internal doorways through the load-bearing walls have been added to turn three-bedroom units into six-bedroom units to accommodate larger family groups. The modifications are consistent with the use of the place as a public housing tower.

Condition

The condition of the place is good, and consistent with buildings of their age, use and construction.

Request for review

04. On 14 August 2025, the Heritage Council received a request in accordance with section 36E of the Act to review the Executive Director's decision to make an exclusion determination in relation to the Place ('the Request').
05. The Request was made by the Melbourne Public Tenants Association ('MPTA').
06. The Request included material supporting the view that the Place had a reasonable prospect of being included in the Heritage Register. It was the submission of MPTA that the Place has the potential to satisfy the following Criteria for registration, as set out by the *Victorian Heritage Register Criteria and Threshold Guidelines (Attachment 1)*:
 - Criterion D and Criterion F, as one of the earliest applications of the Housing Commission of Victoria's 'Y-plan' tower form. It was the view of MPTA that the Place demonstrates an important shift away from the 'Z-plan' typology, signifying a more diversified, human-centred approach by the Housing Commission of Victoria to high-rise design.
 - Criterion G, for its deep and ongoing connection to Victoria's Somali community.

- 07.** MPTA further submitted the view that the Exclusion Determination made in relation to the Place was flawed, due to its assessment as an isolated building, rather than as a component of the broader North Melbourne Public Housing Estate (formerly known as the Hotham Estate). It was the view of MPTA that:

... the cultural, historical, and technical heritage significance of [the Place] can only be properly understood when the estate is considered as a whole... [33 Alfred Street] was conceived, designed, and built as part of a coordinated estate-wide masterplan. The social fabric, urban design, and architectural value of the site are inherently tied to its relationship with the other towers, open spaces, and community facilities that form the estate.

The correct frame of assessment must therefore consider the collective significance of the North Melbourne estate. This approach aligns with both heritage best practice and the intent of the [Criteria], which acknowledge the value of places whose significance derives from their contribution to a broader cultural or historical context.

Validity of the Request

- 08.** The Request was received within 28 days of the Exclusion Determination, in accordance with section 36E(2)(a) of the Act.
- 09.** As an incorporated body, the MPTA was found to be an entity that meets the definition of legal person, being a person or entity who enjoys, and is subject to, rights and duties at law.
- 10.** MPTA requested that the prescribed fee for the Request be waived, in accordance with regulation 26(e) of the Heritage Regulations 2017. After seeking further information from MPTA, this request for a fee waiver was approved.
- 11.** MPTA was found to have a real or substantial interest in the Place in accordance with section 36F(1) of the Act.
- 12.** In accordance with the information set out above, the Request was found to be valid, and thus a review of the Exclusion Determination was commenced by the Heritage Council pursuant to sections 36E and 36F of the Act ('the Review').

Regulatory Committee

- 13.** Pursuant to section 13(1) of the Act, a Regulatory Committee of the Heritage Council ('the Committee') was duly constituted to consider and determine the Review.
- 14.** The Chair invited members of the Committee to consider whether written declarations or otherwise were required to be made in relation to any matters that may potentially give rise to an actual or apprehended conflict of interest.
- 15.** Mr Helms declared that, in a previous professional role in 2012, he had acted as project manager for a thematic environmental history of Public Housing in Victoria. It was the view of the Committee Chair that this did not constitute a conflict, and rather confirmed Mr Helms' relevant expertise to serve as a member of this Committee.
- 16.** All members were satisfied that there were no relevant conflicts of interest present, and no further declarations were made.

Requests for further information

- 17.** Although the Request did not directly reference the Place's potential to satisfy Criterion A at State-level, the Request referred to the historical heritage significance of the Place.
- 18.** On 19 September 2025, the Committee exercised its power under section 36E(5) of the Act to request further information from the Executive Director in relation to the Place. The Committee's request for further information in relation to the Place is provided below:

Does the Executive Director have a view as to whether 33 Alfred Street could be considered of Historical (Criterion A) or Representative (Criterion D) significance? Further information is sought in relation to the Executive Director's comment that: 'Whereas previously families with young children would be accommodated in the

low-rise walk-ups; in the Hotham Estate Stage 2, the 12-storey Y-Plan was configured with families in mind’.

- 19.** On 25 September 2025 the Executive Director responded to the Committee’s request with the following information:

The Housing Commission’s Annual Report 1963-64 noted that ‘the year was marked by the transition from blocks of 4-storey three-bedroom walk-up flats to high-rise buildings of twelve and twenty storeys’.

There were only four Y-type blocks constructed, all of which were after this shift of policy direction. They were located at:

- 2 Simmons Street, South Yarra (Horace Petty Estate), 1967
- 510 Lygon Street, Carlton (then known as ‘High Street Estate’), 1967
- 259 Malvern Road, South Yarra (Horace Petty Estate), 1968
- 33 Alfred Street, North Melbourne (Hotham Estate Extension), 1968.

The ‘Y-type’ block at 33 Alfred Street, North Melbourne may well be part of this transition. By virtue of this, however, it does not demonstrate the historical significance of the Housing Commission’s high-rise program better than other high-rise towers, including those listed above built by the Housing Commission.

- 20.** The Executive Director additionally stated:

The provision of quality housing for families with children was at the heart of the Housing Commission’s high-rise flats program. Its view on the suitability of high-rise towers for young children changed during the 1960s. This can also be said of other aspects of the housing program, such as the evolution of particular designs, and other incremental changes.

Committee findings

Reasonable prospect of inclusion in the Heritage Register

- 21.** The Committee has thoroughly reviewed all materials subject to this matter, including the Application, the Exclusion Determination, the Request, and has requested and received further information from the Executive Director pursuant to section 36E(5) of the Act. All materials have been considered by the Committee in making its determination.
- 22.** Based on the information before it, the Committee is not satisfied that the Place has no reasonable prospect of inclusion in the Heritage Register.
- 23.** The basis for the Committee’s findings relate to the Place’s potential to satisfy Criteria A and D at the State-level. The Committee considers there to be insufficient evidence before it to make any such finding in relation to Criteria F and G.

Criterion A

- 24.** The Committee finds it cannot conclude, based on the information before it, that the Place has no reasonable prospect of satisfying Criterion A at State-level.
- 25.** In relation to Criterion A, the Committee is of the view that the Place is associated with an important shift in policy of the Housing Commission of Victoria to allow families to live in high-rise towers. The Committee notes, as acknowledged by the Executive Director, that the Place is one of four estates conceived and planned when this policy shift occurred.
- 26.** The Committee finds that the Place’s 12-storey, ‘Y-plan’ design of three-bedroom flats, which catered to large families with small children and replaced the stilted four-storey walkups at the earlier mixed estates, demonstrates this shift in policy and may potentially allow this important historical phase to be better understood than most other places or objects in Victoria with substantially the same association.

27. The Committee accepts that the Place is associated with the history of housing as a responsibility of the State of Victoria through the Housing Commission of Victoria, and in particular, slum reclamation and the high-rise flats program delivered between 1962 and 1975. This historical phase made a strong and influential contribution to Victoria.
28. Based on the information before it, the Committee is not satisfied the Place has no reasonable prospect of satisfying 'Step 2' for Criterion A, as set out in the *Victorian Heritage Register Criteria and Threshold Guidelines*. Specifically, the Committee is not satisfied the Place could not reasonably allow a clear association with these important historical phases to potentially be better understood than most other places or objects in Victoria with substantially the same association.

Criterion D

29. The Committee finds it cannot conclude, based on the information before it, that the Place has no reasonable prospect of satisfying Criterion D at State-level.
30. The Place is located within the North Melbourne public housing estate (historically known as the Boundary Road estate and the Hotham Estate extension). Considered in this context, the Place's 'Y-plan' high-rise design is accompanied by two other tower types ('T-plan' and 'Z-plan'). The Committee finds that the Place, when considered in this context, may potentially be a representative – potentially fine and/or pivotal – example of the high-rise estates planned and developed by the Housing Commission of Victoria between 1962 and 1975, potentially allowing its evolution and significant policy shifts to be easily understood and appreciated.
31. Based on the information before it, the Committee finds it is not satisfied that the Place has no reasonable prospect of satisfying Criterion D at State-level.

Assessment approach

32. The Committee acknowledges the view of MPTA that the Exclusion Determination was based on the Place's assessment in isolation, rather than within the context of the North Melbourne public housing estate. The Committee accepts that this approach is problematic. The Committee agrees with MPTA that a holistic assessment of the North Melbourne public housing estate would have been preferable, and more consistent with best heritage practice.
33. The Executive Director's assessment of the Place in isolation, and not within the context of the surrounding public housing estate, has contributed to the Committee's inability to conclude that the Place has no reasonable prospect of inclusion in the Heritage Register.
34. In the Committee's view the class of place is 'Housing Commission of Victoria high-rise *estates*' of which the towers are one component along with the estate layout, landscaping and other facilities.
35. The Committee records its strong view that any future recommendation made by the Executive Director in relation to the Place, as required by sections 34A(1)(b)(i) and section 37 of the Act, should give due consideration to the Place as a component of, and within the historical and physical context of the Boundary Road estate and the Hotham Estate extension. The Committee also records its strong view that any recommendation in relation to the Place should include a fulsome comparison with other places of the same class including places for which the Executive Director has accepted a nomination for inclusion in the Heritage Register pursuant to Part 3 of the Act.

Conclusion

36. After conducting a review of the Executive Director's decision to make an exclusion determination in relation to Public Housing Tower, 33 Alfred Street, North Melbourne, City of Melbourne, Wurundjeri Woi Wurrung Country, and seeking and receiving additional information from the Executive Director pursuant to section 36E(5) of the *Heritage Act 2017*, the Heritage Council has determined to set aside the decision under review and make another decision in substitution for it pursuant to 36F(1)(b) of the *Heritage Act 2017*. The Heritage Council has determined to refuse to make an exclusion determination in relation to the above place.
37. The Committee thanks all parties for their participation in this review.

Attachment 1

Victorian Heritage Register Criteria and Threshold Guidelines

Criterion A	Importance to the course, or pattern, of Victoria's cultural history.
Criterion B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
Criterion C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
Criterion D	Importance in demonstrating the principal characteristics of a class of cultural places and objects.
Criterion E	Importance in exhibiting particular aesthetic characteristics.
Criterion F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
Criterion G	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
Criterion H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 1 December 2022, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.