

Heritage Council Regulatory Committee

WW1 Sportsman's Memorial Arbour

Edinburgh Gardens, 100F St George's Road, Fitzroy North, City of Yarra, Wurundjeri Country

Members – Dr Janine Major (Chair), Dr Steve Campbell-Wright, Ms Ruth Redden

Determination of the Heritage Council

The Heritage Council has considered a request to review the Executive Director's decision to refuse to accept a nomination of the WW1 Sportsman's Memorial Arbour, located within the Edinburgh Gardens at 100F St George's Road, Fitzroy North, City of Yarra, Wurundjeri Country. Pursuant to section 30(5)(a) of the *Heritage Act 2017*, the Heritage Council has determined to affirm the decision under review and refuse to accept the nomination.

Dr Janine Major (Chair)
Dr Steve Campbell-Wright
Ms Ruth Redden

Decision Date – 21 April 2026

Acknowledgement

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

Interested Parties

Executive Director, Heritage Victoria ('the Executive Director')

The Executive Director of Heritage Victoria ('the Executive Director'), refused to accept the nomination pursuant to section 29(1) of the *Heritage Act 2017*. The Executive Director provided the Heritage Council with the information used to make the nomination refusal decision, and provided specific further information as requested by the Heritage Council.

Nominator

Mr Terence Nott ('the Nominator') nominated the WW1 Sportsman's Memorial Arbour for inclusion in the Victorian Heritage Register and requested that the Heritage Council review the Executive Director's decision to refuse the nomination. Mr Nott provided specific further information as requested by the Heritage Council.

Yarra City Council

Yarra City Council was notified of the nomination review request as the responsible authority for the area in which the Memorial Arbour is situated. Yarra City Council provided the Heritage Council with a copy of the Conservation Management Plan for the Edinburgh Gardens, in which the WW1 Sportsman's Memorial Arbour is located.

Introduction / Background

The Place

01. The WW1 Sportsman's Memorial Arbour ('the Place'), is located within the Edinburgh Gardens, Fitzroy North. It is a concrete commemorative arbour supported by six Tuscan order columns resting on pedestals with simple moulded caps. It was constructed in 1919 with funds raised by the various sporting clubs which occupied the Edinburgh Gardens and is dedicated to fallen servicemembers who had been connected with the clubs. The Place was designed by architect Edward Twentyman Jnr. It originally had a 'processional' function allowing visitors to the Edinburgh Gardens to walk beneath it. In 1971, the two-storey bowling club building was erected close to the north side of the Place. The Place was erected to straddle the main entrance path to the gardens. In the early 1980s, this path was relocated to the south, and an electrical substation was erected abutting the west end of the Place.
02. The Place is included within the City of Yarra Heritage Overlay HO213 and is located on Crown Land, which is managed by the State Government Department of Energy, Environment and Climate Action ('DEECA').
03. The Place is located on Wurundjeri Country.

The Nomination

04. On 19 December 2025, a nomination to include the Place in the Victorian Heritage Register ('the Heritage Register') was lodged with the Executive Director, pursuant to section 27 of the *Heritage Act 2017* ('the Act').
05. The Place was nominated for inclusion in the Heritage Register under the following Criteria of the Heritage Council's *Victorian Heritage Register Criteria and Threshold Guidelines* (updated by the Heritage Council on 1 December 2022) ['Criteria for Assessment']. Please refer to **Attachment 1**.
 - **Criterion B** – Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
 - **Criterion F** – Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Decision of the Executive Director

06. Pursuant to section 29 of the Act, the Executive Director may refuse to accept a nomination if it is considered that the nominated place or object has no reasonable prospect of inclusion in the Heritage Register.
07. On 21 January 2026, the Executive Director notified the Nominator that the nomination had been refused on the grounds that the Place had no reasonable prospect of inclusion in the Heritage Register. The Executive Director determined 'on the basis of the material provided and further investigations, it is considered that the place has no reasonable prospect of inclusion in the Register'.

Request for review

08. On 18 February 2026, the Heritage Council received a request that it conduct a review of the Executive Director's refusal to accept the nomination, pursuant to section 30 of the Act.
09. Pursuant to section 13(1) of the Act, a Regulatory Committee of the Heritage Council ('the Committee') was constituted to consider the request for review and to make a determination.
10. Pursuant to section 30(5) of the Act, in determining a review the Heritage Council may:
 - (a) affirm the decision under review; or
 - (b) set aside the decision under review and make another decision in substitution for it; or
 - (c) set aside the decision under review and remit the matter for reconsideration by the Executive Director in accordance with any directions or recommendations.
11. The Committee has given due consideration as to whether the Place has a reasonable prospect of inclusion in the Heritage Register.

Preliminary, procedural and other matters

Conflicts of interest

12. The Chair of the Committee invited all members 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.
13. All members were satisfied that there were no real or perceived conflicts of interest.

Requests for information

14. On 3 March 2026, pursuant to sections 2.1–2.3.4 of the Heritage Council's *Protocol 3 – Nomination Reviews*, the Committee notified the following persons or organisations that a review of the Executive Director's refusal had been requested:
 - the Executive Director
 - the Nominator
 - the City of Yarra (as a responsible authority for the Place)
 - DEECA (as a responsible authority for the Edinburgh Gardens in which the Memorial Arbour is located).
15. The Committee sought specific further information from the Nominator in relation to the material submitted as part of the review request, and specific further information from the Executive Director in relation to the Executive Director's notice of refusal.
16. The Committee also invited the City of Yarra and DEECA to provide any information that may assist the Committee in undertaking the nomination review.
17. The Executive Director and the Nominator provided responses to the Committee's requests on 17 March 2026, and the City of Yarra provided an officer response by way of submitting the Conservation Management Plan (Lovell Chen, 2021) for the Edinburgh Gardens to the Committee.
18. All parties listed above were provided with all information received by the Committee.

Interim Protection Order

19. For the purpose of this determination, the Committee records that a request that the Executive Director apply an Interim Protection Order to the Place was refused by the Executive Director in January 2026.
20. The Executive Director did not make an Interim Protection Order as, in the Executive Director's view, the condition of the Place, and the cracking of some of the structure over time did not constitute an 'immediate or imminent threat'.

Issues

21. The following section is not intended to be a complete record of information and submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the position that the Committee takes on each key issue. Any reference to 'the Criteria' or to a particular 'Criterion' refers to the Criteria for Assessment (**Attachment 1**).

Summary of positions

Nominator

22. The Nominator submitted that the Place meets the State-level significance threshold for Criterion B and F. Broadly, the Nominator was of the view that the Place meets the State-level threshold because it is:

architecturally significant as it is the only example of an arbour type WW1 memorial in Victoria. The Memorial is structurally significant as it is built entirely of steel reinforced concrete at a time when WW1 memorials, of different style and functions, were being built of stone, rendered brick, steel and timber.

and

The Memorial is significant because it represents a functional design and construction variation, a processional arbour, compared to the common forms of design and construction of war memorials built after WW1. It is also significant because of the method by which it was funded i.e., contributions by the Fitzroy Sports clubs and other Fitzroy sports clubs.

23. In relation to **Criterion B**, the Nominator provided the below reasons in the original nomination application as to why, in his view, this Criterion was met at the State-level:

- 'it is the only example of an arbour type WW1 memorial in Victoria'
- 'The WW1 Sports Clubs Memorial arbour is an uncommon type of memorial monument. Research concludes that no other WW1 Memorial in Victoria has the same processional function and an arbour design'
- 'The Memorial was designed by architect Edward Twentymen Jnr and constructed of reinforced concrete that was site batched and cast in one pour. This material and type of construction was an uncommon feature at the time.'

24. In relation to **Criterion F**, the Nominator provided the below reasons in the original nomination application as to why, in his view, this Criterion was met at the State-level:

- 'The WW1 War Memorial Arbour was constructed in solid reinforced concrete that was site batched and cast in one pour.' (The Committee notes that further investigation by the Nominator confirmed that only the overhead structural framing and pediments could have been cast in one pour – see paragraph 63 of this determination).
- 'The construction was a technical achievement, ahead of its time, when traditional load bearing brick and stone constructions were the most common types of construction for war memorial monuments'
- 'The Memorial has received a wide range of recognition by experts.'
- 'Architecturally, it is a rare example of a Memorial Arbour in the late Edwardian classical style'.

25. In the request to review the Executive Director's nomination refusal decision, the Nominator noted that the reasons provided under Criterion B emphasise the 'uniqueness of the Memorial Arbour'. The Nominator withdrew reference to the 'rarity' of the Memorial Arbour.

26. The Nominator also noted that, while 'the Memorial Arbour does not have the capacity to demonstrate its form as a pergola style memorial, it has potential to do this', further stating that if the substation were removed, pedestrian access through the 'pergola' of the Memorial Arbour would be reinstated.

27. The Nominator challenged the Executive Director's response to Criterion F, reiterating his view that the 'concrete construction for the pergola/arbours was beyond the ordinary', and that the type of construction contributes to the 'uniqueness'.

28. In addition to nominating the Place under Criteria B and F, the Nominator was also of the view that the Place is significant due to the method by which it was funded, being through contributions by the Fitzroy Sports Clubs and other Fitzroy Sports Clubs.

Executive Director

29. The Executive Director, in refusing the nomination, agreed with the Nominator, that arbours are an uncommon type of WW1 memorial. The Executive Director further noted that the study *War-related heritage in Victoria* (David Rowe, 2011) does not identify any WW1 memorials or arbours in Victoria.

30. However, the Executive Director was of the view that within the class of place 'War Memorial/WW1', the form 'arbour' may be unique, but that this did not equate to rarity. The Executive Director stated that:

All places and objects are unique, and variations in fabric and form are to be expected between places in a class.

31. The Executive Director stated that variations within a class is to be expected, and that rarity cannot depend upon 'numerous qualifiers being strung together. In the Executive Director's view the qualifiers identified by the Nominator such as 'processional function', 'arbour design', the 'uncommon' use of

reinforced concrete in a WW1 memorial' means there is a dependence on too many qualifiers for Criterion B to be met at a State-level.

32. In relation to Criterion F, the Executive Director was of the view that reinforced concrete was not a breakthrough technology in 1919. The Executive Director stated that reinforced concrete had been used in water towers and bridges and that its application to the Memorial Arbour represented its use in a particular type of structure not a technological breakthrough. Further the Executive Director did not support that the use of solid reinforced concrete that was site-batched and cast in one pour demonstrated a technical achievement that was 'beyond the ordinary' for its time. The Executive Director did not find that Criterion F could be met at a State-level.
33. The Executive Director considered whether the Memorial Arbour might meet any of the other Criteria for Assessment, but did not find that there was a reasonable prospect of inclusion in the Heritage Register under any other Criteria.

Committee's discussion and findings in relation to the Criteria for Assessment

34. While the Committee has given due consideration to whether the Place has a reasonable prospect of inclusion in the Heritage Register under all the Criteria for Assessment, it has only included its discussion and conclusions in relation to the Criteria the nomination was made under, in this determination.
35. The Committee did not find that the Place has a reasonable prospect of meeting either of Criterion A, C, D, E, G or H at the State-level.
36. The Committee notes that the Place is included within the Heritage Overlay of the Edinburgh Gardens (HO213, Yarra planning scheme) but does not have an individual Heritage Overlay applied. The Committee is not empowered to refer nomination applications to the local planning authority for consideration.

Criterion B – Possession of uncommon, rare or endangered aspects of Victoria's cultural history

Summary of submissions and evidence

37. In the original nomination documentation, the Nominator suggested that the Place is associated with the 'period of popular movement to recognise the services and sacrifices of the soldiers and service people of the Australian Armed Forces' and that the association is evidenced by the engraved marble plaque that was originally mounted on the Memorial Arbour. The Nominator therefore suggested that step-test B1 and B2 were met.
38. The Nominator suggested that step-test B3 was met as the Place is an 'uncommon type of memorial monument' and that 'research concludes that no other WW1 Memorial in Victoria has the same processional function and an arbour design'.
39. In relation to the State-level step tests for Criterion B, the Nominator suggested that SB2 was met, as the Place was 'constructed of reinforced concrete and site batched in one pour', which was a 'material and feature' that was 'uncommon' at the time.
40. When requesting the nomination review the Nominator withdrew the reference to rarity, noting that the evidence provided related to the uniqueness of the Place.
41. In the review request, the Nominator further submitted that while the Place currently (at the time of the review request in February 2026) does not have the capacity to demonstrate its original form as a 'pergola' style memorial, this could be reinstated in the future. The Nominator suggested that, if the substation were moved, pedestrian access through the arbour could be reinstated as originally intended.
42. In responding to the Committee's request for information, the Executive Director stated that places and objects considered for inclusion in the Heritage Register:

... cannot be considered on the speculative basis of some future conservation process outcome (such as restoration or reconstruction, or improvements to the context and setting of the place through the demolition or removal of inappropriate elements). Such conservation processes may or may not ever be realised.

43. Further, the Executive Director noted that the choice to create a Memorial Arbour indicates a design intent of creating a commemorative space that would allow people to move through it. The Executive Director noted that the 'passageway' quality of the Place was diminished when the substation was constructed.

Committee discussion and conclusion

44. The Committee agrees with the Nominator that it is likely that step-tests B1, B2 and B3 are met, indicating that the Place may have values that are significant to the local community.
45. The Committee agrees with the Executive Director that 'all intact war memorials across Victoria are likely to possess historic, design, artistic and/or social significance to the communities that funded, created and influenced their construction along with their importance as local places of remembrance and reflection.' The Committee also notes that, in his letter of 16 March 2026, Mr John Patrick states that:

*... there is no questioning the significance [of the Arbour] to both the **local community** and to their vision of the Edinburgh Gardens, and on that basis its inclusion on the Victorian Heritage Register is, in my opinion, clearly warranted. [bold emphasis added]*

46. While the Committee agrees that the Place may have heritage values significant to the local community, it does not find that the tests for State-level significance in relation to Criterion B can be met.
47. The Committee understands the nomination was made under SB2 only, and agrees with the Nominator that the Place is not 'rare or uncommon being a small number of places/objects remaining that demonstrates the important event, phase etc.' (SB1). The Committee notes that there are many extant WW1 War Memorials across Victoria, and a number of these are included in the Heritage Register for their State-level significance.
48. The Committee similarly does not find that test SB3 could be met, as the existence of the class of place is not endangered to the point of rarity.
49. In relation to step-test SB2, the Committee does not find that the Place contains 'unusual features of note' that are not widely replicated throughout Victoria.
50. In the original nomination documentation, the Nominator suggested that the 'unusual features' evident at the Place are both the use of 'reinforced concrete that was site batched and cast in one pour', and that the Place is an 'arbour/pergola' style WW1 Memorial.
51. The Committee finds that, while no other 'arbour/pergola' style WW1 Memorials are identified in the documentation it has reviewed, this is an indication that this particular place is unique rather than rare. Uniqueness is not the same as rarity (XB5), and the Committee is of the view that there are numerous types of WW1 Memorials across Victoria taking various forms and using a wide range of materials. The Nominator included comparative examples that all take different forms and include examples of rotundas, halls, grandstand and gates. It could be said that each of these memorials are unique, that is, they each contain variation in fabric and form.
52. The Committee finds that, while the Place is unique, it could not be said that the class of place within which it falls ('War Memorial/WW1') is rare. The Committee further notes that, while the evidence before it suggests that the Place may be the only WW1 Memorial that is an arbour/pergola, that attribute in and of itself is not of State-level significance (see exclusion guideline XB1). The Committee is of the view that there are many arbours/pergolas across Victoria and that this design and function is not rare.
53. In relation to the Nominator's suggestion that the Place is rare due to the materials and method of construction, the Committee is of the view that these are qualifiers added to the class 'War Memorial/WW1 Memorial'. The Committee finds that the claims of rarity are reliant on too many qualifiers (see exclusion guideline XB2).
54. Further, the Committee does not find that reinforced concrete is an unusual feature, nor a feature of note, and does not find that reinforced concrete was not widely replicated in Victoria.
55. The Committee will further discuss the Nominator's submissions in relation to the construction material and method of the Place under Criterion F.
- 56. The Committee finds that the Place does not have a reasonable prospect of meeting Criterion B at the State-level.**

Criterion F – Importance in demonstrating a high degree of creative or technical achievement at a particular period

Summary of submissions and evidence

57. The original nomination documentation stated that the Step 1 tests for Criterion F were met, as the Place was constructed in ‘solid reinforced concrete that was site batched in one pour’, and that this is a ‘technical achievement, ahead of its time’.
58. The original nomination also stated that the Place has a ‘high degree of integrity’, acknowledging however there is evidence of deterioration of the condition of the Place.
59. The original nomination included quotes from four professionals, taken from various heritage and landscape studies between 2003 and 2015, as evidence that the Place has received ‘a wide range of recognition by experts’ and could therefore meet step-test SF1. The original nomination also included information about the architect of the Place, Mr Edward Twentymen Jnr, noting that the architectural firm Twentymen and Askew was ‘well known and respected’.
60. In refusing the nomination, the Executive Director stated that ‘reinforced concrete was not a breakthrough technology in 1919’ and had been used in ‘many construction forms from the early 1900s, including in water towers and bridges’.
61. Following receipt of the review request, the Committee sought a response to the following further information request:

Beyond the statement by Mr Tonkin that the concrete is ‘cast in one section’, please provide any additional evidence you have that the concrete of the memorial was ‘cast in one pour’.
62. The Nominator responded to the Committee’s request for further information, stating that the ‘columns and capitals are of a precast type’ and appear to be ‘of a different aggregate material to the overhead structural pergola’.
63. The Nominator further responded that statements suggesting the Place was ‘cast in one section’, ‘cast in one pour’ and ‘all cast on site’ ‘relate only to the overhead structural framing and pediments’.
64. The Nominator also submitted that ‘precast concrete columns were a popular building element for residential and commercial buildings, being used as decorative elements’.

Committee discussion and conclusion

65. The Committee understands that concrete was not the usual material of choice in WW1 memorials and notes the Nominator’s submission that ‘traditional load-bearing brick and stone constructions were the most common types of contribution of war memorials and monuments’.
66. However, while concrete may not have been typical in WW1 memorials, the Committee agrees with the Executive Director that construction using concrete, including steel reinforced concrete and site batched concrete was not uncommon in Victoria in 1919.
67. The Committee considered the evidence provided in relation to the submission that the Place was ‘cast in one section’.
68. The Committee notes that the further information provided by the Nominator clarifies that the overhead structural framing and pediments may have been cast in one pour, and cast on site, but that there was no evidence to suggest that the entire structure had been cast in one pour, on site.
69. The Committee finds that there is no evidence to suggest that step test F1 can be met, and does not find that the Place ‘clearly demonstrates creative or technical achievement for the time it was created’. The Committee therefore found that step test SF1 could not be met, and was not compelled by the evidence provided to suggest that the Place possesses features that are ‘beyond the ordinary’.
70. The Committee noted the Nominator’s further information that precast concrete columns were a popular building element and included examples of their use in various forms.
71. **The Committee finds that the Place does not have a reasonable prospect of meeting Criterion F at the State-level.**

Conclusion

- 72.** The Heritage Council has considered a request to review the Executive Director's decision to refuse to accept a nomination of the WW1 Sportsman's Memorial Arbour, located within the Edinburgh Gardens at 100F St George's Road, Fitzroy North, City of Yarra, Wurundjeri Country. Pursuant to section 30(5)(a) of the *Heritage Act 2017*, the Heritage Council has determined to affirm the decision under review and refuse to accept the nomination.

Attachment 1

Heritage Council criteria for assessment of places and objects of cultural heritage significance

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| 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.