

**Stonnington Planning Scheme Amendment C316ston
Malvern Heritage Review**

Panel Report

Planning and Environment Act 1987

19 September 2022

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]


If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Stonnington Planning Scheme Amendment C316ston

19 September 2022



Lisa Kendal, Chair



John Roney, Member

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Glossary and abbreviations

| | |
|---------------------------------|--|
| 2017 Heritage Design Guidelines | <i>City of Stonnington Heritage Design Guidelines, July 2017</i> |
| Council | Stonnington City Council |
| DDO19 | Design and Development Overlay – Schedule 19 |
| Heritage Action Plan | <i>Heritage Strategy and Action Plan 2018-2029</i> |
| Heritage Design Guidelines | <i>Heritage Design Guidelines, City of Stonnington, July 2017 (updated in July 2021)</i> |
| Heritage Review | <i>Malvern Heritage Review</i> , GJM Heritage, 2021 |
| Jake Australia | Jake Australia Pty Ltd |
| Minister | Minister for Planning |
| PE Act | <i>Planning and Environment Act 1987</i> |
| Planning Scheme | Stonnington Planning Scheme |
| PPF | Planning Policy Framework |
| PPN1 | Planning Practice Note 1 – Applying the Heritage Overlay |

Overview

Amendment summary

| | |
|--------------------|---|
| The Amendment | Stonnington Planning Scheme Amendment C316ston |
| Common name | Malvern Heritage Review |
| Brief description | <p>The Amendment seeks to implement the outcomes of the Malvern Heritage Review 2021 by:</p> <ul style="list-style-type: none"> - applying the Heritage Overlay to 19 individually significant places and four heritage precincts - updating the strategic justification for 25 individually significant places and three precincts already listed in the Heritage Overlay - removing the Neighbourhood Character Overlay and applying the Heritage Overlay to 29-37 and 34-44 Dixon Street Malvern - incorporating statements of significance for all places and precincts - updating the Heritage Design Guidelines. |
| Subject land | Land in Malvern identified in Table 1 |
| Planning Authority | Stonnington City Council |
| Authorisation | 28 January 2022 |
| Exhibition | 24 March 2022 to 28 April 2022 |
| Submissions | Number of Submissions: 30 (see Appendix B) |

Panel process

| | |
|------------------------|--|
| The Panel | Lisa Kendal (Chair) and John Roney |
| Directions Hearing | Video conference, 14 July 2022 |
| Panel Hearing | Video conference, 15, 16 and 17 August 2022 |
| Site inspections | Unaccompanied, 10 August 2022 |
| Parties to the Hearing | <p>Stonnington City Council represented by Kristin Richardson of Maddocks Lawyers, who called expert evidence on:</p> <ul style="list-style-type: none"> - heritage from Jim Gard'ner of GJM Heritage <p>David Joachim, represented by Amanda Johns of Planning and Property Partners</p> <p>Bradley Jay Smorgan, represented by Daniel de Fazio of Human Habitats</p> <p>Jake Australia Pty Ltd, represented by Matt Hughes of Hall & Wilcox</p> <p>C and P Gaidzka</p> <p>Pet Station Pty Ltd</p> <p>Malcolm Tadgell</p> |
| Citation | Stonnington PSA C316ston [2022] PPV |
| Date of this report | 19 September 2022 |

Executive summary

On 2 December 2019, Stonnington City Council endorsed a municipal-wide heritage review to fulfill commitments in its *Heritage Strategy and Action Plan 2018-2019*. Its purpose is to ensure heritage places are properly assessed and the Heritage Overlay is applied to places worthy of protection. The review includes a street-by-street gaps study and review of places already listed in the Heritage Overlay. Malvern is the first suburb to be reviewed.

Stonnington Planning Scheme Amendment C316ston (the Amendment) seeks to implement the recommendations of the *Malvern Heritage Review*, GJM Heritage, 2021 (Heritage Review).

The Amendment proposes to apply the Heritage Overlay to 19 individual heritage places and four heritage precincts on a permanent basis. It also updates the strategic justification for 25 individually significant places and three precincts already listed in the Heritage Overlay and makes other consequential changes.

Council received 30 submissions. Six were generally supportive, 23 objected and one was neutral.

Common issues raised in submissions relate to building condition, development opportunity, property value and financial implications and terminology.

Issues raised in relation to places in precincts include:

- level of heritage significance of a property and whether the heritage category is appropriate, such as contributory and non-contributory
- removing non-contributory properties from the precinct
- accuracy or details in the Statement of Significance.

Several submitters objected to the Heritage Overlay being applied to their property as an individually significant place because they considered it was not significant enough, was too altered and no longer presented in its original form and for other reasons specific to that property or the Statement of Significance.

Strategic justification

The Heritage Review generally provides sound justification for the proposed application of the Heritage Overlay and the associated Statements of Significance. The Amendment is supported by, and implements, the relevant sections of the planning policy framework and is consistent with the relevant Ministerial Directions and Planning Practice Note 1 – Applying the Heritage Overlay.

Overall, the Amendment is well founded and strategically justified and should proceed subject to addressing the more specific issues discussed in this Report.

Places in precincts

In the Claremont Avenue Precinct (HO156), the following properties are appropriately categorised and should be in the precinct:

- 35 Johnstone Street
- 204 – 208 Wattletree Road
- 2 Raleigh Street.

In the Moorakynne/Stonington Precinct (HO182), the following properties are appropriately categorised and should be in the precinct:

- 5 Robinson Street

- 7 Robinson Street
- 33 Somers Avenue.

The following changes should be made to the Moorakynne/Stonnington Precinct (HO182) Statement of Significance in accordance with the recommendations of Mr Gard'ner and shown as Panel preferred changes in Appendix D1 of this Report:

- refine the section on 'What is significant?'
- recategorize 10 Wilks Avenue from significant to non-contributory and remove reference to the fence and Pin Oak (tree).

In the Glenferrie Road/High Street Precinct (HO349), the following properties are appropriately categorised and should be in the precinct:

- 8, 10 and 10A Glenferrie Road
- 202 Glenferrie Road
- 216 Glenferrie Road
- 1260 High Street.

In the Winter Street Precinct (HO691), 18 Winter Street is appropriately categorised in the precinct.

Individually significant places

The Heritage Overlay should be deleted from the following places proposed as individually significant:

- 41 Elizabeth Street, Malvern (HO675)
- 11-13 Sorrett Avenue, Malvern (HO684).

It is appropriate to apply the Heritage Overlay to:

- 1225 Malvern Road, Malvern (HO682)
- 1298 Malvern Road, Malvern (HO683)
- Hamilton Close Cluster Housing at 1 and 9 Hamilton Road (HO693).

The Statement of Significance for 1298 Malvern Road, Malvern (HO683) should be amended in accordance with the Panel preferred changes shown in Appendix D2 of this Report.

Stonnington Heritage Design Guidelines and Clause 22.04 (Heritage policy)

In relation to the *City of Stonnington Heritage Design Guidelines, July 2017* (Heritage Design Guidelines) and Clause 22.04 (Heritage policy):

- The proposed change to the definition of 'Contributory places' in the Heritage Design Guidelines should only proceed in conjunction with a broader review of the guidelines.
- A detailed review of the 2017 Heritage Design Guidelines should be completed in conjunction with the implementation of the new local heritage policy at Clause 15.03-1L of the Planning Scheme.
- Council should consider whether the Heritage Design Guidelines is an appropriate background document or whether it should be implemented by some other approach.
- Until the 2017 Heritage Design Guidelines are reviewed in detail it should remain as a reference document in Clause 21.09 and Clause 22.04-7.
- The definitions in Clause 22.04-2 should be modified to ensure they are consistent with the heritage places referred to in the Amendment. While Clause 22.04-2 was not

exhibited as part of the Amendment, these changes are considered policy neutral and are recommended to ensure efficient and effective operation of the local policy.

Minor errors and corrections

The Panel supports the minor corrections proposed by Council.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Stonnington Planning Scheme Amendment C316ston be adopted as exhibited subject to the following:

- 1. Amend the Statement of Significance for:**
 - a) Moorakyne/Stonington Precinct (HO182) in accordance with the Panel preferred version shown at Appendix D1.**
 - b) 1298 Malvern Road (HO683) in accordance with the Panel preferred version shown at Appendix D2.**
- 2. Delete the Heritage Overlay from:**
 - a) 41 Elizabeth Street, Malvern (HO975).**
 - b) 11-13 Sorrett Avenue, Malvern (HO684).**
- 3. Delete the Statement of Significance for:**
 - a) 41 Elizabeth Street, Malvern (HO975).**
 - b) 11-13 Sorrett Avenue, Malvern (HO684).**
- 4. Retain *City of Stonnington Heritage Design Guidelines, July 2017* as a reference document in Clause 21.09 (Reference documents) and Clause 22.04 (Heritage policy).**
- 5. Delete *City of Stonnington Heritage Design Guidelines, July 2017 (updated in July 2021)* from Clause 72.08 (Background documents).**
- 6. Amend Clause 22.04 (Heritage policy) to update definitions as follows:**
 - a) 'Significant places' means places of either state or local significance including individually listed places graded A1, A2 or B or identified as 'Significant' in the relevant Statement of Significance.**
 - b) 'Contributory places' means buildings and other places in a heritage precinct that are contributory to the built form attributes and significance of a heritage precinct**
 - c) 'Ungraded places' and 'Non-contributory places' means buildings and other places which do not contribute to the significance of a heritage precinct.**
- 7. Update the following Amendment documents to correct minor errors and inconsistencies:**
 - a) Statement of Significance (HO690) to replace Malvern with Glen Iris in relation to 105 – 119 Tooronga Road.**
 - b) Statement of Significance (HO349) to remove duplicate entries in the gradings table and to list:**
 - 109 Wattletree Road as significant**
 - 2 Willis Street as significant.**
 - c) Statement of Significance for Moorakyne/Stonington Precinct (HO182) to ensure accurate and consistent spelling of Stonington.**

- d) **Schedule to Clause 72.08 (Background documents) to correct the name of the Malvern Heritage Review to state:**
- ***Malvern Heritage Review*, GJM Heritage, June 2021.**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of Stonnington Planning Scheme Amendment C216ston (the Amendment) is to implement the recommendations of the *Malvern Heritage Review*, GJM Heritage, 2021 (Heritage Review).

Specifically, the Amendment proposes to change the Stonnington Planning Scheme (Planning Scheme) to:

- apply the Heritage Overlay to 19 individually significant places and four heritage precincts
- update the strategic justification for 25 individually significant places and three precincts already listed in the Heritage Overlay
- remove the Neighbourhood Character Overlay and apply the Heritage Overlay to 29-37 and 34-44 Dixon Street Malvern
- incorporate statements of significance for all places and precincts
- update the Heritage Design Guidelines and include it as a background document.

The Amendment proposes to apply or revise the Heritage Overlay to the places and precincts identified in Table 1.

Table 1 Proposed heritage places and precincts, and submissions received

| Place or Precinct | HERCON Criteria* | Heritage Overlay ref | Submission no. |
|--|------------------|----------------------|----------------|
| New individually significant places | | | |
| Flats, 5-7 Ascot Street, Malvern | A, D, E | HO696 | |
| House, 41 Elizabeth Street, Malvern | A, D, E | HO675 | 20 |
| Maisonettes, 9 Embling Road, Malvern | A, D, E | HO676 | |
| Arden, 298 Glenferrie Road, Malvern | A, D, E | HO677 | |
| Grahamstadt, 5 Harvey Street, Malvern | A, D | HO678 | |
| Malvern Cricket Ground & Grandstand (Lansbury Pavilion), 1253 High Street, Malvern | A, D, G | HO679 | |
| Woodmason's Melrose Dairy Shops, 1125-1131 Malvern Road & 320 Glenferrie Road, Malvern | A,D | HO680 | |
| Former Motor Garage, 1140 Malvern Road, Malvern | A, E | HO681 | |
| House, 1225 Malvern Road, Malvern | A, B | HO682 | 7, 29 |
| Residential Flats, 1298 Malvern Road, Malvern | A, D, E | HO683 | 21 |
| Units, 11-13 Sorrett Avenue, Malvern | A, D | HO684 | 1, 4, 10 |

| Place or Precinct | HERCON Criteria* | Heritage Overlay ref | Submission no. |
|--|------------------|----------------------|----------------|
| Townhouses, 17 Sorrett Avenue, Malvern | A, D, E | HO685 | 2, 5 |
| Former Malvern & District United Friendly Societies Dispensary, 14 Valetta Street, Malvern | A, B, E | HO686 | |
| Wynlorel Court, 145 & 147 Wattletree Road, Malvern | A, D, E | HO687 | |
| Malvern Bowling Club, 14 Coonil Crescent, Malvern | A, G | HO692 | |
| Hamilton Close Cluster Housing, 1 & 9 Hamilton Road, Malvern | A, D, E | HO693 | 6 |
| Maisonettes, 79 Stanhope Street, Malvern | A, D, E | HO694 | |
| Braemar, 162-168 Wattletree Road (part), Malvern | A, D, E | HO695 | |
| Workers' Residences, 1 - 3 Cawkwell Street, Malvern | A, D | HO301 | |
| New precincts | | | |
| Dixon Street Precinct, Malvern | A, D, E | HO688 | |
| Northbrook Avenue Precinct, Malvern | A, D, E | HO689 | |
| Row at 105-119 Tooronga Road, Glen Iris | A, D, E | HO690 | |
| Winter Street Precinct, Malvern | A, D, E | HO691 | 11, 12, 13, 23 |
| Existing individually significant places | | | |
| June Moon (sculpture) by Paul Juraszck (Malvern Town Hall Square), Glenferrie Road (corner High Street), Malvern | | HO42 | |
| St George's Anglican Church Complex, 292-296 Glenferrie Road, Malvern | A, D, E | HO43 | |
| Northbrook House and Stables, 1257 High Street, Malvern | A, D, E | HO59 | |
| Primary School No 1604, 2B Spring Road, Malvern | A, D, E | HO97 | |
| St Joseph's Church Complex, 41-55 Stanhope Street, Malvern | A, D, E, H | HO102 | |
| Glendearg, 196 Wattletree Road, Malvern | A, B | HO116 | |
| Former Player House, 333 Glenferrie Road, Malvern | A, D, E | HO262 | |
| Chesterfield, 6 Mayfield Avenue, Malvern | A, D, E | HO275 | |
| Rosehill Chapel, 19 Mayfield Avenue, Malvern | A, B | HO276 | |
| Glenavon, 19 Pine Grove, Malvern | A, D, E | HO278 | |
| Coimboon, 48 Stanhope Street, Malvern | A, D, E | HO279 | |

| Place or Precinct | HERCON Criteria* | Heritage Overlay ref | Submission no. |
|--|------------------|----------------------|----------------------------|
| Castle Eden, 54 Stanhope Street, Malvern | A, D, E | HO280 | |
| House, 86 Stanhope Street, Malvern | A, D, E | HO281 | |
| House, 88 Stanhope Street, Malvern | A, D, E | HO282 | |
| House, 92 Stanhope Street, Malvern | A, D, E | HO283 | |
| Tooronga, 72 Elizabeth Street, Malvern | A, D, E | HO309 | |
| Nullagai, 429 Glenferrie Road, Malvern | A, D, E | HO313 | |
| House, 16 Somers Avenue, Malvern | A, D, E, H | HO334 | |
| Abbeyleix, 1 Sorrett Avenue, Malvern | A, D, E | HO335 | |
| Koomba, 1 Spring Road, Malvern | A, D, E | HO336 | |
| Roma, 44 Stanhope Street, Malvern | A, D, E | HO337 | |
| Branksea, 46 Stanhope Street, Malvern | A, D, E | HO338 | |
| Inverleith, 50 Stanhope Street, Malvern | A, D, E | HO339 | |
| Darjeeling, 52 Stanhope Street, Malvern | A, D, E | HO340 | |
| Wombalana, 704 Toorak Avenue, Malvern | A, D, E, H | HO343 | |
| Existing precincts | | | |
| Claremont Avenue Precinct, Malvern | A, D, E | HO156 | 3, 8, 9, 17, 30 |
| Moorakynne/Stonington Precinct, Malvern | A, D, E | HO182 | 14, 15, 16, 19 |
| Glenferrie Road/High Street Precinct, Malvern & Armadale | A, B, D, E | HO349 | 18, 22, 24, 25, 26, 27, 28 |

* Model criteria specified in Planning Practice Note 1 (see Chapter 2). HERCON - National Heritage Convention

1.2 Background

Stonnington City Council (Council) provided a detailed background to the Amendment in its Part A submission, including a chronology of events (see Table 2).

Table 2 Amendment C316ston chronology of events

| Date | Event / Description |
|-----------------|---|
| 2 December 2019 | Council endorsed the municipal-wide Heritage Review |
| June 2020 | Council engaged GJM Heritage to conduct the first suburb review (Malvern) |

| Date | Event / Description |
|---------------------------|---|
| June 2021 | GJM Heritage completed the Malvern Heritage Review |
| 19 July 2021 | Council resolved to seek authorisation from the Minister for Planning (Minister) to prepare the Amendment |
| 28 July 2021 | Council requested the Minister prepare, adopt and approve Amendment C315ston to introduce interim heritage controls to the properties recommended in the Malvern Heritage Review for inclusion in the Heritage Overlay for the first time |
| 28 July 2021 | Council submitted a request for authorisation to prepare the Amendment to the Minister |
| 28 January 2022 | Council received authorisation from the Minister to prepare the Amendment |
| 24 February 2022 | Minister gazetted Amendment C315ston |
| 24 March to 28 April 2022 | Amendment C316ston was placed on exhibition |
| 14 June 2022 | Council considered submissions and resolved to refer the submissions to a Panel |

1.3 Procedural issues

A Panel was appointed on 28 June 2022, comprising Lester Townsend (Chair) and John Roney. At the Directions Hearing, Mr Townsend advised that the Panel may be reconstituted to accommodate work commitments. The Panel was reconstituted on 18 July 2022 to appoint Lisa Kendal as the Chair and to remove Mr Townsend from the Panel.

1.4 Summary of issues raised in submissions

Council received 30 submissions, of which six generally supported the Amendment, 24 objected and one was neutral.

Common issues raised in submissions include:

- building condition
- development opportunity
- property value and financial implications
- terminology.

Issues raised in relation to places in precincts include:

- level of heritage significance of a property and property categories, such as contributory and non-contributory
- removing non-contributory properties from the precinct
- accuracy or details in the Statement of Significance.

Several submitters objected to the Heritage Overlay being applied to their property as an individually significant place because they considered it was not significant enough, was too altered and no longer presented in its original form and for other reasons specific to that property or the Statement of Significance.

One submitter raised an issue regarding accrued rights under an existing planning permit.

1.5 Post exhibition changes proposed by Council

Council referred submissions relating to heritage matters to its heritage consultant GJM Heritage. The changes recommended by GJM Heritage were supported by Council officers. On 14 June 2022, Council resolved to endorse the Council officer recommendations plus an additional change relating to 1225 Malvern Road, Malvern (proposed HO682). Council's proposed post-exhibition changes include:

- not applying the Heritage Overlay to:
 - 11-13 Sorrett Avenue, Malvern (proposed HO684)
 - 41 Elizabeth Street, Malvern (proposed HO675)
 - 1225 Malvern Road, Malvern (proposed HO682)
- re-categorising 10 Wilks Avenue, Malvern from 'significant' to 'non-contributory' in the Moorakynne / Stonington Precinct (HO182) and removing the fence and Pin Oak as contributory elements in the Statement of Significance
- updating the 'What is Significant?' section of the Statement of Significance for the Moorakynne / Stonington Precinct (HO182) in response to submissions.

Further changes were proposed during the Hearing, as discussed in other chapters of this Report.

1.6 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- General issues
- Claremont Avenue Precinct (HO156)
- Moorakynne/Stonington Precinct (HO182)
- Glenferrie Road/High Street Precinct (HO349)
- Winter Street Precinct (HO691)
- Individual heritage places
- Stonnington Heritage Design Guidelines
- Minor errors and inconsistencies.

1.7 Limitations

The Panel has not addressed submissions supporting the Amendment or issues relating to:

- the explanatory report
- citations, as these do not form part of the Amendment documentation

- translation of the local heritage policy, as this is not part of the Amendment and is being considered through a separate amendment.

To ensure consistency, Council may choose to update the explanatory report and Heritage Review to reflect the recommendations in this Report.

The Panel has not addressed issues relating to submission 27 requesting confirmation that development rights under Planning Permit 0643/18 are retained (relating to 641-669 and 675 Dandenong Road and 1, 3, and 5 Station Place). The Panel accepts Council's position on this issue, as stated in the Council report of 14 June 2022:

Council officers have confirmed that the proposed changes to the gradings do not affect the development rights accrued under the existing planning permit.

2 Planning context

2.1 Planning policy framework

The following provides a summary of the relevant Planning Policy Framework (PPF) and planning guidance (Appendix A provides further details):

- Section 4 of the *Planning and Environment Act 1987* (PE Act) sets out the objectives of planning in Victoria:
 - to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value (section 4(1)(d))
 - to balance the present and future interests of all Victorians (section 4(1)(g))
- State and local planning policy:
 - Clause 15 (Built environment and heritage):
 - Clause 15.01-1S (Urban design)
 - Clause 15.01-5S (Neighbourhood character)
 - Clause 15.03-1S (Heritage conservation)
 - Local planning policy framework:
 - Clause 21.02-3 (Key influences and challenges/Built environment and heritage)
 - Clause 21.03-2 (Vision)
 - Clause 21.06 (Built environment and heritage)
 - Clause 22.04 (Heritage policy)
- Clause 71.02-3 (Integrated decision making)
- Plan Melbourne Outcome 4, Direction 4.4, Policy 4.4.1
- Clause 43.01 (Heritage Overlay)
- Ministerial Directions:
 - Ministerial Direction – The Form and Content of Planning Schemes
 - Ministerial Direction 9 – Metropolitan Planning Strategy
 - Ministerial Direction 11 – Strategic Assessment of Amendments
 - Ministerial Direction 15 – The Planning Scheme Amendment Process.

(i) Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)

Planning Practice Note 1 (PPN1) provides guidance about applying the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

PPN1 specifies that documentation for each heritage place needs to include a Statement of Significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the HERCON criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

(ii) Amendment VC148 and Amendment C312ston

Amendment VC148 was gazetted on 31 July 2018. It implements changes to the Victoria Planning Provisions and planning schemes to clarify, simplify and improve their structure, function and operation and remove unnecessary regulation.

Council advised that Amendment C312ston proposes to replace the existing local policy in accordance with the new Planning Policy Framework format required by Amendment VC148. Council endorsed the Amendment in June 2021 and has requested the Minister approve the Amendment under section 20(4) of the PE Act.

3 Strategic justification

3.1 Background

Council has completed many heritage studies and reviews dating back to 1983. This has resulted in the Heritage Overlay being applied to approximately 430 individual properties and 80 precincts.

Council adopted the *Stonnington Thematic Environmental History* in 2006 and adopted an update in 2009. The report provides a detailed explanation of the key historic themes and activities that have been important in shaping the present-day City of Stonnington. The historic themes provide a framework for future heritage assessment and application of the Heritage Overlay to heritage places.

Council advised the Panel that previous heritage studies have been municipal-wide and have focused on identifying and protecting places from defined architectural eras such as house studies regarding the Federation (2018), Interwar (2015) and Victorian (2017) periods or building types such as Churches and Halls (2011), Residential Flats (2013), Hotels (2011), Shops (2012) and Stables and Dairies (2011).

In 2018, Council adopted the *Heritage Strategy and Action Plan 2018-2029* (Heritage Action Plan) to guide its current and future heritage program. The Heritage Action Plan includes:

- Action 1.1 - Places of potential significance not currently protected by the Heritage Overlay are considered for heritage protection.
- Action 1.4 – Protect significant gardens and trees in the Heritage Overlay.
- Action 2.1 – Ensure local heritage documentation is publicly accessible.

The Heritage Action Plan states that a ‘gaps’ review should commence in 2019.

Council endorsed the *Stonnington Heritage Review* in December 2019 as part of a municipal-wide framework to fulfil key commitments in the Heritage Action Plan. This approach includes street by street gap studies and review of existing heritage places that do not have citations or Statements of Significance that currently meet best practice.

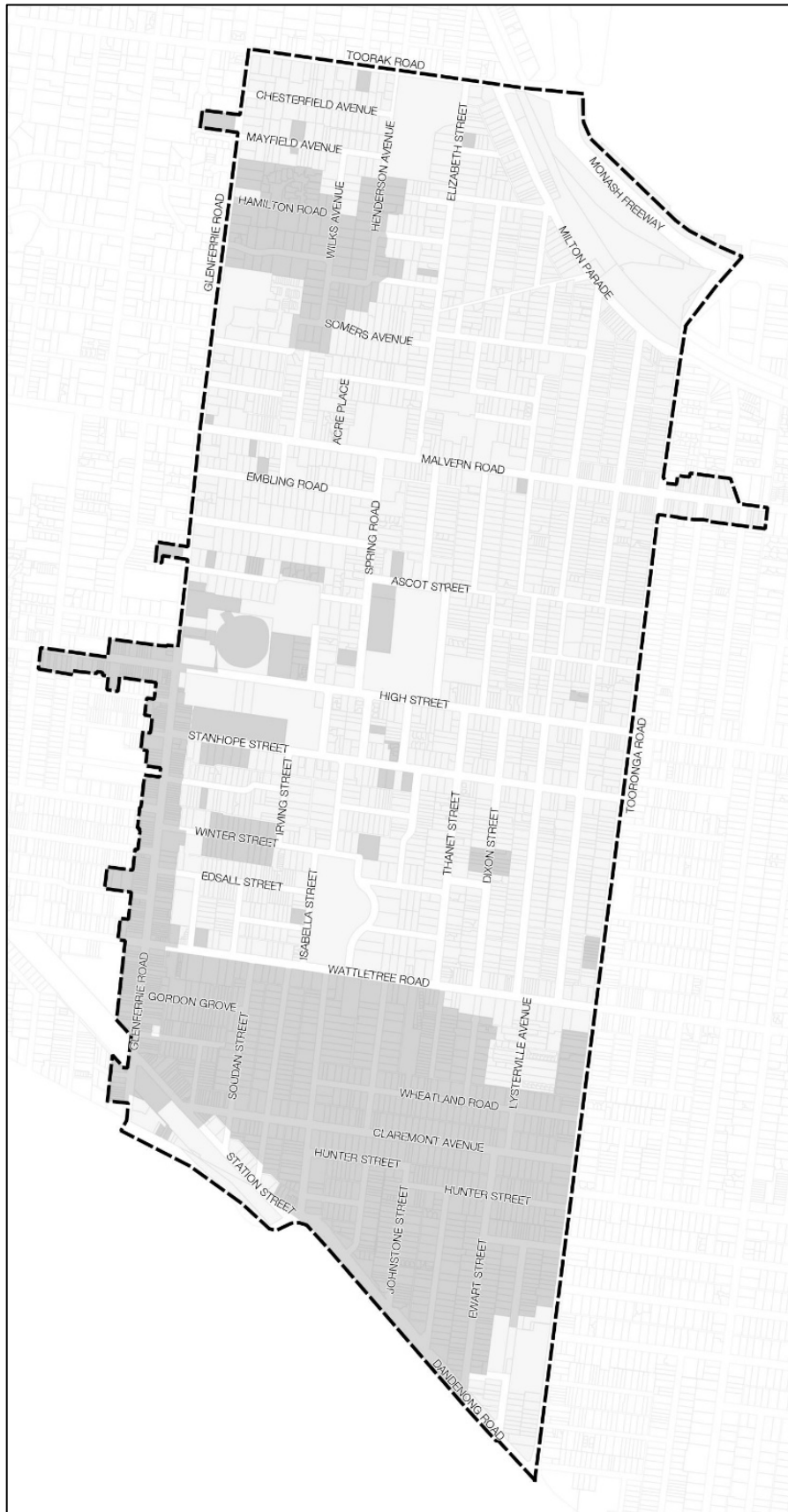
Council advised that Malvern (Part 1) was the first suburb study to be completed. Armadale, Kooyong and Toorak (Part 2) studies were completed in March 2022. Prahran and Windsor (Part 3) studies are currently underway and the remaining three suburbs (Glen Iris, Malvern East and South Yarra) likely to commence in 2023/2024.

3.2 Malvern Heritage Review

The Heritage Review was prepared in response to the Heritage Action Plan and the *Stonnington Heritage Review* and forms the primary strategic justification for the Amendment.

The study area included all the land within the suburb of Malvern – generally bounded by Toorak Road, Tooronga Road, Dandenong Road and Glenferrie Road.

Figure 1 Malvern Heritage Review study area (in dashed line) and affected land (shaded)



Source: Council Part A submission

The Heritage Review included two key phases.

Phase 1 reviewed and updated the heritage controls and Statements of Significance for 24 individual properties and three heritage precincts for incorporation into the Planning Scheme. This included:

- review of the existing Heritage Overlay boundary for each place
- review of the existing Heritage Overlay controls triggered for each place in the Schedule to the Heritage Overlay
- review of the existing heritage category/grading of each property within the three heritage precincts
- preparation of an updated Statement of Significance for each place, supported by a 'Background Information' document which summarised the history and physical features of each place.

Phase 2 involved a street-by-street review of all properties within Malvern that are not currently subject to the Heritage Overlay to determine whether any places satisfy the threshold for local heritage significance and for applying the Heritage Overlay.

The final list of places assessed for applying the Heritage Overlay included residential buildings (houses, flats, units, maisonettes and townhouses) and residential precincts, a cricket ground and grandstand, a former dairy, dispensary, bowling club and motor garage.

The new and revised heritage places include a mix of significant, contributory and non-contributory places.

The Heritage Review comprises three volumes:

- Volume 1: Methodology, Findings & Recommendations
- Volume 2: Citations – Review of Existing Heritage Places, containing the updated Statements of Significance and accompanying Background Information documents for those places already subject to the Heritage Overlay
- Volume 3: Citations – Gap Review, containing Heritage Citations and Statements of Significance for those places recommended for application of the Heritage Overlay and Heritage Assessments for those places not recommended for the Heritage Overlay.

A comprehensive explanation of the methodology adopted for the two components of the Heritage Review is set out in Volume 1 and is not repeated here. The approach followed the guidance provided in PPN1 and included:

- use of the recognised HERCON criteria to assess the heritage value of places and precincts proposed for application of the Heritage Overlay
- comparative analyses to substantiate the significance of those places and precincts
- Statements of Significance using the three part format of 'What is Significant?', 'How is it Significant?' and 'Why is it Significant?'.

3.3 Evidence and submissions

Mr Gard'ner gave evidence that the Heritage Review:

- implements the objective at section 4(1)(d) of the PE Act
- is consistent with the objectives, strategies and definitions in Clauses 15.03-1S, 21.06-10 and 22.04 of the Planning Scheme
- has been completed in accordance with the guidance contained in PPN1

- provides a sound and justifiable basis for updating the existing heritage documentation and/or Heritage Overlay extents for the proposed heritage places and precincts
- provides a sound and justifiable basis for applying the Heritage Overlay to the proposed places and precincts, in recognition of their specific heritage values.

Council submitted that the heritage significance of precincts and individual properties was assessed against the standard criteria contained in PPN1, and the proposed heritage places met the requirements and threshold for local protection.

No party objected to the methodology of the Heritage Review.

Some submissions noted that previous heritage studies had not identified their property as having heritage significance and therefore their property should not be considered for application of the Heritage Overlay as part of this Amendment. They said if their property had heritage significance it should have been identified in previous studies.

No evidence was put to the Panel that the application of a Heritage Overlay to any of the places in the Amendment had been proposed and rejected in a previous amendment to the Planning Scheme.

Council submitted it is usual practice for councils to undertake gap studies to include sites not previously identified as having heritage significance. It said the failure of previous studies to identify a place of heritage significance does not diminish its suitability for applying the Heritage Overlay now. Council referred the Panel to examples in Yarra, Boroondara, Hepburn to support its position.

Council submitted:

...the issue for the Panel is not whether the property ought to have been identified in an earlier study (or why it wasn't included in an earlier study), but whether, having now been identified, the assessment undertaken and the documentation prepared justifies the significance of the place as a basis for its inclusion in the Heritage Overlay.

3.4 Discussion

The PE Act, the PPF and Plan Melbourne seek to protect places of heritage significance. The Amendment is consistent with this.

The Heritage Review forms the first part of a systematic review of heritage places in the City of Stonnington. Council has adopted a thorough and comprehensive approach towards the review of heritage places within the municipality and the Panel acknowledges its commitment to this project.

The Heritage Review has been prepared with regard to contemporary heritage assessment methodology and is consistent with the guidance in PPN1. It has been completed with appropriate analysis and rigour.

The Panel agrees with Council that gap studies are relatively common in Victoria. It is appropriate for heritage studies to add (or delete) places of heritage significance based on a review of the best available information at the time. The role of the Panel is not to speculate about previous studies but to consider whether a place satisfies the requisite threshold for heritage protection based on contemporary research, guidelines and documentation. These matters are discussed in further detail in the following chapters.

3.5 Conclusions

For the reasons set out above, the Panel concludes that:

- The Amendment is supported by, and implements, the relevant sections of the PPF and is consistent with the relevant Ministerial Directions and PPN1.
- The Heritage Review generally provides sound justification for the proposed application of the Heritage Overlay and the associated Statements of Significance.
- Previous heritage studies not identifying a place of heritage significance does not impact on the findings of the current heritage assessment, including a recommendation to apply the Heritage Overlay, providing the relevant heritage criteria are met.
- The Amendment will deliver net community benefit and sustainable development, as required by Clause 71.02-3.
- The Amendment is well founded and strategically justified and should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

4 Common issues

This chapter refers to issues which apply across more than one individual place or precinct.

4.1 Building condition

(i) The issue

The issue is whether building condition is relevant in assessing the heritage significance of an individual place or a precinct.

(ii) Submissions

Some property owners submitted their buildings were in poor condition and therefore should not be included in the Heritage Overlay.

Council submitted the structural condition of a building does not warrant consideration as part of this Amendment process. In support of this position, Council referred to the *Review of Heritage Provisions in Planning Schemes Advisory Committee Report, 2007* and previous Panel reports.¹

Council was concerned if heritage controls for a property were dismissed based on its poor condition, some owners of properties potentially subject to heritage controls may allow remnant heritage fabric to fall into a state of disrepair.

Council submitted the identification and protection of heritage places at the Amendment stage allows the structural condition of buildings to be properly assessed against identified heritage values at the planning permit application stage. It said this provides for the most appropriate balancing of competing policies and priorities in cases where a redevelopment proposal might impact the heritage significance of a place.

(iii) Discussion

The Panel acknowledges that not all buildings which are subject of the Amendment are in perfect condition, however, the condition of a building does not generally diminish heritage significance.

Consistent with Council, the Panel does not agree with submitters that the condition of the building is a reason to not apply the Heritage Overlay. The Panel accepts that structural condition of a building should not be a criterion for assessing heritage significance.

That is not to say that the condition of a building is irrelevant in the planning system. Such factors are highly relevant at the planning permit stage, when a development proposal can be assessed against the relevant planning policies including heritage. The Panel agrees with Council that consideration of building condition at this stage of the Amendment process would undermine the longer term consideration of heritage protection.

¹ Including Moreland Planning Scheme Amendment C129 and Mornington Peninsula Planning Scheme Amendment C262morn

(iv) Conclusion

The Panel concludes that building condition is not relevant when assessing the heritage significance of an individual place or a precinct.

4.2 Development opportunity**(i) The issue**

The issue is whether development opportunity is relevant when assessing the heritage significance of an individual place or a precinct.

(ii) Submissions

Several submitters raised concerns the Heritage Overlay would limit development opportunities and make altering and maintaining these properties too onerous. Submitters also stated that applying the Heritage Overlay would unreasonably constrain the opportunity to realise the objectives and outcomes encouraged by the zoning of the land, particularly when the site is within an identified activity centre.

One submitter did not disagree with applying the Heritage Overlay to their property, but objected to further restrictions being placed on the property with regard to future renovations and construction of a driveway crossing.

Council acknowledged the Heritage Overlay introduces another layer of control for property owners by imposing additional permit triggers to a future planning permit application. It said this was necessary to ensure those places with the requisite level of heritage significance are recognised and appropriately managed.

Council rejected the proposition that the zoning of land provided justification for recommending against the applying the Heritage Overlay. It said redevelopment opportunities and strategic objectives for greater intensity of development in activity centres are matters properly considered at the planning permit application stage. Council noted that it is not unusual for sites within commercial or mixed-use areas (including activity centres) to be subject to the Heritage Overlay and pointed to several examples of precincts and properties within Stonnington's Major Activity Centres and Large Neighbourhood Activity Centres (including individually significant properties).

Council referred to several panel reports that concluded the potential constraint on development of a building were matters for consideration at the planning permit stage rather than the Amendment stage.² It said the assessment of the significance of a place should be separated from its conservation, adaptation, alteration or demolition.

Council submitted:

- if a property or precinct displays the requisite levels of significance then heritage protection should be applied through the Heritage Overlay
- while 'heritage' will become an additional matter for consideration, the introduction of the Heritage Overlay does not preclude buildings, works or demolition of a building
- local heritage policy at Clause 22.04 of the Planning Scheme sets out the relevant strategies and guidelines to guide decision making under the Heritage Overlay

² Such as Latrobe Planning Scheme Amendment C14, Boroondara Planning Scheme Amendments C266 and C274

- future redevelopment opportunities of heritage properties are immaterial to this stage of the planning process.

(iii) Discussion

The Panel does not accept that applying the Heritage Overlay will create an unacceptable burden on the owners of these properties. The Planning Scheme has many provisions that are applied to restrict or enable land use and development based on different circumstances and constraints.

The zoning of land is not a relevant factor in determining whether to apply the Heritage Overlay. There are many examples throughout Victoria, including in central Melbourne and Major Activity Centres, where the Heritage Overlay exists in conjunction with zones that encourage significant growth.

The Heritage Overlay enables a permit application to demolish, construct a new building or alter an existing building. It envisages future development, while providing the ability to assess proposals in response to existing heritage fabric.

The Panel agrees with Council that concerns relating to future redevelopment opportunities are immaterial to this stage of the planning process and more appropriately considered at the planning permit stage.

(iv) Conclusion

The Panel concludes that the impact of the future development opportunity of a property is not relevant when assessing the heritage significance of an individual place or a precinct.

4.3 Property value and financial implications

(i) The issue

The issue is whether property value and financial implications are relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay.

(ii) Evidence and submissions

One submitter raised concern relating to the potential negative impact of the Heritage Overlay on their property value. The submitter said the Heritage Overlay would “*materially diminish*” its value and impact on the ability to “*dispose of*” the property. The submitter did not provide any detailed analysis or evidence to demonstrate specific economic impacts.

Council submitted:

- the principal consideration in applying the Heritage Overlay is whether the place reaches the threshold for local heritage significance
- any potential personal financial implications such as property value or resale implications are not relevant considerations in assessing heritage significance
- financial impacts may be considered if they overlap with or translate into public economic effects, however the financial matters raised in the submission are expressed on a site-specific basis (that is, how the Heritage Overlay affects the submitter personally) and not at a broader community level
- personal and property specific economic factors are not relevant to the Panel’s consideration of whether the Heritage Overlay should be applied.

No submitters raised objections relating to broader community-wide social or economic impacts of the Amendment.

(iii) Discussion

The Panel agrees with Council that private financial issues of a personal or property specific nature are not relevant when considering whether to apply the Heritage Overlay. The key issue for consideration is whether or not a property is of heritage significance.

(iv) Conclusion

The Panel concludes that that property value and financial implications are not relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay.

4.4 Terminology

(i) The issue

The issue is whether the heritage category of a place in a precinct should be categorised as non-contributory or ungraded.

(ii) Evidence and submissions

Several submitters considered the term ungraded should be used rather than non-contributory to be consistent with the terminology used in the local heritage policy Clause 22.04-2

Two submitters sought to change the terminology referencing their property in a precinct, to replace the heritage category of non-contributory with ungraded. One submitter requested a Statement of Significance (HO349) be updated to align with the level of significance described in the local heritage policy, specifically to use the term ungraded.

Mr Gard'ner did not object to replacing the term non-contributory with ungraded for consistency with Clause 22.04-2, however he noted the local heritage policy will be updated through the PPF rewrite required by Amendment VC148. Regarding contemporary heritage practice, 'non-contributory' is the preferred term as 'ungraded' may indicate the place has not yet been assessed.

In the context of proposed changes to the Heritage Design Guidelines, Council explained it was moving away from the use of letter gradings, to use the terms significant, contributory or non-contributory, and the Heritage Review has adopted these terms. This is consistent with guidance in PPN1.

(iii) Discussion

The Panel notes the current local policy at Clause 22.04-2 is being updated (through a separate amendment process) to reflect the requirements of Amendment VC148.

When referring to the heritage category of a place in a precinct the Panel considers it is appropriate to use the terms significant, contributory or non-contributory because:

- it is consistent with PPN1
- it reflects contemporary heritage practice.

Issues relating to the local heritage policy are discussed in Chapter 10.

(iv) Conclusion

The Panel concludes the heritage category of a place in a precinct should be described as non-contributory rather than ungraded.

5 Claremont Avenue Precinct (HO156)

Exhibited Statement of significance



What is significant?

The Claremont Avenue Precinct, Malvern, a large residential precinct containing a substantial collection of predominantly single-storey Victorian and Federation villas. The streetscapes to the west of the precinct date largely from the late 1880s and are predominantly Victorian in character. The streetscapes in the central and eastern portions of the precinct date largely from c1900 to the late 1910s, with the more substantial and elaborate dwellings found directly to the east of the earlier Victorian development. Some Interwar development is dispersed throughout the precinct. The precinct also includes two church complexes (Former Methodist Church, corner Glendearg Grove Hunter Street; and Former Baptist Church, corner Tooronga Road and Claremont Avenue) as well as short row of early twentieth century shops at 117-125 Station Street.

The precinct includes:

- Chandlers Road (1-11 & 2-18)
- Childers Road (1-19)
- Claremont Avenue (27-117 & 20-100)
- Cummins Grove (1-41 & 2-32)
- Dandenong Road
- Evandale Road (5-37 & 6-26)
- Ewart Street (1A-51 & 8-50)
- Finlayson Street (1-43 & 2-34)
- Gaynor Court (1-15 & 2-18)
- Glendearg Grove (1-35 & 2-54)
- Gordon Grove (9-31 & 4-36)
- Hunter Street (1-53 & 2-62)
- Johnstone Street (1-41 & 4-46)
- McKinley Avenue (3-43 & 2-52)

Lysterville Avenue

Raleigh Street (1-37 & 2-8)

Rushmead Street (1-11 & 2-12)

Soudan Street (1-35 & 2-20)

Staniland Avenue (9-23 & 4-20)

Station Street (111-125)

Tooronga Road (33-97/97A)

Victoria Road North (35-55 & 28-48)

Victoria Road South (20)

Wattletree Road (176-224)

Wheatland Road (1-67 & 2-72).

Elements that contribute to the significance of the place include (but are not limited to):

- Strong Victorian and Federation character with some Interwar development
- Consistent single storey scale
- Modest-sized allotments with consistent house setbacks
- Predominantly detached houses of various size
- Predominantly timber or face red brick construction with some polychromatic brick walls
- Corrugated steel, slate and terracotta tile-clad roofs
- Gabled and hipped roof forms
- Predominantly asymmetrical front elevations, with some symmetrical double-fronted Victorian elevations
- Projecting front gable ends, typically with simple half-timbered gable ends and bay windows
- Front verandahs, either convex in profile or an extension of the main roof
- Decorative cast ironwork or timber fretwork to verandahs
- Prominent chimneys, some highly decorative
- Double hung windows
- Some original fences
- Tree-lined streets
- Rear bluestone paved access laneways.

Later alterations and additions to heritage buildings are not significant. Post-war flats and houses do not contribute to the significance of the precinct.

How is it significant?

The Claremont Avenue Precinct, Malvern is of local historical, representative (architectural) and aesthetic significance to the City of Stonnington.

Why is it significant?

The Claremont Avenue Precinct has clear associations with the subdivision of large allotments for predominantly residential development in Malvern from the mid-1880s to the late 1910s. Houses in the precinct clearly illustrate the sequence of development from west to east in this period. Improved public transport provided the impetus for this development with the railway line through Malvern opening in 1879 along the southern boundary of the precinct (with the station abutting the south-western corner of the precinct), and the tramway along the northern boundary in Wattletree Road commencing operation in 1910 (Criterion A).

The Claremont Avenue Precinct is a fine and highly intact example of a Victorian and Federation residential precinct. The majority of houses in the precinct display typical features of the Victorian or Federation styles popular in the late nineteenth and early twentieth centuries in Malvern and across Melbourne more broadly. Houses are generally single-storey detached brick or timber buildings with consistent setbacks on modest sized allotments. The houses display a variety of gable and hipped roof forms, clad with terracotta roof tiles,

corrugated steel or slate. The houses typically display asymmetrical massing and detailing with projecting gable ends, front verandahs with cast ironwork or timber fretwork, simple half-timbering, bay windows and prominent chimneys. Some symmetrical double-fronted Victorian houses, Federation-era churches, early twentieth century commercial premises, and Interwar houses of various architectural styles are also present in the precinct (Criterion D).

The Claremont Avenue Precinct is a highly intact precinct containing a substantial collection of carefully designed and well-resolved houses from the Victorian and Federation periods, as well as some Interwar examples. Set in consistent rows along tree-lined streets, with bluestone paved rear laneways, these houses display picturesque qualities such as complex rooflines, tall chimneys, half-timbered gable ends, decorative cast-iron or timber detailing and bay windows (Criterion E).

5.1 35 Johnstone Street, Malvern

(i) The issue

The property at 35 Johnstone Street is categorised as non-contributory in the Statement of Significance.

The issue is whether 35 Johnstone Street has been appropriately categorised and included in the Claremont Avenue Precinct (HO156).

(ii) Evidence and submissions

The owner of an apartment at 35 Johnstone Street opposed the Heritage Overlay being applied because the building:

- was built in the 1980s and does not warrant heritage listing
- is not in keeping with the heritage character of the area.

Mr Gard'ner gave evidence the building is identified as non-contributory to the precinct. He considered it appropriate to include the property as it is centrally located within the precinct, not on the edge. Its inclusion will ensure the impact of any change on the property will be appropriately managed with regard to heritage values of the precinct. This is consistent with established heritage practice.

Council relied on the evidence of Mr Gard'ner and submitted the Claremont Avenue Precinct is a large precinct described in the Statement of Significance as a *"fine and highly intact example of a Victorian and Federation residential precinct"*. Council noted the property is well within the boundaries of the precinct and agreed with it being categorised non-contributory.

(iii) Discussion

The Panel accepts the property is non-contributory to the Claremont Avenue Precinct (HO156).

The property is relatively central within the precinct. A heritage precinct is an area identified to have heritage values, and different properties are categorised as either significant, contributory or non-contributory with regard to these heritage values. The Heritage Overlay requires the heritage significance of a precinct be considered when making changes to a property (when a planning permit is required). Any future development proposal of 35 Johnstone Street should appropriately respond to the heritage values of the precinct.

(iv) Conclusion

The Panel concludes the property at 35 Johnstone Street is appropriately categorised and should be retained in the Claremont Avenue Precinct (HO156).

5.2 204-208 Wattletree Road, Malvern**(i) The issue**

The property at 204 – 208 Wattletree Road is categorised as contributory in the Statement of Significance.

The issue is whether 204 – 208 Wattletree Road has been appropriately categorised and included in the Claremont Avenue Precinct (HO156).

(ii) Evidence and submissions

The owner of 204 – 208 Wattletree Road opposed the Heritage Overlay being applied to the property and considered it appropriate to remove it from the precinct or change the heritage category to non-contributory. It submitted:

- while the house was constructed in the 1880s, it was extensively altered in 1933 which has changed the appearance of the house to a *“hipped tile roof Interwar bungalow”*
- further alterations were made to the house since 1933, mostly at the rear and some changes to the façade around the entry
- there are no visible elements of the original house
- the previous heritage category from 1998 was not accurate.

The submitter was of the view that while the Statement of Significance refers to Interwar houses it does not explain the link between these houses and what is significant. Further the house is barely visible as it is setback from the street within an extensive established garden.

The submitter requested that if the property is retained in the precinct, it should be categorised as non-contributory as it does not contribute to the significance of the precinct as described in the Statement of Significance. Further, an incorporated plan could be included in the schedule to the Heritage Overlay exempting the property from a planning permit for alterations or demolition of the existing building and associated outbuildings, and removal of significant trees would still be subject to a planning permit.

Mr Gard’ner gave evidence:

- the property is in the existing Claremont Avenue Precinct (HO156), categorised as ‘B’/‘significant’ and described as a single storey Interwar villa
- the property remains highly intact to its 1930s remodelling
- the updated Statement of Significance identifies that dwellings from the Victorian through to the Interwar period contribute to the significance of the precinct
- it is appropriate to apply the heritage category of contributory.

Council relied on the evidence of Mr Gard’ner and submitted it was appropriate to identify the property as contributory to the precinct. It considered the vegetated setback was recognised in the Statement of Significance as detached houses of various sizes and tree-lined streets are contributory elements to the precinct.

In closing submissions, Council disagreed with having an incorporated document and stated it was not appropriate in the circumstances and no documentation had been provided by the submitter.

(iii) Discussion

The submitter, Council and heritage expert agreed the house now presents as an Interwar dwelling – originally constructed in the 1880s and with significant alterations in the 1930s.

The Statement of Significance states under ‘What is significant?’ that there is a substantial collection of Victorian and Federation villas and “*Some Interwar development is dispersed throughout the precinct*”. It provides a list of elements that contribute to the heritage significance of the precinct, for example:

- Strong Victorian and Federation character with some Interwar development
- Consistent single storey scale
- Predominantly detached houses of various size
- Corrugated steel, slate and terracotta tile-clad roofs
- Gabled and hipped roof forms.

The Panel accepts the property contributes to the heritage significance of the precinct. The Statement of Significance states that what is significant in the precinct includes Interwar houses, and the property demonstrates many elements that contribute to the heritage significance of the precinct. The Panel is not concerned the original dwelling has been modified, as the alterations were undertaken during the development period of significance to the precinct and the form and presentation of the house reflects the Interwar era.

The Panel agrees with the submitter the house is not highly visible from the street, however this does not detract from its characteristics and elements that relate to the heritage values of the precinct.

The previous heritage category is not a consideration for the Panel, as the Heritage Review is the most current heritage assessment and is the basis of the Amendment. This is discussed further in Chapter 3.

(iv) Conclusion

The Panel concludes the property at 204 – 208 Wattletree Road has been appropriately categorised and included in the Claremont Avenue Precinct (HO156).

5.3 2 Raleigh Street, Malvern

(i) The issue

The property at 2 Raleigh Street is categorised as contributory in the Statement of Significance.

The issue is whether 2 Raleigh Street has been appropriately categorised in the Claremont Avenue Precinct (HO156).

(ii) Evidence and submissions

The owner of 2 Raleigh Street submitted the heritage category of contributory was not appropriate for the property. In written advice withdrawing from the Panel process (Document 14), the submitter advised its main concern related to structural engineering issues with the building. It noted these issues would be considered by Council if a planning permit is sought for works or demolition.

Mr Gard'ner considered the property contributory to the heritage significance of the precinct. He gave evidence it:

- was constructed during the Edwardian period (1901-1918)
- is a highly intact Federation-style villa
- demonstrates many of the elements identified in the Statement of Significance under the heading 'What is significant?'.

Council relied on the evidence of Mr Gard'ner and considered the property contributes to the significance of the precinct.

(iii) Discussion

The house is a highly intact Federation-style villa constructed in the early 1900s. This is consistent with the description of what is significant in the Statement of Significance. The property clearly demonstrates many of the elements of significance to the heritage precinct, and the Panel accepts the evidence of Mr Gard'ner that the category of contributory is appropriate.

(iv) Conclusion

The Panel concludes the property at 2 Raleigh Street has been appropriately categorised in the Claremont Avenue Precinct (HO156).

6 Moorakyne/Stonington Precinct (HO182)

Exhibited Statement of significance



What is significant?

The Moorakyne/Stonington Precinct, Malvern, a mid-1920s to mid-1930s subdivision of 1880s mansion estates, containing a large collection of substantial Interwar houses. The streetscapes date largely from the 1930s with a small number of buildings dating from the 1940s and early 1950s contributing to the precinct.

The precinct includes:

Glenferrie Road (nos. 356-378)

Hamilton Road (nos. 2-16)

Henderson Avenue (nos. 1-25 & 2, 12-14)

Moorakyne Avenue (nos. 1-17 & 2-14)

Robinson Street (nos. 5-7 & 16-26)

Somers Avenue (nos. 23-33 & 18-24)

Wilks Avenue (nos. 1-15 & 2A/B/C/D -12).

Elements that contribute to the significance of the place include (but are not limited to):

- Large Interwar houses, predominantly Old English and Georgian Revival in style
- Predominantly two-storey residences □ Predominantly gable roof forms with some hipped roof forms
- Steep roof pitches with prominent front gables
- Terracotta tile-clad or shingle-clad roofs
- Timber-lined eaves, some battened for ventilation
- Eaveless gable ends
- Prominent tall clinker brick or rendered chimneys which often project beyond the face of the wall
- Clinker brick or rendered brick walls
- A variety of detailing including brick patterning to facades with contrasting Roman and coloured bricks and half timbering to gable ends
- Multi-paned double-hung windows
- Window shutters
- Consistent front setbacks within streetscapes
- Early or original low brick front fences with some low stone walls

- Mature gardens with established trees
- Early or original brick garages often incorporated into the house design
- Predominantly concrete-paved roads
- Mature street trees including plantings of Spanish Oak (*Quercus palustris*) on Glenferrie Road and Wilks Avenue; Dutch Elm (*Ulmus x hollandica*) on Glenferrie Road; Liquid Amber (*Liquidamber styraciflua*) on Hamilton Road and Moorakynne Avenue; Crabapple (*Malus ioensis*) on Henderson Avenue; Ash (*Fraxinus angustifolia*) on Mayfield Avenue and Wilks Avenue; and London Plane (*Plantus x acerifolia*) on Somers Avenue and Wilks Avenue.

Later alterations and additions to the Interwar houses are not significant. Houses constructed from the 1960s onwards and those that are heavily altered are not significant.

How is it significant?

The Moorakynne/Stonnington Precinct, Malvern is of local historical, representative (architectural) and aesthetic significance to the City of Stonnington.

Why is it significant?

The Moorakynne/Stonnington Precinct has clear associations with the twentieth century interwar subdivision of large estates which were established by wealthy Melburnians during the land boom of the 1880s. The precinct retains a substantial collection of highly intact Interwar houses, the majority dating from the 1930s, which clearly illustrate this important phase of development in the City of Stonnington. Stonnington Mansion, retained on a substantial estate to the south of the precinct (VHR1608, HO40), provides a tangible link to the original boom-era mansion estates (Criterion A).

The Moorakynne/Stonnington Precinct is a fine and highly intact example of a cohesive upper middle-class Interwar residential precinct. Set in predominantly concrete-paved, tree-lined streets, the majority of the houses in the precinct display typical features of the Old English and Georgian Revival styles popular in the interwar years in Malvern and across Melbourne more broadly. These include large two-storey building forms, clinker brick and rendered brick walls, terracotta tile and shingle-clad roofs, gable and hipped roofforms, prominent front gable ends, tall feature chimneys which project beyond the buildings, brick patterning to walls and half-timbered gable ends, multi-paned double-hung windows, generous front gardens and low brick or stone front fences (Criterion D).

The Moorakynne/Stonnington Precinct is a highly intact Interwar precinct which contains many carefully designed and well-resolved Old English and Georgian Revival style Interwar houses by Melbourne's leading architects.

Those by more prominent architects include:

- Maisonettes, 1-3 Moorakynne Avenue: Arthur W Plaisted (c1941)
- House, 11 Moorakynne Avenue: Arnaud E Wright (1934)
- Elvada Flats, 358 Glenferrie Road (corner Moorakynne Avenue): Leslie Reed (1933)
- Duplex, 2C & 2D Wilks Avenue – A C Leith & Bartlett, 1940
- House, 6 Wilks Avenue – P A Jenkin, c1932
- House, 8 Wilks Avenue – Arthur & Hugh Peck (1933)
- Houses, 10 & 11 Wilks Avenue – J F W Ballantyne (c1931)
- House, 12 Wilks Avenue - Charles Hollinshed (c1932)
- House, 13 Wilks Avenue – Charles Hollinshed (c1949:16)
- House, 3 Henderson Avenue – Cowper, Murphy & Appleford (c1933)
- 9 Henderson Avenue – Robert B Hamilton (1930)
- 15 Henderson Avenue – Ballantyne & Wilson (1935)
- 23 Henderson Avenue – Barney & Kemp (1936)
- 4 Hamilton Road – Oakley & Parkes (1928)
- 6-8 Hamilton Road – Godfrey & Spowers (1928).

Set behind mature gardens along tree-lined streets, these houses display picturesque qualities such as complex rooflines, prominent chimneys, decorative brickwork, half-timbered gable ends and multi-paned windows which make an important aesthetic contribution to the overall character of the precinct (Criterion E).

6.1 5 and 7 Robinson Street, Malvern

(i) The issues

The properties at 5 and 7 Robinson Street are categorised as contributory in the Statement of Significance.

The issues are whether the following properties have been appropriately categorised and included in the Moorakynne/Stonington Precinct (HO182):

- 5 Robinson Street
- 7 Robinson Street.

(ii) Evidence and submissions

The owners of 5 and 7 Robinson Street opposed the Heritage Overlay being applied to the properties because the houses:

- are not part of the historical subdivisions that form the basis of the precinct
- had not been identified through previous heritage studies
- do not contain elements of heritage significance
- are not designed by an identified architect
- do not visually form part of the precinct.

Both submitters were of the view that this part of Robinson Street is characterised by modern houses and has no heritage significance.

Regarding 5 Robinson Street, it was submitted that the house had undergone major extensions and renovations which compromise the integrity of the original house, including alterations of the original 1930s façade.

Regarding 7 Robinson Street, plans were submitted showing how the house had been altered since its construction in the 1930s. Renovations included a second storey extension and removal of a chimney, and the submitter considered the house no longer reads as the original 1930s house. The submitter considered the house was not an exceptional example of the architecture significant to the precinct, and is *“not a contiguous part of an area of heritage significance”*.

The submitter requested that if the Heritage Overlay is applied permanently to 7 Robinson Street, the property should be categorised as non-contributory.

Mr Gard’ner gave evidence the properties should be included as an extension to the existing Moorakynne/Stonington Precinct and categorised as contributory. He explained:

- the dwellings were constructed during the Interwar period following the subdivision of Victorian-period estates and other landholdings in the area
- while the properties did not form part of the three key mansion estates, they did form part of the Interwar subdivision of land.

Mr Gard’ner agreed with submitters that part of Robinson Street contains modern development, however the western end retains dwellings that reflect development and architectural styles of the Interwar period. He was of the view the dwellings demonstrated many characteristics consistent with contributory and significant properties in the precinct, including:

- 5 Robinson Street - a steep pitched roof clad with terracotta tiles, a prominent eaveless front gable, clinker brick and rendered brick walls with decorative brick detailing and double-hung windows

- 7 Robinson Street - a steep pitched roof clad with terracotta tiles, a prominent eaveless front gable, a prominent tall clinker brick chimney, clinker brick walls and multi-paned windows.

He gave evidence the lack of a known prominent architect did not diminish the significance of the places, and noted an architect was only known for a small number of the properties in the precinct.

Mr Gard'ner recommended a change to the Statement of Significance to better reflect the broader Victorian-era historic subdivision as follows (deleted text in ~~red-strikethrough~~ and new text in blue underlined):

What is significant?

The Moorakyne/Stonington Precinct, Malvern, a mid-1920s to mid-1930s subdivision of ~~1880s mansion~~ Victorian-era estates, containing a ...

In response to a question from the Panel regarding visual connection to the rest of the precinct, Mr Gard'ner expressed the view that all precincts will have edges and that the property was visually connected to the precinct when oriented towards Henderson Avenue and looking west.

Council relied on the evidence of Mr Gard'ner, and considered the properties contribute to the significance of the precinct, and extension of the precinct and categorisation of the properties as contributory is appropriate and justified. Council accepted the changes to the Statement of Significance proposed by Mr Gard'ner.

(iii) Discussion

The Panel accepts the properties formed part of the subdivision of Victorian-era estates described in the Statement of Significance.

While the houses at 5 and 7 Robinson Street have been modified since construction during the Interwar period, they both demonstrate elements of heritage significance relevant to the precinct and are substantial Interwar houses. The Panel accepts the characteristics of the houses described by Mr Gard'ner are comparable with significant or contributory properties in the precinct.

The Panel agrees with Mr Gard'ner the lack of an identified architect does not impact on the assessment of local heritage significance of the properties. The precinct is identified as having local heritage significance under Criterion A (historical significance), Criterion D (representativeness) and E (aesthetic significance). The properties are not identified as have local associative significance.

Issues relating to the findings of previous heritage studies are discussed in Chapter 3 of this Report.

While the houses are proposed for inclusion on the edge of an existing precinct, they are contiguous with other contributory houses within the precinct to the west. Properties on the boundary of the precinct will have some interface with properties outside of the precinct and which have no characteristics or values of the precinct. The properties do have a visual and physical connection and association with the precinct to the west.

The Panel accepts the proposed change to 'What is significant?' proposed by Mr Gard'ner and supported by Council is appropriate. The proposed change more accurately reflects the historic subdivision of the area during the Interwar era.

(iv) Conclusions and recommendations

The Panel concludes:

- The following properties are appropriately categorised and included in the Moorakyne/Stonington Precinct (HO182):
 - 5 Robinson Street
 - 7 Robinson Street
- The Moorakyne/Stonington Precinct (HO182) Statement of Significance should be changed in accordance with the recommendations of Mr Gard'ner to refine the section on 'What is significant?'.

The Panel recommends:

Amend the Statement of Significance for Moorakyne/Stonington Precinct (HO182) in accordance with the Panel preferred version shown at Appendix D1.

6.2 33 Somers Avenue, Malvern

(i) The issue

The property at 33 Somers Avenue is categorised as contributory in the Statement of Significance.

The issue is whether 33 Somers Avenue has been appropriately categorised and included in the Moorakyne/Stonington Precinct (HO182).

(ii) Evidence and submissions

The prospective owner of 33 Somers Avenue requested the property be removed from the precinct because it:

- has undergone significant alterations, including rear demolition, contemporary extension, addition of double car garage and removal of interior architectural features
- contains atypical features
- was not previously identified in heritage studies
- is on the edge of the precinct in a mixed character area and not close to any significant heritage buildings.

The submitter referred to the Statement of Significance which states that houses that are heavily altered are not significant.

Mr Gard'ner was of the view the property should be included in the precinct and the category of contributory was appropriate. He gave evidence the property formed part of the original subdivision of the Stonington Mansion Estate and presents as an intact Interwar dwelling, despite the additions. Mr Gard'ner explained the works to the rear of the house are not visible from the public realm and do not impact the contribution the property makes to the precinct. He noted the Amendment does not propose to introduce internal controls, and therefore changes to the interior of the building are not relevant.

Mr Gard'ner considered the property demonstrates many of the elements identified in the Statement of Significance under the heading 'What is significant?'.

Council relied on the evidence of Mr Gard'ner.

(iii) Discussion

The Panel accepts the property formed part of the original subdivision of the Stonington Mansion Estate and presents as an intact Interwar dwelling. The property demonstrates many elements of

significance to the precinct, including being a large house in the Old English Style with a steep pitched roof clad in terracotta tiles with a prominent eaveless front gable, tall clinker brick chimney, clinker brick walls and half timbering. The Panel considers that additions and alterations are well recessed or not visible and do not impact on the integrity of the property.

The Panel notes internal controls are not proposed and these changes are not relevant.

Issues relating to the findings of previous heritage studies are discussed in Chapter 3 of this Report.

As discussed in relation to 5 and 7 Robinson Street, the property is on the edge of an existing precinct. It is contiguous with other contributory houses within the precinct and has a visual and physical connection and association with the precinct to the west and should be included in the precinct.

(iv) Conclusion

The Panel concludes the property at 33 Somers Avenue has been appropriately categorised and included in the Moorakyne/Stonington Precinct (HO182).

6.3 10 Wilks Avenue, Malvern

(i) The issues

The property at 10 Wilks Avenue is categorised as significant in the Statement of Significance.

The issue is whether 10 Wilks Avenue has been appropriately categorised in the Moorakyne/Stonington Precinct (HO182).

(ii) Evidence and submissions

The owner of 10 Wilks Avenue submitted the property was not contributory to the precinct. He provided a detailed history of the property including photographic and documentary evidence showing the house had been heavily altered, including an extension resulting in a two storey residence and introduction of a carport at the street frontage in the 1980s. The owner stated:

The second storey addition has deleted the originally striking double-gabled effect of the original dwelling and has altered the street presentation drastically. Furthermore the large carport in the front setback dominates the view from the street towards the house and becomes the prime feature of the façade.

The submitter considered the front fence and Pin Oak tree in the front yard were also not contributory. They noted the support of Mr Gard'ner and Council for its requested change to the Amendment.

Mr Gard'ner was of the view the property had been substantially altered. The works undertaken in the 1980s have reduced the integrity of the dwelling so that its original form and detailing are no longer readily evident. He recommended the property should be included as non-contributory to the precinct. Mr Gard'ner submitted an updated Statement of Significance with his expert witness statement which included the following changes relating to 10 Wilks Avenue:

- recategorising the property from significant to non-contributory
- removing the fence and Pin Oak as contributory elements in the schedule of gradings
- removing the reference to the house being designed by JFW Ballantyne.

Council relied on the evidence of Mr Gard'ner.

(iii) Discussion

The Panel accepts that the house is heavily altered. Consistent with the Statement of Significance which states “*Houses constructed from the 1960s onwards and those that are heavily altered are not significant*” the Panel considers the property is not significant. The Panel accepts the evidence of Mr Gard’ner that the front fence and Pin Oak should be removed as contributory elements.

The Panel accepts the proposed changes to the Statement of Significance recommended by Mr Gard’ner.

(iv) Conclusion and recommendation

The Panel concludes the heritage category of the property at 10 Wilks Avenue should be non-contributory within the Moorakyne/Stonington Precinct (HO182), and reference to the front fence and Pin Oak (tree) should be removed.

The Panel recommends:

Amend the Statement of Significance for Moorakyne/Stonington Precinct (HO182) in accordance with the Panel preferred version shown at Appendix D1.

7 Glenferrie Road/High Street Precinct (HO349)

Exhibited Statement of significance



What is significant?

The Glenferrie Road/High Street Precinct, Malvern, a commercial and civic precinct containing a collection of predominantly two-storey Victorian and Federation commercial buildings with some Interwar premises. The precinct comprises the streetscape of Glenferrie Road between High Street and Dandenong Road, High Street west of Glenferrie Road, commercial properties in Station Street and Claremont Avenue, and a small number of properties located on side streets off Glenferrie Road.

The precinct includes:

- Barkly Avenue (1/1A & 2-6/6A)
- Claremont Avenue (1-25 & 2-18)
- Dandenong Road (653-665)
- Evandale Road (2)
- Glenferrie Road (13-285A & 8-288)
- Gordon Grove (1A & 2A-C)
- High Street (1195-1249 & 1152-1278)
- Llaneast Street (1A & 8)
- Seymour Avenue (40)
- Stanhope Street (38)
- Station Place (1-5)
- Station Street (1-55)
- Union Street (77-88 & 86-92)
- Wattle tree Road (105-133 & 128 and 136)

Willis Street (2 & 17)

Winter Street (1A-1E)

Key features that contribute to the significance of the place include (but are not limited to):

- Highly intact late nineteenth/early twentieth century precinct
- Consistent two-storey scale with some single-storey buildings
- Predominantly late Victorian and Federation period commercial buildings, with some Interwar commercial buildings
- A large portion of buildings of high architectural quality
- A variety of both simple and highly decorative façade parapets, with pitched roofs behind
- No front or side setbacks
- Face red brick (including polychrome) or rendered walls
- Rendered window surrounds and sills to upper storeys
- Rendered ornament to upper storeys, including name plates
- Corner towers
- Rendered or tile-clad bracketed hoods to upper storey windows
- Rendered or face brickwork chimneys
- Strong horizontal lines formed by parapets, cornices, string courses
- Repetitive upper floor fenestration patterns
- Less than 40% of the upper street façade comprising openings such as windows
- Corrugated iron roof cladding dominant
- Upper-level verandahs for residential use
- Original or early shop fronts with display windows, timber or tiled plinths, and entry recesses
- Splayed corners to buildings at intersections
- Some intact rear wings
- Remnant original or early painted signage
- The Glenferrie Road railway bridge (steel framed bridge with red brick abutments with stone capping)
- Bluestone service laneways to the rear of Glenferrie Road and High Street shops
- Remnant bluestone kerb and guttering in some east-west streets
- Views to key landmarks at the northern and southern ends of the precinct (being the Malvern Town
- Hall to the north and St Paul's Anglican Church to the south).

A number of places with individual Heritage Overlays are located at or near the boundaries of the precinct and these places support the significance of the precinct. These include:

- Malvern Railway Station, 2 Station Street, Malvern (HO103) (VHR H1575)
- Former Railway Hotel, 641-651 Dandenong Road, Malvern (HO403)
- Former ES&A Bank, 1284-1286 High Street (HO58) (VHR H1691)
- June Moon (Sculpture), Glenferrie Road/High Street corner (HO42)
- Malvern Town Hall, 1251 High Street, Malvern (HO483)
- Malvern Tram Depot, Coldblo Road (HO23) (VHR H0910)

St Paul's Anglican Church, Dandenong Road (HO14 Glen Eira Planning Scheme, Caulfield North Estate & Environs, Caulfield North) is also prominently located to the south of the precinct.

Buildings that do not contribute to the significance of the precinct include those constructed in the post-war period onwards (from c1945). Recent additions and alterations to heritage buildings (excluding conservation works) are also not contributory.

How is it significant?

The Glenferrie Road/High Street Precinct, Malvern is of local historical, representative (architectural) and aesthetic significance to the City of Stonnington. It has local rarity value for its highly intact collection of original or early shop fronts.

Why is it significant?

The Glenferrie Road/High Street Precinct has functioned continuously as Malvern's principal commercial centre since c1880. It retains a substantial collection of highly intact buildings, predominantly from the Victorian and Federation periods with some Interwar development, including shops and associated residences and other commercial and civic/public buildings and structures. Together these demonstrate the development of this major commercial precinct, particularly from the 1880s to the 1910s when substantial growth occurred in Glenferrie Road, High Street and Station Street/Claremont Avenue, and are illustrative of the enduring role the commercial precinct has played in the economic and social life of Malvern for in excess of 100 years (Criterion A).

The Glenferrie Road/High Street Precinct retains a rare collection of highly intact shopfronts from the Victorian, Federation and Interwar periods. These include timber-framed windows with stallboard, metal-framed shopfronts with tiled stallboards and splayed entries, metal framed shopfronts with leaded highlights, copperframed shopfront windows, metal-framed shopfront with asymmetrical entry and display cabinets, and a highly elaborate shopfront at 39 Station Street. Buildings retaining intact shopfront include (but are not limited to):

- Barkly Avenue (2-6A)
- Claremont Avenue (9A, 23, 25, 2-8, 12-18)
- Glenferrie Road (13, 15, 19, 35-37, 45, 57, 59/59A, 65-67, 155, 197-201, 269, 273-275, 277-285A, 12-14, 90-96, 230-232, 260-264)
- High Street (1205-1207, 1225, 1206-1210, 1256, 1262, 1272-1278)
- Station Street (1-3, 13-15, 37, 39, 49)
- Wattletree Road (109, 115-125).

The Town Hall Buildings at 277-285 Glenferrie Road and 1272-1278 High Street display a particularly fine and highly intact metal-framed shopfront with tiled surrounds and decorative leaded highlight to eight adjoining premises (Criterion B).

The highly intact streetscapes within the Glenferrie Road/High Street Precinct clearly demonstrate the principal characteristics of a major turn-of-the-century commercial centre in the City of Stonnington. Typical characteristics of such centres – including the predominantly two-storey Victorian and Federation street wall height, parapetted rendered or red brick facades with repetitive upper floor fenestration, and ground floor shopfronts – are displayed in the original forms, fabric and detailing of the majority of the buildings. The Glenferrie Road streetscapes are particularly notable to the north and south of the intersection with Wattletree Road and are highly consistent in their architectural form and expression, forming a cohesive and important streetscape (Criterion D).

The Glenferrie Road/High Street Precinct contains a number of carefully detailed and designed examples of commercial buildings with well-resolved architectural expression. These include, among others, Pepperell's Buildings at 13-25 Glenferrie Road (1891), buildings at 104-106 Glenferrie Road (1888), H G Appleford Printer at 109 Glenferrie Road (1891), Turner's Buildings at 60-64 Glenferrie Road (1904), the Art Nouveau-inspired premises at 99-103 Glenferrie Road (1902), buildings at 24-28 Glenferrie Road (with corner tower) and 12-14 Glenferrie Road/1-11 Station Street, and the corner premises with tower at 197-201 Glenferrie Road (1914). The precinct also contains a number of buildings that comprise runs of four or more repeated two-storey shop-residences that contribute to the strength and cohesiveness of the turn-of-the-century streetscape. These include, among others, 13-25 Glenferrie Road (Pepperell's Buildings), 69-83 Glenferrie Road, 85-91 Glenferrie Road, 157-165 Glenferrie Road, 50-58 Glenferrie Road (McAuley Buildings), 90-96 Glenferrie Road and 1-11 Station Street (Criterion E).

7.1 Built form guidance

(i) The issues

The issues are whether the Statement of Significance for Glenferrie Road/High Street Precinct (HO349) should be amended to provide greater built form guidance on the future contribution of non-contributory places.

(ii) Evidence and submissions

The owner of several apartments at 1192-1200 High Street, and the owner of 160-178 Glenferrie Road were concerned about inconsistencies with the local heritage policy and other relevant built form controls. The submitters requested the Statement of Significance be updated to better address the future contribution of non-contributory places, in the context of built form guidance in the Design and Development Overlay Schedule 19 (DDO19). The submitters were of the view:

- DDO19 includes discretionary height controls of 14.5 – 35.5 metres (four to 10 storeys)
- the Statement of Significance places rigid emphasis around the precinct's existing two storey scale
- there are strategic non-contributory sites where development could reasonably be anticipated to be aligned with the built form character anticipated in DDO19, while respecting the significance of significant or contributory buildings in the wider precinct.

Mr Gard'ner stated he did not understand what was intended by the desire to recognise the future contribution of non-contributory places within the precinct. He considered future built form will not contribute to the significance of existing precincts, but may in time be considered to have their own significance.

The report to Council responding to submissions stated:

The strategic justification for heritage controls (the heritage citation and Statement of Significance) cannot recognise a future or potential built form that has not yet been realised.

(iii) Discussion

The submitters did not raise issues relating to accuracy of the Statement of Significance. As explained in PPN1, a Statement of Significance should clearly establish the importance of a place and address the relevant heritage criteria. Its purpose is to document what is significant, how and why it is significant. The Panel agrees with Council it is not the place of a Statement of Significance to recognise or guide future built form.

Consideration of DDO19 is outside the scope of the Amendment and is not before the Panel, however the Panel notes:

- the parent clause of the Design and Development Overlay (Clause 43.02) includes the purpose to *"identify areas which are affected by specific requirements relating to the design and built form of new development"*
- DDO19 includes design objectives guiding built form, including to *"encourage a modest scale of development in High Street and Glenferrie Road, which complements the existing heritage fabric"*
- the design requirements specify discretionary height controls of four to six storey along High Street and Glenferrie Road, depending on site size and location
- the taller height controls identified by the submitters relate to identified and discrete strategic redevelopment sites.

Clause 71.02-3 (Integrated decision making) acknowledges the PPF operates together with other parts of the Planning Scheme to guide integrated decision making. Council will have regard to planning policy and the objectives of the Heritage Overlay and DDO19 when making decisions relating to properties affected by these planning controls. Future built form will be assessed with regard to balancing any competing objectives with consideration of net community benefit and sustainable development.

(iv) Conclusion

The Panel concludes the Statement of Significance for Glenferrie Road/High Street Precinct (HO349) should not be amended to provide greater guidance on the future contribution of non-contributory places.

7.2 8, 10 and 10A Glenferrie Road, Malvern

(i) The issues

The property at 8, 10 and 10A Glenferrie Road is categorised as contributory in the Statement of Significance.

The issue is whether 8, 10 and 10A Glenferrie Road has been appropriately categorised and included in the Glenferrie Road/High Street Precinct (HO349).

(ii) Evidence and submissions

The owner of 8, 10 and 10A Glenferrie Road submitted the property is not contributory to the precinct. They requested the category be changed to non-contributory because the building has been substantially altered and the site is isolated from the rest of the precinct. Referring to early photographs, the owner submitted the building had been changed to remove ornamental parapet detailing, the corner entry and shopfronts to Glenferrie Road. The building had also been rendered.

Mr Gard'ner gave evidence the property is in the existing Glenferrie Road/High Street Precinct (HO349) and categorised as 'B'/'significant'. He considered the property should be categorised as contributory in the updated Statement of Significance.

Mr Gard'ner advised the test was whether the property contributed to the precinct. He explained:

While separated from much of the precinct by the State-significant Malvern Railway Station (VHR H1575) and associated railway line, this group of shops responds to its corner location, fronting both the Glenferrie Road entrance to the Malvern Railway Station and the historic streetscape of Glenferrie Road, demonstrating the development of this major commercial precinct in response to – and adjacent to – the railway.

He considered that removing some of the detailing supported the proposed change of category from significant to contributory. He stated:

- the single storey group of shops retain the original single-storey form, its stepped parapet (albeit modified) and splayed corner
- the property contributes to the late nineteenth / early twentieth century commercial streetscape of Glenferrie Road, particularly when viewed from the south
- the extent of contribution can be assessed in an integrated manner along with other planning objectives as part of any future planning permit application.

Council relied on the evidence of Mr Gard’ner and found that categorising the building as contributory to the precinct appropriately reflected modifications to the building.

(iii) Discussion

The original building included greater architectural detail and modifications to the building have impacted its intactness. The building however is legible as a heritage building, has integrity and retains many of the elements identified in the Statement of Significance as contributing to significance of the precinct. For example:

- the original single-storey building scale
- late Victorian / federation period commercial building
- a variety of both simple and highly decorative façade parapets
- no front or side setbacks
- strong horizontal lines formed by parapets
- splayed corners to buildings at intersections.

The building clearly represents late nineteenth/early twentieth century buildings that contribute to the significance of the precinct. The Amendment proposes to change the heritage category from significant to contributory, which reflects the impact of the changes to the building. The Panel agrees this is appropriate.

The Panel notes the site is isolated from the rest of the precinct, and with a substantial separation from the main shopping strip along Glenferrie Road. While the precinct is somewhat irregular in shape and connectivity, in particular with the railway line transecting the precinct, the Panel does not consider this separation detracts from the property’s role as contributory to the precinct. The property is a continuation of the historic streetscape of Glenferrie Road, and is a key corner site with frontage to both Glenferrie Road and the entrance to the Malvern Railway Station.

The Panel was not presented with alternative evidence relating to the heritage assessment.

(iv) Conclusion

The Panel concludes the property at 8, 10 and 10A Glenferrie Road has been appropriately categorised and included in the Glenferrie Road/High Street Precinct (HO349).

7.3 202 Glenferrie Road, Malvern

(i) The issues

The property at 202 Glenferrie Road is categorised as contributory in the Statement of Significance.

The issue is whether 202 Glenferrie Road has been appropriately categorised and included in the Glenferrie Road/High Street Precinct (HO349).

(ii) Evidence and submissions

The owner of 202 Glenferrie Road objected to the Amendment but did not provide reasons why.

Mr Gard’ner was of the view the property was appropriately categorised as ‘contributory’ in the precinct. He explained there was lack of clarity about the previous heritage category of the property, which had been regraded to ‘none’ in 1998. He thought this may have been based on

the incorrect/abutting property address. The commercial building at 202 Glenferrie Road clearly dates to the late nineteenth /early twentieth century and:

... is of red brick construction (overpainted) with an elaborately detailed parapet with decorative scrolls flanking the rectangular pediment and ball finials to the pilasters on the party walls.

Council relied on the evidence of Mr Gard'ner.

(iii) Discussion

The submitter did not expand on its original submission which objected to the Amendment, and did not explain the basis of its objection or reasons why it objected.

The Panel accepts the evidence of Mr Gard'ner and is of the view the property is appropriately categorised and included in the precinct.

(iv) Conclusion

The Panel concludes the property 202 Glenferrie Road has been appropriately categorised as contributory and included in the Glenferrie Road/High Street Precinct (HO349).

7.4 216 Glenferrie Road, Malvern

(i) The issues

The property at 216 Glenferrie Road is categorised as contributory in the Statement of Significance.

The issue is whether the property at 216 Glenferrie Road has been appropriately categorised and included in the Glenferrie Road/High Street Precinct (HO349).

(ii) Evidence and submissions

The owner of several apartments at 216 Glenferrie Road opposed the Heritage Overlay being applied to the property, stating it is not contributory based on background information in the Malvern Heritage Review. Specifically, the building:

- is not understood to be a commercial / retail building demonstrating importance in the 1890s
- is not included the heritage precinct map of 1901
- was not part of the Coldblo Estate of frontages developed into the twentieth century and its architecture is not compatible with that estate
- does not exhibit a number of key listed features.

The submitter raised issues relating to the building condition and damage caused by a street tree. While building cracking had been repaired, they were concerned about restrictions to rebuilding in the future.

Mr Gard'ner explained:

- the property is currently graded 'B'/'Significant' within the precinct, and the Amendment proposes to recategorise it as contributory
- the background information in the Malvern Heritage Review provides a historical summary of the larger precinct and may not contain all the information relevant to a specific property.

Mr Gard'ner agreed the property is not on the 1901 precinct map as it was not constructed by that date and was not part of the Coldblo Estate.

Mr Gard'ner was of the view the property should be included in the precinct as contributory as it is consistent with general form and historic function of the highly intact commercial precinct and contributes to its significance. Specifically it:

- falls within the period of significance as it was constructed in the first part of the twentieth century
- mirrors detailing of the corner building on the opposite site of Valetta Street
- while lacking elaborate architectural details it shares the features of other contributory properties in the precinct, including:
 - two-storey building with a simply detailed, parapeted façade to both principal elevations, concealing a hipped roof behind
 - no front or side setback
 - repetitive upper floor fenestration patterns
 - brick walls (overpainted)
 - strong horizontal emphasis
 - splayed corner.

Mr Gard'ner explained that while it would not stand alone as having individual heritage significance it is representative of its time and should be categorised as contributory.

Council relied on the evidence of Mr Gard'ner.

(iii) Discussion

The building at 216 Glenferrie Road is an intact early twentieth century commercial building. While the architectural detail is not elaborate, it demonstrates elements that are significant to the precinct, consistent with the description of what is significant in the Statement of Significance and as detailed in the evidence of Mr Gard'ner.

The property is centrally located within the precinct, along Glenferrie Road. The building contributes to the heritage significance of the precinct, and accepts the evidence of Mr Gard'ner that the category of contributory is appropriate.

(iv) Conclusion

The Panel concludes the property at 216 Glenferrie Road has been appropriately categorised and included in the Glenferrie Road/High Street Precinct (HO349).

7.5 1260 High Street, Armadale

(i) The issues

The property at 1260 High Street is categorised as contributory in the Statement of Significance.

The issue is whether 1260 High Street has been appropriately categorised and included in the Glenferrie Road/High Street Precinct (HO349).

(ii) Evidence and submissions

The owner of 1260 High Street objected to the Heritage Overlay being applied to the property. They considered it does not have aesthetic, historical, scientific or social significance and lacks unique features, style, materials or attributes. Further, the property does not possess any of the

key characteristics of non-residential heritage buildings, such as “...height, form, detailing, front or side setbacks, unique orientations, parapets or a unique façade”.

Mr Gard’ner considered the property was appropriately categorised as contributory, noting it is one of a pair of shops in a highly intact commercial heritage precinct. He stated:

1260 High Street comprises a simply detailed façade parapet with pressed metal detailing and no front or side setback. While the property lacks the elaborate architectural detail of a number of other buildings within the precinct, it is consistent with the general form and historic function of the commercial precinct and contributes to an understanding of its historic development.

In response to questions from the Panel, Mr Gard’ner explained that while the ground floor façade been altered, this is commonplace and many shopfronts have been changed. The property has a highly intact pressed metal parapet, and while a modest building it is important. It is significant that the building is part of a pair with similar features, and the building demonstrates aspects of development of this commercial strip along High Street.

(iii) Discussion

While the building does not have elaborate detailing, it is a commercial property constructed during the era of significance and demonstrates elements that are significant to the precinct. This is consistent with the description of what is significant in the Statement of Significance and the evidence of Mr Gard’ner.

Significant elements include:

- original single-storey building scale
- late Victorian / federation period commercial building
- a variety of both simple and highly decorative façade parapets
- no front or side setbacks
- strong horizontal lines formed by parapets.

The property is centrally located within the precinct, along High Street. The building contributes to the heritage significance of the precinct. The Panel accepts the evidence of Mr Gard’ner that the category of contributory is appropriate.

(iv) Conclusion

The Panel concludes the property at 1260 High Street has been appropriately categorised and included in the Glenferrie Road/High Street Precinct (HO349).

8 Winter Street Precinct (HO691)

Exhibited Statement of significance



What is significant?

The Winter Street Precinct, Malvern, an 1880s-1890s subdivision development of the Winter Estate, containing a collection of Victorian houses.

The precinct comprises 8-30 and 11-29 Winter Street, Malvern.

Elements that contribute to the significance of the place include (but are not limited to):

- Strong Victorian character
- Consistent single-storey scale
- Modest-sized allotments with consistent front setbacks within the streetscape
- Detached houses
- Predominantly smooth rendered or polychromatic brick walls
- Predominantly slate roofs
- Hipped roof forms
- Predominantly symmetrical front elevations, with a small number of asymmetrical front elevations
- Front hipped roof verandahs
- Decorative cast ironwork to verandahs
- Prominent chimneys with large cornice and triple semicircular decorative fins
- Double hung windows
- Bluestone gutters.

Later alterations and additions to the Victorian properties are not significant. Later houses at 23 and 27 Winter Street are not significant.

How is it significant?

The Winter Precinct, Malvern is of local historical, representative (architectural) and aesthetic significance to the City of Stonnington.

Why is it significant?

The Winter Street Precinct is illustrative of the suburban development of Malvern during the boom period of the 1880s and early 1890s. In this period, extensive tracts of land in Malvern – and throughout Stonnington more broadly – were subdivided into suburban residential estates, and allotments were purchased for the construction of working and middle-class housing. Constructed as part of the Winter's Estate subdivision, the Winter Street Precinct clearly illustrates this important phase of development in the City of Stonnington (Criterion A).

The Winter Street Precinct forms a fine and highly intact representative group of residences built in the late 1880s and early 1890s. Together these houses display typical features of the Italianate architectural style popular in Malvern and across Victoria more broadly in the Victorian period, including a consistent use of materials and elements, such as red or polychromatic brick or smooth-rendered walls, hipped roofs clad in slate, post-supported hipped roof verandahs, decorative cast iron friezes, eaves brackets and prominent brick or rendered chimneys (Criterion D).

The Winter Street Precinct forms a unified group of residences dating to the Victorian period. Comprising rows of single-storey brick cottages, the consistent application of high-quality materials and detailing – such as hipped roof forms predominantly clad in slate, post-supported verandahs with decorative cast-iron friezes and brackets, prominent chimneys, and decorative eaves brackets – in conjunction with their garden settings and consistent setbacks, presents a highly picturesque streetscape (Criterion E).

8.1 18 Winter Street, Malvern

(i) The issues

The property at 18 Winter Street is categorised as contributory in the Statement of Significance.

The issue is whether 18 Winter Street has been appropriately categorised in the Winter Street Precinct (HO691).

(ii) Evidence and submissions

The owners of 18 Winter Street did not object to the Heritage Overlay being applied to the Winter Street Precinct but opposed the proposed category of the property as contributory. They requested 18 Winter Street be recategorised as non-contributory because:

- the properties on either side of it (number 16 to the west and 20-22 to the east) are non-contributory
- 20-22 Winter Street is a vacant lot having previously been occupied by a 'landmark' Victorian era house
- a new house is being built at 16 Winter Street
- 18 Winter Street:
 - does not contribute to a streetscape of high integrity, uniformity of scale and distinctive architectural character
 - has lost its immediate context and does not contribute to the character of the precinct
 - it detracts from the character of the precinct
 - is not typical of the other houses in the precinct including that it is weatherboard (rather than brick) and has a tiled roof (rather than slate).

Mr Gard'ner stated:

The dwelling at 18 Winter Street, Malvern is one of 17 properties constructed within a nine-year period in the late 1880s and early 1890s as part of the 'Winter's Estate'.

Like the other 'Contributory' and 'Significant' properties within the proposed precinct, 18 Winter Street was constructed in an Italianate style and shares the following features with other dwellings in the precinct:

- Detached, single-storey residence
- Hipped roof form
- Asymmetrical front elevation
- Front verandah with decorative ironwork
- Prominent chimneys, and
- Sash windows.

It also features square-edged weatherboards designed to simulate blockwork, another characteristic architectural feature of the period. Despite having a newly constructed dwelling to one side and a vacant lot to the other, 18 Winter Street is sited within a dense built form context and sits within the middle of this highly intact late-Victorian precinct.³

Mr Gard'ner concluded that 18 Winter Street is appropriately graded contributory to the precinct.

(iii) Discussion

The Panel is satisfied that 18 Winter Street should be graded contributory because it is generally consistent with the elements identified in the Statement of Significance. The dwelling presents as an intact example of the Italianate architectural style. The Panel agrees with the evidence of Mr Gard'ner that there are sufficient elements that enable the understanding of the dwelling within this context.

The dwelling's weatherboard cladding and tiled roof do not diminish the significance of the place. The square-edged weather boards designed to simulate blockwork make the use of this material an interesting feature that integrates with the other brick dwellings in the street.

The Panel accepts it is appropriate to categorise 18 Winter Street as contributory when it abuts non-contributory properties to the east and west. The critical factor in considering this issue is that the dwelling at 18 Winter Street contributes to the built form attributes and significance of the precinct. It is also relevant that 18 Winter Street is central to a relatively small precinct that is generally highly intact.

Within this context, of the 21 properties in the Winter Street Precinct:

- two properties are graded significant
- 15 properties are graded contributory
- four properties are graded non-contributory.

The Panel notes that 25 Winter Street is categorised significant and abuts non-contributory buildings at 23 and 27 Winter Street.

(iv) Conclusion

The Panel concludes 18 Winter Street has been appropriately categorised in the Winter Street Precinct (HO691).

³ Document 11, Gard'ner expert witness statement, paragraph 63

9 Individual heritage places

9.1 41 Elizabeth Street, Malvern (HO675)

Exhibited Statement of significance



What is significant?

The house at 41 Elizabeth Street, Malvern, constructed in 1969.

Elements that contribute to the significance of the place include (but are not limited to):

- The original external form, materials and detailing of the house
- The high level of integrity to its original design
- Deliberate siting and organisation of internal spaces to create a complex external built form
- Complex roof forms, especially the skillion roofs
- Face clinker brick, concrete tiled roof, timber detailing and garden paving
- Integrated garage and walled courtyard entry.

Later alterations and additions, including the increased height of the courtyard wall, are not significant.

How is it significant?

The house at 41 Elizabeth Street, Malvern is of local historical, representative (architectural) and aesthetic significance to the City of Stonnington.

Why is it significant?

The house at 41 Elizabeth Street has a clear association with the project homes industry in Victoria in the post-war period and is illustrative of post-war suburban development in the City of Stonnington. It demonstrates the shift towards lower-cost, architect-designed housing which characterised suburban development across Victoria in the late-twentieth century (Criterion A).

The house at 41 Elizabeth Street is a highly intact representative example of Modernist suburban housing built in the City of Stonnington in the postwar period. It displays key characteristics of this type of housing,

including an integrated approach to house and site, a strong connection with the outdoors and harnessing natural light, a neutral colour palette, and the use of natural materials such as timber and brick (Criterion D).

The house at 41 Elizabeth Street is a well-resolved and carefully-detailed example of an architect-designed post-war project home. Designed by noted architects Cocks & Carmichael for project home builders Design 70, the house – with its asymmetrical composition, complex series of roof forms, and brick construction – set within an integrated landscaped setting, presents a picturesque composition of this building type (Criterion E).

(i) The issue

The issue is whether the Heritage Overlay (HO675) should be applied to 41 Elizabeth Street, Malvern.

(ii) Evidence and submissions

The owner of 41 Elizabeth Street opposed the Heritage Overlay being applied to the property, stating the house:

- is not of historical or aesthetic significance
- does not represent exemplary modernist suburban housing
- has been substantially altered, including the removal of walls from the principal façade and details from both levels, changes to the front entry, front fence and painting of the original face brick façade (and fence)
- is a poor representation of the ‘modern city’ as defined by Stonnington’s Heritage Action Plan.

The owner’s submission was accompanied by a report prepared by a heritage consultant that expressed the opinion that the threshold for inclusion in the Heritage Overlay had not been met.

Mr Gard’ner gave evidence that:

At the time of completing the assessment it was understood that some changes had occurred to the building – including the increasing of the front fence, change to the entry element, and replacement of some windows – however, it was considered that these changes did not undermine the assessed significance of the place.

Since the completion of the assessment, the building has been entirely overpainted. This change has diminished the legibility the materiality of the building, which is an important element of its significance. The effect of this change is that the building is no longer considered to meet the threshold for local heritage significance.⁴

In response to questions from the Panel, Mr Gard’ner said that overpainting does not always diminish the heritage significance of a place, however in this instance it did. He said the original face brick treatment was a very important element in the legibility of the place as a modernist house and although the paint could, in theory, be removed, the house should be assessed in its current (painted) state.

Council agreed with Mr Gard’ner and supported the removal of the Heritage Overlay from 41 Elizabeth Street.

⁴ Document 11, Gard’ner evidence statement, paragraph 49

Figure 2 **41 Elizabeth Street, June 2022**



Source: Gard'ner evidence statement, page 18

(iii) Discussion

The Panel accepts that the dwelling at 41 Elizabeth Street has experienced significant change from its original construction. This is supported by photographs and plans provided by the owner of the property. The extent of these changes, including overpainting the original face brick façade, has resulted in a loss of heritage fabric to the extent that the property does not meet the threshold for local heritage significance.

The Panel agrees with the submitter, Mr Gard'ner and Council that the Heritage Overlay should not be applied to 41 Elizabeth Street.

(iv) Conclusion and recommendation

The Panel concludes 41 Elizabeth Street should not be included within a Heritage Overlay (HO675).

The Panel recommends:

Delete the Heritage Overlay from 41 Elizabeth Street, Malvern (HO975).

Delete the Statement of Significance for 41 Elizabeth Street, Malvern (HO975).

9.2 1225 Malvern Road, Malvern (HO682)

Exhibited Statement of significance



What is significant?

The house at 1225 Malvern Road, Malvern, built c1870.

Elements that contribute to the significance of the place include (but are not limited to):

- The original external form, materials and detailing of the house
- The house's high level of integrity to its original design
- Single-storey mid-Victorian form
- Simple gabled-roof form with front verandah and large rear skillion-roof form
- Symmetry across principal (south) elevation
- Timber wall cladding and corrugated metal roof cladding
- Simple detailing including red brick corbelled chimney and timber framing to openings
- Flush eaves to the principal (south) elevation
- Window to west wall with divided sashes, fine timber framing and ribbed timber hood, possibly dating to the earliest period of construction.

Later alterations and additions are not significant. This includes the front and side fence and outbuildings to the rear.

How is it significant?

The house at 1225 Malvern Road is of local historical significance to the City of Stonnington. It has local rarity value as an early residential property in the municipality.

Why is it significant?

The house at 1225 Malvern Road is of historical significance for its strong associations with the early settlement of Malvern when a small number of houses and shops were constructed near the intersection of Glenferrie and Malvern roads between the 1850s and 1880s. Constructed in the c1870s, the house clearly illustrates this important and early phase of development in Malvern, and the City of Stonnington more broadly (Criterion A).

The house at 1225 Malvern Road is one of a small number of houses in Malvern remaining from the pre-1880s development of the suburb, and one of few houses remaining on Malvern Road dating to the Victorian period. Likely built in the 1870s, the simple timber house displays features of mid-Victorian housing in Malvern and across Melbourne more broadly, including its weatherboard construction and simple gabled roof form with front verandah. The house remains highly intact to provide evidence of the early development of Malvern, and the City of Stonnington more broadly (Criterion B).

(i) The issue

The issue is whether the Heritage Overlay (HO682) should be applied to 1225 Malvern Road.

(ii) Evidence and submissions

Submissions objecting to the Heritage Overlay being applied to 1225 Malvern Road stated that:

- the house has very few original features and is in poor condition
- the house was moved to this location in 1907, as evidenced by the cut weatherboards on the eastern side, to allow for the widening of Acre Place
- the wet areas were rebuilt in the 1980s
- some timber weatherboards have been replaced in the side walls and the remainder are in poor condition
- the window and window hood identified on the west elevation are not original
- the driveway to the west serves adjacent properties and does not serve 1225 Malvern Road
- the red brick chimney is in bad condition
- another original red brick chimney near the kitchen has been removed
- the corrugated iron roof at the front of the house has been replaced at various times
- paving and garden to the front of the house is not original
- stumps have not been replaced and the house is sitting on dirt
- the floors are uneven and are in poor condition
- windows, walls and doors are ill-fitting and fragile
- the house colour is not original.

The owner's submission was accompanied by an engineering report that identified under-floor drafts, water ingress from the driveway of the neighbouring property and that the dwelling has a notable lean to the east.

Mr Gard'ner acknowledged the modifications to the property outlined in the submission, but considered these were minor and do not diminish the legibility of the property as a simple, mid-Victorian timber house.

Mr Gard'ner gave evidence the historical research undertaken for the property identified a change to the width of Acre Place and concluded that it was possible the laneway had been narrowed at the northern end. In response to submissions, historical plans were reviewed and he considered it was likely that the house at 1225 Malvern Road was moved slightly to the west to accommodate the widening of Acre Place (at the Malvern Road end). He concluded:

Notwithstanding this minor change in location, which is an interesting part of the history of the place, it is my view that the building remains as an important and relatively rare example of a pre-1880s dwelling within Malvern and should be included in the Heritage Overlay.⁵

Mr Gard'ner recommended the place history in the heritage citation be amended as follows (deleted text in ~~red strikethrough~~ and new text in blue underlined):

In July 1907 Council agreed to contribute the required amount to the widening of Acre Place at the Malvern Road entrance (Malvern Standard, 6 July 1907:3). ~~It is more likely however that the laneway was narrowed at its northern end to address this inconsistency in width, as the house at 1225 Malvern Road was built right to the laneway and any widening of the~~

⁵ Document 11, Gard'ner evidence statement, paragraph 55

~~laneway would have required its demolition or relocation.~~ At this time it is likely that the existing residence was moved slightly to the west to accommodate the road widening.

Mr Gard'ner said no change was required to the Statement of Significance as the slight relocation of the dwelling did not impact on the heritage significance of the place.

In response to submissions, Council submitted 1225 Malvern Road should be removed from the Heritage Overlay because:

- the house was not originally built in its current location
- the house has elements that are not original, including:
 - the kitchen, bathroom and laundry, which were rebuilt in the 1980s
 - some weatherboards on the side of the building
 - the glass in the window on the western side of the building (including a pelmet added in the 1960s)
 - an original chimney was removed and replaced with a gas space heater
 - the corrugated iron roof at the front of the house and on the overhang
 - paving and front garden
 - paint colour.

Council submitted the changes to the house detract from and impact upon the heritage significance of the place to the extent it does not reach the threshold for local significance and does not warrant application of the Heritage Overlay. It stated:

While Mr Gard'ner has a different view about the heritage significance of the property, and thinks it ought be included in the Heritage Overlay (subject to an amendment to the Citation for the place to reflect the likely movement of the building), in Council's submission, the relocation of the building, and the extent of non-original elements of the building, have significantly affected its heritage significance and it is Council's view that the Heritage Overlay should not be applied to the property.

The owners of 1225 Malvern Road were not represented at the Hearing.

(iii) Discussion

The Panel acknowledges that the house at 1225 Malvern Road has had several changes including a variety of elements replaced or modified. Most of these are generally consistent with the usual maintenance of a property of this age and some of them relate to internal alterations which are not relevant to the Amendment.

The Panel agrees with Mr Gard'ner that the extent of modifications to the original heritage fabric do not diminish the legibility of the property as a simple, mid-Victorian timber house. It also agrees that the (likely) minor relocation of the dwelling around 1907 does not diminish the heritage significance of the place.

Although modest, the cottage is a rare example of a pre-1880s house that illustrates the very early development of Malvern. The Panel considers the house satisfies the threshold for historical significance (Criterion A) and rarity (Criterion B). On this basis, there is a compelling case to apply the Heritage Overlay to the property, and the Panel considers this appropriate.

As identified in Chapter 1.7, the Panel makes no conclusions or recommendations with respect to the changes to the heritage citation suggested by Mr Gard'ner.

The Panel agrees with Mr Gard'ner that there is no need to amend the Statement of Significance. Relocation of the dwelling is an interesting part of the historical narrative, however it is not the basis of what, how or why it is of heritage significance.

(iv) Conclusion

The Panel concludes the Heritage Overlay (HO682) should be applied to 1225 Malvern Road.

9.3 1298 Malvern Road, Malvern (HO683)

Exhibited Statement of significance



What is significant?

Residential flats at 1-4/1298 Malvern Road, Malvern, built in 1939.

Elements that contribute to the significance of the place include (but are not limited to):

- The original external form, materials and detailing of the building
- The building's high level of integrity to its original design
- Symmetry across principal (north) elevation
- H-shaped plan form
- Simple overall massing with low-pitched hipped roof form and projecting eaves
- Terracotta tiled roof and decorative polychromatic brickwork
- Central parapeted bay and pilaster element
- Separate entries to apartments, with recessed doors and staircases
- Original windows
- Setback to north (Malvern Road) and side (Shaftesbury Avenue) boundaries
- Original decorative low garden wall and garden setting
- Original garages to rear.

Later alterations and additions, including the secondary tall timber fencing to Shaftesbury Avenue, are not significant.

How is it significant?

The residential flats at 1-4/1298 Malvern Road are of local historical, representative (architectural) and aesthetic significance to the City of Stonnington.

Why is it significant?

The residential flats at 1-4/1298 Malvern Road are illustrative of the suburban development of Malvern in the interwar period when a number of residential flats/maisonettes were constructed across the suburb. This type of development was largely a result of increased labour and materials costs following World War I. The impetus for

the efficient use of labour and materials led to an increased interest in flat/maisonette development, where shared services and land were considered an attractive prospect for investors. The flats at 1-4/1298 Malvern Road clearly illustrate this important phase of development of Malvern and the City of Stonnington more broadly (Criterion A).

The flats at 1-4/1298 Malvern Road are a fine and highly intact representative example of an interwar residential flat development in the City of Stonnington. The flats display typical features of this building type from this period in Malvern and across Stonnington more broadly, including a substantial two-storey form set on a large site, setbacks to the street frontages to provide a garden setting for the building, individual garages, face brick walls with decorative detailing, and tile-clad hipped roofs. The flats at 1-4/1298 Malvern Road are notable as a well-resolved example of a residential flat development from the interwar period in Malvern (Criterion D).

The flats at 1-4/1298 Malvern Road are a well-considered and carefully detailed example of a residential flat development designed in the Moderne-style. The design – with its symmetrical composition and low-pitched tile-clad hipped roofs, together with the use of distinctive architectural elements, including contrasting cream and dark-brick horizontal banding and vertical central pilaster element, and set within a garden setting – presents a picturesque composition of this architectural style. The matching low brick fence to the two street frontages and original garages to the rear contribute to the integrity and setting of the place (Criterion E).

(i) The issues

The issues are whether:

- the Heritage Overlay (HO683) should be applied to 1298 Malvern Road
- the Statement of Significance is appropriate.

(ii) Evidence and submissions

Jake Australia Pty Ltd (Jake Australia), owner of Units 2 and 4 at 1298 Malvern Road, objected to the Heritage Overlay being applied to the property. It submitted the property is not significant when assessed against the relevant heritage criteria (A, D and E) to warrant individual protection. Specifically:

- Criterion A (historical significance):
 - the site may be an illustrative example of suburban development during the inter-war period, but that does not make it a place that is historically significant
 - the architect of the building is unknown
 - the Heritage Review identified the builder of the flats as 'W H Bruce' but nothing has been put as to why this is significant
 - the place is not one that makes an important contribution to the relevant era
- Criterion D (Representativeness):
 - the site may share in the most typical features of the 'Moderne' style but this does not make it important in a representative sense
 - the features and characteristics described in the Statement of Significance arguably apply to many buildings in the Stonnington municipality
- Criterion E (aesthetic significance):
 - the physical features of the flats such as its symmetrical composition, low-pitched tile roofs and garden setting are common to residential flats during the Interwar period and do not make this particular building aesthetically significant
 - the brick boundary fence (which is not original, and there is no evidence of it being original) is not aesthetically significant, being visually unremarkable, in a state of disrepair and having been a common occurrence of that era and type of development

- the Statement of Significance states that the building presents as a 'picturesque' composition of the Moderne architectural style, however the notion of beauty (which is subjective) is not interchangeable with aesthetics for the purpose of Criterion E.
- the Statement of Significance and the heritage citation do not identify alterations that appear to have been made to the original fabric, including to:
 - the brick fence
 - front windows
 - the garages
- the comparative analysis in the heritage citation does not substantiate the heritage significance of the site
- the flats exhibit nothing unique and there are better examples of buildings of a similar type and period already with heritage protection within Stonnington.⁶

Figure 3 View of 1298 Malvern Road garages fronting Shaftsbury Avenue



Source: Gard'ner evidence statement, page 27

Jake Australia claimed there were many errors in the heritage citation and the Statement of Significance.⁷

Jake Australia submitted that, if the Panel concluded the Heritage Overlay should be applied, the Statement of Significance should be amended to state (deleted text in ~~red strikethrough~~ and new text in blue underlined):

What is significant?

Residential flats at 1298 Malvern Road, Malvern, built in 1939.

Elements that contribute to the significance of the place include (but are not limited to):

- The original external form, materials and detailing of the building
- ~~The building's high level of integrity to its original design~~
- Symmetry across principal (north) elevation

⁶ Other matters raised by Jake Australia such as building condition, constraint on development opportunity and that the site had not been identified as having heritage significance in previous heritage studies have been addressed in Chapters 3 and 4 of this Report.

⁷ Suggested changes to the heritage citation are not discussed, as identified in Chapter 1 of this Report.

- ~~H-shaped plan form~~
- ~~Simple overall massing with low-pitched hipped roof form and projecting eaves~~
- Terracotta tiled roof and decorative polychromatic brickwork
- Central parapeted bay and pilaster element
- Separate entries to apartments, with recessed doors and staircases
- ~~Original windows~~
- ~~Setback to north (Malvern Road) and side (Shaftesbury Avenue) boundaries~~
- ~~Original decorative low garden wall and garden setting~~
- ~~Original garages to rear.~~

Later alterations and additions, including the [garages, windows, fascia, soffits, brick fence detailing and](#) secondary tall timber fencing to Shaftesbury Avenue, are not significant.

How is it significant?

The residential flats at 1298 Malvern Road are of local historical, representative (architectural) and aesthetic significance to the City of Stonnington.

Why is it significant?

~~The residential flats at 1298 Malvern Road are illustrative of the suburban development of Malvern in the interwar period when a number of residential flats/maisonettes were constructed across the suburb. This type of development was largely a result of increased labour and materials costs following World War I. The impetus for the efficient use of labour and materials led to an increased interest in flat/maisonette development, where shared services and land were considered an attractive prospect for investors. The flats at 1298 Malvern Road clearly illustrate this important phase of development of Malvern and the City of Stonnington more broadly (Criterion A).~~

The flats at 1298 Malvern Road are a ~~fine and highly intact~~ representative example of an interwar residential flat development in the City of Stonnington. ~~The flats display typical features of this building type from this period in Malvern and across Stonnington more broadly, including a substantial two-storey form set on a large site, setbacks to the street frontages to provide a garden setting for the building, individual garages, face brick walls with decorative detailing, and tile-clad hipped roofs.~~ The flats at 1298 Malvern Road are notable as a well-resolved example of a residential flat development from the interwar period in Malvern (Criterion D).

The flats at 1298 Malvern Road are ~~an a well-considered and carefully detailed~~ example of a residential flat development designed in the Moderne-style. The design – with its symmetrical composition and low-pitched tile-clad hipped roofs, together with the use of distinctive architectural elements, including contrasting cream and dark-brick horizontal banding and vertical central pilaster element, and set within a garden setting – presents a picturesque composition of this architectural style. The matching low brick fence to the two street frontages and original garages to the rear contribute to the integrity and setting of the place (Criterion E).⁸

In response to questions from the Panel, Jake Australia acknowledged it had retained the word ‘picturesque’ in the text with respect to Criterion E. It said while “*picturesque is not a dirty word*”, too much emphasis was placed on it regarding aesthetic characteristics. It said it was acceptable to retain ‘picturesque’ if it was within the context of a ‘passing reference’.

Mr Gard’ner gave evidence the flats at 1298 Malvern Road are of historic, aesthetic and representative (architectural) significance to the City of Stonnington on an individual basis. He concluded it was appropriate to apply the Heritage Overlay to the site.

In response to cross-examination from Jake Australia, Mr Gard’ner said:

⁸ Document 23

- residential Interwar flats were built across Melbourne, including Port Phillip, Yarra, Melbourne and Stonnington
- the best examples of residential Interwar flats in Stonnington were constructed in Toorak and South Yarra
- the development of Interwar flats in Malvern were an important part of the development of the suburb and the flats at 1298 Malvern Road are a fine example of this type of housing
- it is not necessary to know the architect of the place for it to be of heritage significance
- the name of the builder is noted in the heritage citation because it was identified in historical research and there was no suggestion this was relevant to the heritage significance of the place and the Statement of Significance does not apply Criterion H (associative significance)
- the front fence and garages may not have been built at the same time as the flats, however they are constructed in a very sympathetic style to the main building
- some of the windows, soffits and fascias may have been replaced, however they do not diminish the heritage significance of the place and the flats still read from the Interwar period.

In response to the alternative version of the Statement of Significance presented by Jake Australia, Mr Gard'ner agreed the following changes were appropriate:

- under 'What is significant':
 - the second dot point identifying *"the building's high level of integrity to its original design"*, could be changed to *"the building's high level of integrity to its original form"*
 - in the eleventh and twelfth dot points reference to the low garden wall and garages being *"original"* can be removed but these elements should remain as identified elements that contribute to the significance
 - the words *"later windows, fascia and soffits and"* could be inserted as examples of later alterations and additions
- under 'Why is it significant' Criterion E, the word *"picturesque"* could be amended to *"well designed"*.⁹

Mr Gard'ner did not support the other changes suggested by Jake Australia because:

- under 'What is significant?':
 - the building retains a high level of integrity to its original form
 - the elements are straightforward descriptions of the building and should remain
 - original windows are significant elements and should remain in the list
 - there is no assertion that later windows are significant
 - the setback of the flats is an important aspect of its siting and setting
- under 'Why is it significant?':
 - the place meets the threshold for Criterion A and this should be retained
 - the flats are *"a fine and highly intact"* example of their type
 - the second sentence regarding Criterion D is reasonable and appropriate
 - the flats are *"well-considered and carefully detailed"*.

⁹ Document 25

Council tabled an updated Statement of Significance prepared by Mr Gard'ner in response to submissions from Jake Australia.

Council relied on the evidence of Mr Gard'ner to support applying the Heritage Overlay to the property, and it agreed to amend the Statement of Significance in accordance with his recommendations.

(iii) Discussion

The Panel accepts that 1298 Malvern Road meets the threshold for local heritage significance with respect to Criteria A (historical significance), D (representativeness) and E (aesthetic significance). The detailed research provided in the heritage citation provides a sound justification for applying the Heritage Overlay to the property as an individual place.

The evidence of Mr Gard'ner was compelling and the Panel was not presented with alternative information to suggest his research and conclusions were flawed or inappropriate.

The modifications to the flats identified by Jake Australia are relatively modest and do not detract from the legibility of the place as a generally highly intact example of Interwar flat development in the Moderne style.

That said, the Statement of Significance could be improved through some minor modifications to clarify that the garages to the rear and the low garden wall are not original. As there is considerable uncertainty that the garages and low brick fence were constructed contemporaneously with the flats, it is appropriate to delete the words 'original' from association with these elements. It is however appropriate to record that these elements contribute to the significance of the place because they have been designed sympathetically to the style of the flats.

The Panel agrees it is appropriate to note that the later windows, fascia and soffits are not significant.

The minor wording change suggested by Mr Gard'ner to the second dot point under 'What is significant?' is supported.

There is generally no issue with using the word 'picturesque' under 'Why is it significant?' (Criterion E). It considers the explanation of the aesthetic characteristics are described clearly earlier in the sentence. For clarity in this instance, the Panel agrees an alternative word is acceptable. It considers the word 'picturesque' should be replaced with the words 'well resolved' rather than 'well designed'. The Panel prefers this approach compared to Mr Gard'ner's having regard to the beginning of the sentence which starts "*The design - ...*".

The Panel does not support the other changes to the Statement of Significance suggested by Jake Australia.

(iv) Conclusions and recommendation

The Panel concludes:

- It is appropriate to apply the Heritage Overlay (HO683) to 1298 Malvern Road.
- The Statement of Significance for 1298 Malvern Road is generally appropriate subject to the following changes:
 - under the heading 'What is significant?':
 - the second dot point should be modified to state "*The building's high level of integrity to its original form*"

- the eleventh dot point should be modified to state *“Decorative low garden wall and garden setting”*
- the twelfth dot point should be modified to state *“Garages to rear”*
- the last sentence should be modified to state *“Later alterations and additions, including the later windows, fascia and soffits and secondary tall timber fencing to Shaftsbury Avenue, are not significant”*
- under the heading ‘Why is it significant?’
 - delete the word ‘picturesque’ from the second last sentence and replace it with the words ‘well resolved’
 - delete the word ‘original’ from the last sentence.

The Panel recommends:

Amend the Statement of Significance for 1298 Malvern Road (HO683) in accordance with the Panel preferred version shown at Appendix D2.

9.4 11-13 Sorrett Avenue, Malvern (HO684)

Exhibited Statement of significance



What is significant?

The units at 11-13 Sorrett Avenue, Malvern, constructed in 1968.

Elements that contribute to the significance of the place include (but are not limited to):

- Low-profile, single-storey building reading as a single building
- Repetitive matching carports, including timber cladding and 'floating' roof effect, square concrete tiles floor finish and storage cabinets
- Masonry walls (overpainted), with timber elements picked out in darker/contrasting paint colours
- Profiled metal roof
- Profiled metal roof with skillion-roofed clerestory windows
- Internal courtyards and private rear gardens
- Shared vehicular access and forecourt.

Later alterations and additions, including the extensive alterations to unit Number 1, are not significant.

How is it significant?

The units at 11-13 Sorrett Avenue, Malvern are of local historical and representative (architectural) significance to the City of Stonnington.

Why is it significant?

The units at 11-13 Sorrett Avenue are illustrative of post-war suburban development in the City of Stonnington and demonstrate the shift towards lower-cost, architect-designed housing which characterised suburban development across Victoria in the late-twentieth century (Criterion A).

The units at 11-13 Sorrett Avenue are an intact representative example of a Postwar Modernist multi-unit development built in the City of Stonnington. The complex displays typical features of Modernist housing, which was common across Victoria in this period, including low-profile buildings with a strong horizontal emphasis, flat roof forms, private courtyards, a neutral colour palette, and the use of typical materials such as timber and rendered concrete (Criterion D).

(i) The issue

The issue is whether the Heritage Overlay (HO684) should be applied to 11-13 Sorrett Avenue.

(ii) Evidence and submissions

Submissions objected to the Heritage Overlay being applied to 11-13 Sorrett Avenue and stated:

- Unit 1 has undergone significant alterations to the front of the unit
- Unit 4 has received Council approval for a substantial renovation including the demolition of the front of the unit and a complete redesign of the dwelling and garage
- Unit 5 has had changes to the front of the dwelling and the driveway has been remodelled and fence changed
- all units are different to the original design and no longer read as a group of identical dwellings with changes to the original repetitive matching carports and storage cabinets, courtyards, gates and colours.

Figure 4 Unit 4, 11-13 Sorrett Avenue, March 2022



Source: Gard'ner evidence statement, page 16

Council confirmed that a Planning Permit (Number 1010/20) for the extension of Unit 4 was issued on 30 March 2021 and works are currently in progress. The permit was issued before the the Heritage Review was finalised.

Mr Gard'ner gave evidence that:

The recent works undertaken to Unit 4 – particularly the alteration of the street presentation of the unit – has reduced the integrity of this complex of units to the extent that the complex no longer warrants inclusion in the Heritage Overlay.¹⁰

Council agreed with Mr Gard'ner's evidence to no longer apply the Heritage Overlay to 11-13 Sorrett Avenue.

¹⁰ Document 11, Gard'ner evidence statement, paragraph 46

(iii) Discussion

The Panel accepts that the extent of changes to the units at 11-13 Sorrett Avenue, particularly the recent demolition of the front of Unit 4, has resulted in a loss of heritage fabric to the extent that the property does not meet the threshold for local heritage significance.

The exhibited Statement of Significance states:

Later alterations and additions, including the extensive alterations to unit Number 1, are not significant.

The recent changes to Unit 4 erode the heritage significance of the place. The units at 11-13 Sorrett Avenue no longer read as a unified Post-war Modernist multi-unit development with sufficient heritage fabric to justify the Heritage Overlay.

The Panel agrees with the submitters, Mr Gard'ner and Council that the Heritage Overlay should not be applied to 11-13 Sorrett Avenue.

(iv) Conclusion and recommendation

The Panel concludes that the Heritage Overlay (HO684) should not apply to 11-13 Sorrett Avenue.

The Panel recommends:

Delete the Heritage Overlay from 11-13 Sorrett Avenue, Malvern (HO684).

Delete the Statement of Significance for 11-13 Sorrett Avenue, Malvern (HO684).

9.5 Hamilton Close Cluster Housing (HO693)

Exhibited Statement of significance



What is significant?

The Hamilton Close Cluster Housing at 1 & 9 Hamilton Road, Malvern, constructed from 1977-1981.

Elements that contribute to the significance of the place include (but are not limited to):

- Careful siting of dwellings within a communal landscaped setting to maximise physical and visual access to open space while also providing each dwelling with privacy and access to natural light
- Universal design language to dwellings, including:
 - Low-profile one or two-storey forms
 - Common materiality, including pale brown face brick, painted timber details (for example to doors, gates and fascias), and consistent door and window detailing
 - Skillion and gable roofs with parapets and concrete roof tiles
- Private gardens and courtyards provided to each dwelling
- Substantial communal open space defined by an internal road network (that references the driveway of the earlier mansion located on the site) containing mature specimen trees, expanses of lawn, and densely planted garden beds. A consistent palette of material is applied to the communal open space, including asphalt roadways, red brick edging to internal roadways and garden beds, brick paving to individual unit entrances, and electric lanterns with brown glass orbs.

Later alterations and additions to individual buildings and landscaping are not significant.

How is it significant?

The Hamilton Close Cluster Housing is of local historical, representative (architectural) and aesthetic significance to the City of Stonnington.

Why is it significant?

The Hamilton Close Cluster Housing has a clear association with the development of cluster housing in Victoria in the post-war period, which was a direct result of the Cluster Titles Act 1974. As the first cluster housing development in the municipality and one of the first of its type in Victoria, the Hamilton Close Cluster Housing demonstrates the shift towards more affordable housing and higher density living which characterised suburban development throughout Melbourne in the late-twentieth century (Criterion A).

The Hamilton Close Cluster Housing is a fine and highly intact representative example of a post-war cluster housing development in the City of Stonnington. It displays typical features of the cluster housing typology, which developed across Victoria in the post-war period, including low-profile buildings built to simple standardised designs with low-pitched roof forms, private gardens and courtyards, a neutral colour palette, the use of typical materials such as brick and timber, and the provision of communal open spaces and car parking and access (Criterion D).

The Hamilton Close Cluster Housing at 1 & 9 Hamilton Road is a carefully designed and well-resolved example of a cluster housing development of the 1970s designed by prominent architectural firm, Bates Smart & McCutcheon. The housing development, which comprises a cluster of dwellings with private gardens and courtyards built to simple standardised designs, are sited to provide privacy and maximise open space, while also being set within a communal open landscaped setting. The effect is a picturesque composition of this housing type. The retention of the original nineteenth century driveway alignment and a number of nineteenth century Cypress and oak trees, contribute to the setting of the place (Criterion E).

(i) The issue

The Amendment proposes to:

- remove the Hamilton Close Cluster Housing at 1 and 9 Hamilton Road, Malvern from the Moorakynne/Stonington Precinct Heritage Overlay (HO182)
- apply the Heritage Overlay (HO693) to the property as an individual heritage place.

The Hamilton Close Cluster Housing site is currently categorised as non-contributory in HO182.

The issue is whether the Heritage Overlay (HO693) should be applied to the Hamilton Close Cluster Housing at 1 and 9 Hamilton Road.

(ii) Evidence and submissions

The Owners Corporation associated with the Hamilton Close Cluster Housing site, on behalf of the owners of the 18 units, objected to the Heritage Overlay being applied to the property stating:

- works within the Hamilton Close Cluster Housing have been internally controlled and regulated by the owners prudently applying the approved Owners Corporations rules and exercising 'common sense' for more than 40 years
- the owners have well-aligned interests to ensure that all properties are constantly maintained to a high standard
- the Statement of Significance acknowledges that the site demonstrates "*a fine and highly intact representative example of a post-war cluster housing development in the City of Stonnington*" which shows that the current management arrangements by the owners and the Owners Corporation are working well
- Council has not demonstrated that the current management arrangements are deficient or failing and there is no compelling reason to introduce an additional layer of control
- the Amendment would introduce "*unnecessary, onerous and intrusive dual regulation*".

The Owners Corporation noted the site is currently part of the Moorakynne / Stonnington Precinct (HO182) and acknowledged that owners must submit planning permit applications to Council in accordance with Planning Scheme. It said in practice, however, HO182 has had little, if any,

relevance to Hamilton Close Cluster Housing units because the property is non-contributory within that precinct.

The submission said in the event that the Heritage Overlay (HO693) is applied to the site then 'special conditions' should be included so that the effects of 'dual regulation' are avoided or minimised. It suggested Council could monitor the decisions of the Owners Corporation with respect to the requirements of the Heritage Overlay. This could include the Owners Corporation reporting approvals of building works to Council.

Mr Gard'ner gave evidence that:

... the Hamilton Close Cluster Housing estate is of historic, aesthetic and representative significance to the City of Stonnington in its own right. On this basis, the appropriate instrument for identifying and managing the place is through the Heritage Overlay, noting that Owners Corporation rules – and the desires and expectations of individual owners – can change over time.¹¹

In response, Council agreed with Mr Gard'ner that the site should be included within its own site specific Heritage Overlay (HO693). It said the Statement of Significance demonstrated the Hamilton Close Cluster Housing estate met the threshold for local heritage significance and it was appropriate to apply the Heritage Overlay to the site.

Council acknowledged and commended the aspirations of the current residents of the site, however noted the desires and expectations of owners (and the Owners Corporation rules) can change over time. Within this context, it is important for the heritage fabric of the site to be identified and protected by the provisions of the Planning Scheme through the application of a Heritage Overlay.

(iii) Discussion

Although the Heritage Overlay currently applies to the Hamilton Close Cluster Housing estate, it forms part of a broader precinct within which it is a non-contributory place. The Panel accepts the findings of the Heritage Review that the Hamilton Close Cluster Housing estate meets the threshold of significance for Criteria A, D and E in its own right.

The Hamilton Close Cluster Housing estate comprises 18 semi-detached dwellings located on a large rectangular site. The dwellings are uniformly detailed and employ a consistent material palette and design language. It is a highly intact example of a post-war cluster housing development, designed by prominent architectural practice, Bates Smart and McCutcheon for Glenvill Homes. Hamilton Close demonstrates the typical characteristics of a cluster housing development, including careful siting of dwellings to ensure privacy and maximise open space, private gardens and courtyards, the provision of communal open space, respect for the natural characteristics and topography of the site, and the grouping of car parking and access.

Within this context, the Panel agrees with Council and Mr Gard'ner it is appropriate to remove the property from the existing precinct Heritage Overlay and apply the overlay (HO693) as an individually significant place.

The Owners Corporation did not dispute the heritage significance of the place. Their main concern was of the Heritage Overlay (HO693) would require planning permit approvals from Council for

¹¹ Document 11, Gard'ner evidence statement, paragraph 52

buildings and works, and it preferred the management of approvals to be within the control of the Owners Corporation.

Although the unit owners and the Owners Corporation have managed the Hamilton Close Cluster Housing estate to a very high standard, there is no guarantee that this will continue through successive management. The Panel agrees with Council and Mr Gard'ner that the objectives and goals of owners and the rules of the Owners Corporation can change over time and prudent policy should ensure that the broader public interest is appropriately protected.

The suggestion that implementing the Heritage Overlay provisions can be managed by the Owners Corporation is not appropriate and does not recognise the purpose and function of the planning control. The Panel is not aware of any similar circumstance in Victoria and doubts that it would be possible under the provisions of the PE Act and the Planning Scheme. Even if it was technically possible, the Panel considers it would not be in the public interest to pursue such an approach.

Applying the Heritage Overlay in accordance with the PE Act and the Planning Scheme will provide certainty to stakeholders (including, but not limited to, unit owners, the broader community and Council) that protection of the heritage significance of the place will be appropriately managed.

(iv) Conclusion

The Panel concludes it is appropriate to apply the Heritage Overlay (HO693) to the Hamilton Close Cluster Housing at 1 and 9 Hamilton Road.

10 Stonnington Heritage Design Guidelines and Clause 22.04 (Heritage policy)

(i) What is proposed?

The *City of Stonnington Heritage Design Guidelines, July 2017* (2017 Heritage Design Guidelines) is currently a reference document in Clause 21.09 (Reference documents) and in the local heritage policy (Clause 22.04-7) of the Planning Scheme.

The 2017 Heritage Design Guidelines and Clause 22.04 (Heritage policy) were introduced into the Planning Scheme through Amendment C132, gazetted on 25 January 2018 (with the previous version of the guidelines introduced into the Planning Scheme in 2002).

The Amendment proposes to:

- update the definition of 'Contributory places' in the glossary of the 2017 Heritage Design Guidelines to state:
Contributory places – buildings and other places in a heritage precinct ~~graded C which~~ that are contributory to the built form attributes and significance of a heritage precinct.
- amend the title of the 2017 Heritage Design Guidelines to *Heritage Design Guidelines, City of Stonnington, July 2017 (updated in July 2021)* (Heritage Design Guidelines)
- amend Clause 21.09 (Reference documents) to remove reference to the 2017 Heritage Design Guidelines
- amend the Schedule to Clause 72.08 (Background documents) to include the updated Heritage Design Guidelines.

(ii) The issues

The issues are whether the:

- proposed change to the definition of 'Contributory places' is appropriate
- Heritage Design Guidelines should be included as a background document in Clause 72.08
- definitions section of the Heritage policy (Clause 22.04-2) should be amended.

(iii) Evidence and submissions

Council submitted removing the letter grading from the definition of 'Contributory places' in the glossary of the 2017 Heritage Design Guidelines is necessary because:

- it is moving away from the use of letter gradings towards the use of the terms significant, contributory and non-contributory
- the Heritage Review adopted the terms significant, contributory and non-contributory
- this approach is consistent with PPN1 – which states letter gradings should not be used.

Council noted no other changes were proposed to the 2017 Heritage Design Guidelines except for an update to the date on the covering page and the title of the document.

Mr Gard'ner supported the change to the 2017 Heritage Design Guidelines, stating in his evidence that the proposed change to the definition of the term 'Contributory places' was appropriate.

Council submitted that the panel considering Amendment C132 supported the 2017 Heritage Design Guidelines as a reference document. Council noted Clause 21.09 (Reference documents) states:

The following strategic studies have informed the preparation of this planning scheme. All relevant material has been included in the planning scheme and decisions-makers should use these documents for background research only. Material in these documents that potentially provides guidance on decision-making but is not specifically referenced in the planning scheme has a limited role in decision-making.

Council said the 2017 Heritage Design Guidelines assist in the understanding of numerous heritage policies within the Planning Scheme by providing additional illustrations to visually communicate the intent of the heritage policies. It said key policies within the guidelines are contained within Clause 22.04, for example policies relating to demolition and additions and alterations.

Council said once the PPF translation process is complete, Clause 21.09 (Reference documents) will not exist. Reference documents will need to be transferred into Clause 72.08 (Background documents). Council submitted that relocation of the guidelines from Clause 21.09 to Clause 72.08 was consistent with the new PPF format.

Council submitted that as a background document in the Planning Scheme, the Heritage Design Guidelines will have a similar role to a reference document. It noted Clause 72.08 (Background documents) states:

The documents listed in the table and the schedule to this clause are background documents.

A background document may:

- Have informed the preparation of, or an amendment to, this planning scheme.
- Provide information to explain the context within which a provision has been framed.
- Assist the understanding of this planning scheme.

A background document does not form part of this planning scheme.

Council said:

The Heritage Design Guidelines provide detailed guidance for applicants when preparing permit applications and for Council when assessing permit applications, and a more consistent basis for the exercise of discretion under the Heritage Overlay.

The owners of 204-208 Wattletree Road supported the change to the definition of 'Contributory places' in the 2017 Heritage Design Guidelines and noted:

- Clause 22.04 (Heritage policy) sets out the policy considerations for permit applications in a Heritage Overlay
- Clause 22.04-2(Definitions) includes a definition of 'Contributory places' that states: 'Contributory places' means buildings and other places in a heritage precinct graded C which are contributory to the built form attributes and significance of a heritage precinct.
- the definitions of 'Contributory places' in the 2017 Heritage Guidelines and Clause 22.04-2 are identical
- the definition of 'Contributory places' in Clause 22.04-2 should be modified to delete reference to 'graded C' to reflect the changes proposed in the Heritage Design Guidelines
- there should be consistency in definitions and use of terminology to ensure clarity in interpretation of policy.

As discussed in Chapter 4.4, several submitters considered the term ungraded should be used rather than non-contributory, to be consistent with the terminology used in Clause 22.04-2.

Council submitted:

- it is proposed to replace current Clause 22.04 with a new local heritage policy Clause 15.03-1L (Heritage) through Amendment C312ston
- proposed Clause 15.03-1L does not include a definition of 'Contributory place'
- the objectives of proposed Clause 15.03-1L refers to both 'Contributory' heritage places and 'C graded' places, to reflect the use of both terms
- the Amendment does not propose to amend the current definition of 'Contributory place' in Clause 22.04 because Amendment C312ston proposes to replace that clause.

(iv) Discussion

Heritage Design Guidelines

As discussed in Chapter 4.4, the Panel accepts that it is appropriate to use the terms significant, contributory and non-contributory to describe places within heritage precincts.

The proposed definition of 'Contributory places' in the glossary of the Heritage Design Guidelines is generally acceptable, however the Panel has concerns that there are other definitions within the glossary that include letter gradings and should also be reviewed. For example, the definition of 'Significant places' states:

Significant places - places of either national, State or local significance including individually listed places and places in a heritage precinct graded A1, A2 or B.

The Amendment proposes to include significant places within heritage precincts that are not graded A1, A2 or B. It is unclear how this definition would apply to these places.

The Panel acknowledges and supports Council's commitment to move away from letter gradings as they are confusing and misleading. This change is consistent with the guidance in PPN1.

Similarly, the glossary includes a definition of 'Ungraded buildings' but does not contain any definition of a 'Non-contributory' place. It is unclear why a definition of 'Non-contributory' places is not proposed for the Heritage Design Guidelines.

The Panel has not reviewed the content of the Heritage Design Guidelines in detail because there is only one very minor change proposed as part of this Amendment. It notes, however, that section 1.1 (Scope) states:

These Guidelines are a reference document in Clause 22.04-7 of the Stonnington Planning Scheme.

This statement is inconsistent with the Amendment – which proposes to include the Heritage Design Guidelines as a background document in Clause 72.08.

The Panel considers the proposed change to the definition of 'Contributory places' in the Heritage Design Guidelines should only proceed in conjunction with a broader review of the document. The Amendment represents a piecemeal change to the 2017 Heritage Design Guidelines when a more comprehensive review is required.

The Panel considers a detailed review of the 2017 Heritage Design Guidelines should be completed in conjunction with the implementation of the new local heritage policy at Clause 15.03-1L. The review should ensure that there is a strong alignment and consistency between the new policy and the revised Heritage Design Guidelines.

Council should also consider whether the revised Heritage Design Guidelines is an appropriate background document or whether it should be implemented by some other approach. This could

include content within the 'Policy guidelines' section of Clause 15.03-1L or in accordance with Clause 43.01-6 (Heritage design guidelines).

Until the 2017 Heritage Design Guidelines is reviewed in detail, it should remain as a reference document in Clauses 21.09 and 22.04-7 of the Planning Scheme.

Clause 22.04-2

The Amendment does not propose to change any of the definitions in Clause 22.04-2. This has the potential to create confusion and misunderstanding with respect to the definitions for:

- significant places
- contributory places
- ungraded places
- non-contributory places.

Clause 22.04-2 (Definitions) states:

The heritage citation prepared for each place applies a building grade which corresponds with the following levels of significance:

'Significant places' means places of either state or local significance including individually listed places graded A1, A2 or B.

'Contributory places' means buildings and other places in a heritage precinct graded C which are contributory to the built form attributes and significance of a heritage precinct.

'Ungraded places' means buildings and other places which do not contribute to the significance of a heritage precinct.

The Amendment proposes to:

- introduce significant places in precincts or individually listed sites that are not graded A1, A2 or B
- introduce contributory places in precincts that are not graded 'C'
- introduce non-contributory places - however Clause 22.04-2 does not define what this means.

The Panel accepts that these matters can ultimately be 'fixed' through the implementation of the new heritage policy in Clause 15.03-1L, however this new local policy does not form part of the Amendment and is not a matter for the Panel to review or consider.

Council provided a copy of proposed Clause 15.03-1L in its Part A submission, however the Panel has not reviewed it in any detail and makes no comment on its content. It is not for the Panel to assume the final content, process or timing of Clause 15.03-1L.

The Panel has assessed the Amendment within the context of the existing Planning Scheme and considers that the definitions in Clause 22.04-2 should be modified to ensure they are consistent with the heritage places in the Amendment. The Panel considers the following definitions should be apply:

'Significant places' means places of either state or local significance including individually listed places graded A1, A2 or B or identified as 'Significant' in the relevant Statement of Significance.

'Contributory places' means buildings and other places in a heritage precinct ~~graded C~~ which that are contributory to the built form attributes and significance of a heritage precinct.

'Ungraded places' or 'Non-contributory places' means buildings and other places which do not contribute to the significance of a heritage precinct.

These changes are necessary to ensure there is not a vacuum in heritage policy at Clause 22.04 if the Amendment proceeds before finalisation of the PPF translation process. The Panel acknowledges the proposed changes were not exhibited with the Amendment, however considers

the recommended changes are policy neutral and are required to ensure the efficient and effective operation of Clause 22.04.

The Panel considered whether a similar ‘fix-up’ to the equivalent definitions in the 2017 Heritage Design Guidelines would be sufficient to enable them to transition to a background document, as proposed in the exhibited Amendment. On balance, the Panel concludes that, for reasons discussed in this chapter, a broader review of the guidelines should be completed. A background document does not form part of the Planning Scheme, whereas Clause 22.04 does.

(v) Conclusions and recommendations

The Panel concludes:

- The proposed change to the definition of ‘Contributory places’ in the Heritage Design Guidelines should only proceed in conjunction with a broader review of the guidelines.
- A detailed review of the 2017 Heritage Design Guidelines should be completed in conjunction with the implementation of the new local heritage policy at Clause 15.03-1L.
- Council should consider whether the Heritage Design Guidelines is an appropriate background document or whether it should be implemented by some other approach.
- Until the 2017 Heritage Design Guidelines are reviewed in detail it should remain as a reference document in Clause 21.09 and Clause 22.04-7 of the Planning Scheme.
- The definitions in Clause 22.04-2 should be modified to ensure they are consistent with the heritage places referred to in the Amendment.

The Panel recommends:

Retain *City of Stonnington Heritage Design Guidelines, July 2017* as a reference document in Clause 21.09 (Reference documents) and Clause 22.04 (Heritage policy)

Delete *City of Stonnington Heritage Design Guidelines, July 2017 (updated in July 2021)* from Clause 72.08 (Background documents).

Amend Clause 22.04 (Heritage policy) to update definitions as follows:

- a) ‘Significant places’ means places of either state or local significance including individually listed places graded A1, A2 or B or identified as ‘Significant’ in the relevant Statement of Significance.
- b) ‘Contributory places’ means buildings and other places in a heritage precinct that are contributory to the built form attributes and significance of a heritage precinct.
- c) ‘Ungraded places’ and ‘Non-contributory places’ means buildings and other places which do not contribute to the significance of a heritage precinct.

11 Minor errors and inconsistencies

(i) Submissions

In closing, Council submitted it had identified a number of minor errors in the Amendment documentation which ought be corrected. These are detailed in Table 3 below.

Table 3 Council recommended errors for correction (Council's Part C submission)

Recommended errors for correction

Correct the error in the suburb (from 'Malvern' to 'Glen Iris') in proposed HO690 in respect of the property at 105 – 119 Tooronga Road.

Remove repeated rows from the schedule of buildings in HO349, which has resulted in two different gradings for the following 2 properties:

- 109 Wattletree Road – listed as both contributory and significant – correct grading is significant as shown on map
- 2 Willis Street, Armadale (Council owned property) – listed as both contributory and significant - correct grading is significant as shown on map.

Update the Explanatory Report to correct the error in the name of the Malvern Heritage Review and to ensure Stanhope Street, instead of Avenue, is listed for HO337, HO338, HO399, HO340.

Correct the error in the name of the Malvern Heritage Review in Clause 72.08 (Background documents).

(ii) Discussion and conclusions

The Panel has reviewed the proposed corrections relating to minor errors suggested by Council and agrees the changes are appropriate where they do not make material changes to the Amendment documents and are important to ensure the Amendment documentation is accurate.

The Panel notes it has not made recommendations relating to the Explanatory Report.

Regarding the Moorakyne /Stonington Precinct (HO182), Stonington is predominantly spelt with one 'n' however occasionally is spelt with two 'n's. For example:

- the Malvern Heritage Review refers to "*Raworth, B., HO182 Moorakyne & Stonnington Precinct Citation, 2000*"
- the background information chapter predominantly uses one 'n' and states:
The houses in the Moorakyne/Stonington Precinct were constructed on the subdivisions of three Victorian period estates – Kooringa, Moorakyne and Stonington (Figure 2).
- Figure 2 in the background information chapter includes a precinct plan from 1902 which shows an estate with notation 'Stonnington'
- in the HO182 Statement of Significance and the schedule to the Heritage Overlay uses only one 'n' in Stonington
- Council's submissions use both versions of the spelling.

Before adopting the Amendment, the correct version of spelling the Moorakyne/Stonington Precinct (HO182) should be confirmed and all amendment documents should be checked for accuracy and consistency. If the spelling with one 'n' is intentional there may be value in explaining this in the citation.

(iii) Recommendation

The Panel recommends:

Update the following Amendment documents to correct minor errors and inconsistencies:

- a) Statement of Significance (HO690) to replace Malvern with Glen Iris in relation to 105-119 Tooronga Road.**
- b) Statement of Significance (HO349) to remove duplicate entries in the gradings table and to list:**
 - **109 Wattletree Road as significant**
 - **2 Willis Street as significant.**
- c) Statement of Significance for Moorakyne/Stonington Precinct (HO182) to ensure accurate and consistent spelling of Stonington.**
- d) Schedule to Clause 72.08 (Background documents) to correct the name of the Malvern Heritage Review to state:**
 - ***Malvern Heritage Review*, GJM Heritage, June 2021.**

Appendix A Planning context

Planning Scheme

Table 4 below summarises the Planning Policy Framework clauses relevant to the Amendment, as set out in the Explanatory Report and Council's Part A submission.

Table 4 State and local policies

| Relevant clauses |
|---|
| 15 (Built environment and heritage) |
| 15.01 (Built environment) |
| 15.01-1S (Urban design) To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. |
| 15.01-5S (Neighbourhood character) To recognise, support and protect neighbourhood character, cultural identity, and sense of place. |
| 15.03 (Heritage) |
| 15.03-1S (Heritage conservation) To ensure the conservation of places of heritage significance. Relevant strategies: <ul style="list-style-type: none"> - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the Planning Scheme. - Provide for the protection of natural heritage sites and man-made resources. - Provide for the conservation and enhancement of those places which are of aesthetic, archaeological, architectural, cultural, scientific, or social significance. - Encourage appropriate development that respects places with identified heritage values. - Retain those elements that contribute to the importance of the heritage place. - Encourage the conservation and restoration of contributory elements. - Ensure an appropriate setting and context for heritage places is maintained or enhanced. |
| 21 (Municipal Strategic Statement) |
| 21.02-3 (Key influences and challenges) |
| Built environment and heritage Protecting the City's assets, its heritage buildings, key landmarks, important vistas and riverside environs. |
| 21.03-2 (Strategic Vision) |
| Built environment and heritage All places of at least local heritage significance to the City are identified and protected. |
| 21.06 (Built environment and heritage) |

Relevant clauses

21.06-10 (Heritage)

To protect and enhance all places which are significant and contributory to the heritage values of the City of Stonnington.

Relevant strategies:

- Identify additional places which meet the threshold of at least local significance, to ensure representation of all the historic themes relevant to the City.
- Ensure that the consideration of cultural significance of places and their ongoing management is guided by the principles of the Burra Charter.
- Ensure the retention of the key attributes that underpin the significance of the heritage place.
- Encourage the conservation of elements that contribute to the significance of heritage places.

22 (Local planning policies)

22.04 (Heritage Policy)

Clause 22.04-3 (Objectives)

- To retain all significant and contributory heritage places.
- To conserve and re-use significant and contributory heritage places.
- To ensure that new development respects the significance of heritage places.
- To maintain views of and vistas to significant heritage places.

Integrated decision making

Clause 71.02-3 (Integrated decision making) provides guidance on balancing planning objectives, stating:

Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050 to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. The following are relevant to the Amendment:

- **Outcome 4:** Melbourne is a distinctive and liveable city with quality design and amenity
 - **Direction 4.4:** Respect Melbourne's heritage as we build for the future

- **Policy 4.4.1:** Recognise the value of heritage when managing growth and change.

Heritage Overlay

The Heritage Overlay purposes are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works. The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit). The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

Appendix B Submitters to the Amendment

| No. | Submitter |
|-----|--|
| 1 | Michael Trotter |
| 2 | Todd Deacon |
| 3 | Sonia Tito |
| 4 | Rosemary Fetter |
| 5 | Michelle Weaver |
| 6 | Malcolm Tadgell |
| 7 | Trevor Smith |
| 8 | John James |
| 9 | Sarah North |
| 10 | Brian and Julia Low |
| 11 | Anne Dupont-Perfrement |
| 12 | Margaret Hay |
| 13 | Stephen and Andrea Burke |
| 14 | Peter and Claire Gaidzkar |
| 15 | Emma Gao |
| 16 | Bradley Jay Smorgan |
| 17 | owner of 204-208 Wattletree Road, Malvern |
| 18 | Houchidar Saffar |
| 19 | Kay and Peter Righetti |
| 20 | owner of 41 Elizabeth Street, Malvern |
| 21 | owner of units 2 and 4, 1298 Malvern Road, Malvern |
| 22 | HRG Glen Pty Ltd |
| 23 | Olinda de Carvalho and Nathan Koch |
| 24 | owner of lots G01, G02, G03, G04 and 105 of 1192-1200 High Street, Malvern |
| 25 | owner of 160-178 Glenferrie Road, Malvern |
| 26 | first submission - owners of 8, 10 and 10A Glenferrie Road, 641-669 & 675 Dandenong Road and 1, 3, 5 Station Place, Malvern |
| 27 | second submission - owners of 8, 10 and 10A Glenferrie Road, 641-669 & 675 Dandenong Road and 1, 3, 5 Station Place, Malvern |
| 28 | Vitmar Pty Ltd |
| 29 | Edna Smith (Petition) |
| 30 | Pet Station Pty Ltd |

Appendix C Document list

| No. | Date | Description | Presented by |
|-----|---------|---|--------------------------------|
| 1 | 29/6/22 | Letter – from Panel to submitters advising of Directions Hearing | Planning Panels Victoria (PPV) |
| 2 | 20/7/22 | Letter – from Panel to parties regarding Directions, Distribution list and Hearing Timetable (version 1) | “ |
| 3 | “ | Email - Late submission on behalf of Pet Station Pty Ltd | Planning and Property Partners |
| 4 | 21/7/22 | Reissued Directions and consent from Panel for Malvern SI Land Pty Ltd and Malvern KK Land Pty Ltd to provide expert witness details by 4pm on 25 July 2022 | PPV |
| 5 | 22/7/22 | Plan showing location of submitters | Council |
| 6 | “ | Letter – from Maddocks to all parties regarding ‘Maddocks Digital’ document management system | “ |
| 7 | 25/7/22 | Email – advising that Malvern SI Land Pty Ltd and Malvern KK Land Pty Ltd does not intend to call any expert witnesses | Best Hooper |
| 8 | 1/8/22 | Letter – from Council to Panel referring late submission from Pet Station Pty Ltd | Council |
| 9 | “ | Email – late submission from Pet Station Pty Ltd | “ |
| 10 | “ | Council Part A submission | “ |
| 11 | “ | Expert witness statement – Jim Gard’ner | “ |
| 12 | 5/8/22 | Email – Advising that Malvern SI Land Pty Ltd and Malvern KK Land Pty Ltd do not wish to be heard at the Panel Hearing | Best Hooper |
| 13 | 9/8/22 | Letter – from Panel to parties regarding updated Distribution list and Hearing Timetable (version 2) | PPV |
| 14 | 10/8/22 | Email – Advising that Pet Station Pty Ltd does not wish to be heard at the Panel Hearing | Planning and Property Partners |
| 15 | 11/8/22 | Council Part B Submission | Council |
| 16 | 12/8/22 | Letter with attachments – Timetable version 3, Distribution list version 3 and Document list version 1 | PPV |
| 17 | “ | Mr Gard’ner Expert witness PowerPoint presentation | Council |
| 18 | “ | Submission | Bradley Jay Smorgan |
| 19 | 15/8/22 | Submission | Jake Australia |
| 20 | “ | Submission | David Joachim |
| 21 | “ | Email – timetable update | PPV |
| 22 | 16/8/22 | Submission | P and C Gaidzkar |
| 23 | “ | Statement of Significance HO683, 1298 Malvern Road – Jake | Jake Australia |

| No. | Date | Description | Presented by |
|-----|---------|---|----------------|
| | | Australia Pty Ltd tracked changes | |
| 24 | " | Heritage Citation, 1298 Malvern Road – Jake Australia Pty Ltd tracked changes | " |
| 25 | 17/8/22 | Council Part C submission, including: <ul style="list-style-type: none"> • Attachments A – Stonnington Heritage Design Guidelines tracked changes • Attachment B – Mr Gard'ner comment on Jake Australia tracked change versions of HO683 and citation • Attachment C – Council preferred version of Amendment documents | Council |
| 26 | " | Submission | Malcom Tadgell |

Appendix D Panel preferred version of Statements of Significance

D1 HO182 Moorakyne / Stonington Precinct – Statement of Significance

Moorakyne/Stonington Precinct, Malvern – Statement of Significance, June 2021

| | |
|---|--------------------------|
| Heritage place: Moorakyne/Stonington Precinct, Malvern | PS ref no.: HO182 |
|---|--------------------------|



Figure 1. Moorakyne Avenue, Malvern (March 2021)

What is significant?

The Moorakyne/Stonington Precinct, Malvern, a mid-1920s to mid-1930s subdivision of ~~1880s-mansion~~ Victorian-era estates, containing a large collection of substantial Interwar houses. The streetscapes date largely from the 1930s with a small number of buildings dating from the 1940s and early 1950s contributing to the precinct.

The precinct includes:

Glenferrie Road (nos. 356-378)

Hamilton Road (nos. 2-16)

Henderson Avenue (nos. 1-25 & 2, 12-14)

Moorakynne Avenue (nos. 1-17 & 2-14)

Robinson Street (nos. 5-7 & 16-26)

Somers Avenue (nos. 23-33 & 18-24)

Wilks Avenue (nos. 1-15 & 2A/B/C/D -12).

Elements that contribute to the significance of the place include (but are not limited to):

- Large Interwar houses, predominantly Old English and Georgian Revival in style
- Predominantly two-storey residences
- Predominantly gable roof forms with some hipped roof forms
- Steep roof pitches with prominent front gables
- Terracotta tile-clad or shingle-clad roofs
- Timber-lined eaves, some battened for ventilation
- Eaveless gable ends
- Prominent tall clinker brick or rendered chimneys which often project beyond the face of the wall
- Clinker brick or rendered brick walls
- A variety of detailing including brick patterning to facades with contrasting Roman and coloured bricks and half timbering to gable ends
- Multi-paned double-hung windows
- Window shutters
- Consistent front setbacks within streetscapes
- Early or original low brick front fences with some low stone walls
- Mature gardens with established trees
- Early or original brick garages often incorporated into the house design
- Predominantly concrete-paved roads
- Mature street trees including plantings of Spanish Oak (*Quercus palustris*) on Glenferrie Road and Wilks Avenue; Dutch Elm (*Ulmus x hollandica*) on Glenferrie Road; Liquid Amber (*Liquidamber styraciflua*) on Hamilton Road and Moorakynne Avenue; Crabapple (*Malus ioensis*) on Henderson Avenue; Ash (*Fraxinus angustifolia*) on Mayfield Avenue and Wilks Avenue; and London Plane (*Platanus x acerifolia*) on Somers Avenue and Wilks Avenue.

Later alterations and additions to the Interwar houses are not significant. Houses constructed from the 1960s onwards and those that are heavily altered are not significant.

How is it significant?

The Moorakynne/Stonnington Precinct, Malvern is of local historical, representative (architectural) and aesthetic significance to the City of Stonnington.

Why is it significant?

The Moorakynne/Stonnington Precinct has clear associations with the twentieth century interwar subdivision of large estates which were established by wealthy Melbourne residents during the land boom of the 1880s. The precinct retains a substantial collection of highly intact Interwar houses, the majority dating from the 1930s, which clearly illustrate this important phase of development in the City of Stonnington. Stonnington Mansion, retained

on a substantial estate to the south of the precinct (VHR1608, HO40), provides a tangible link to the original boom-era mansion estates (Criterion A).

The Moorakynne/Stonington Precinct is a fine and highly intact example of a cohesive upper middle-class Interwar residential precinct. Set in predominantly concrete-paved, tree-lined streets, the majority of the houses in the precinct display typical features of the Old English and Georgian Revival styles popular in the interwar years in Malvern and across Melbourne more broadly. These include large two-storey building forms, clinker brick and rendered brick walls, terracotta tile and shingle-clad roofs, gable and hipped roof forms, prominent front gable ends, tall feature chimneys which project beyond the buildings, brick patterning to walls and half-timbered gable ends, multi-paned double-hung windows, generous front gardens and low brick or stone front fences (Criterion D).

The Moorakynne/Stonington Precinct is a highly intact Interwar precinct which contains many carefully designed and well-resolved Old English and Georgian Revival style Interwar houses by Melbourne's leading architects.

Those by more prominent architects include:

- Maisonettes, 1-3 Moorakynne Avenue: Arthur W Plaisted (c1941)
- House, 11 Moorakynne Avenue: Arnaud E Wright (1934)
- Elvada Flats, 358 Glenferrie Road (corner Moorakynne Avenue): Leslie Reed (1933)
- Duplex, 2C & 2D Wilks Avenue – A C Leith & Bartlett, 1940
- House, 6 Wilks Avenue – P A Jenkin, c1932
- House, 8 Wilks Avenue – Arthur & Hugh Peck (1933)
- Houses, ~~10 &~~ 11 Wilks Avenue – J F W Ballantyne (c1931)
- House, 12 Wilks Avenue - Charles Hollinshed (c1932)
- House, 13 Wilks Avenue – Charles Hollinshed (c1949:16)
- House, 3 Henderson Avenue – Cowper, Murphy & Appleford (c1933)
- 9 Henderson Avenue – Robert B Hamilton (1930)
- 15 Henderson Avenue – Ballantyne & Wilson (1935)
- 23 Henderson Avenue – Barney & Kemp (1936)
- 4 Hamilton Road – Oakley & Parkes (1928)
- 6-8 Hamilton Road – Godfrey & Spowers (1928).

Set behind mature gardens along tree-lined streets, these houses display picturesque qualities such as complex rooflines, prominent chimneys, decorative brickwork, half-timbered gable ends and multi-paned windows which make an important aesthetic contribution to the overall character of the precinct (Criterion E).

Primary source:

Malvern Heritage Review, GJM Heritage (June 2021)

B Raworth, *HO182 Moorakynne & Stonington Precinct Citation*, 2000.

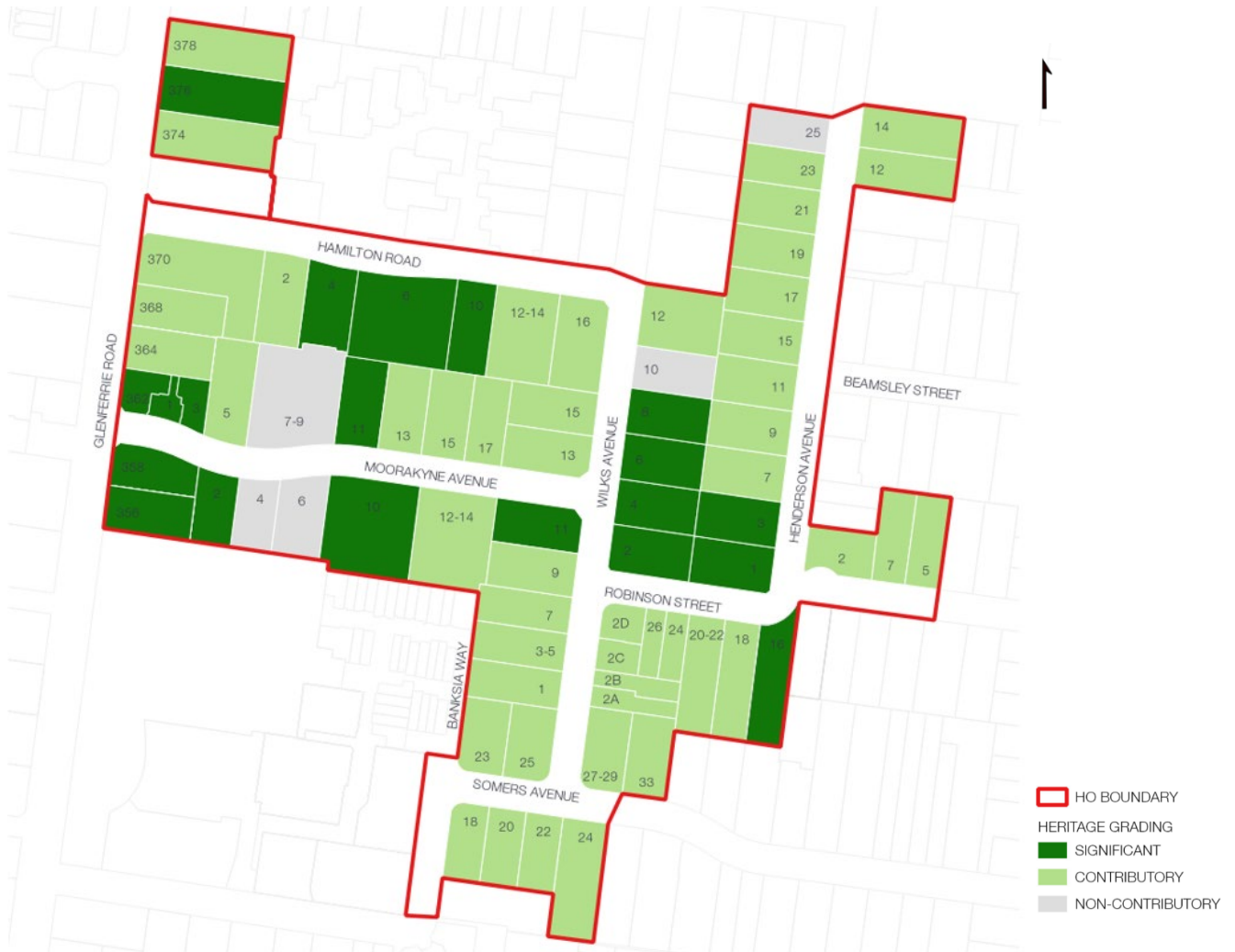
Gradings:

| Address | Place name / alt / additional address | Grading | Early fence / contributory trees |
|---------|---------------------------------------|---------|----------------------------------|
|---------|---------------------------------------|---------|----------------------------------|

| | | | |
|------------------------------|-------------------------|------------------|--|
| 356 Glenferrie Road, MALVERN | Grendon | Significant | |
| 358 Glenferrie Road, MALVERN | Elvada | Significant | Fence |
| 362 Glenferrie Road, MALVERN | | Significant | |
| 364 Glenferrie Road, MALVERN | 1-4/364 Glenferrie Road | Contributory | Tree (Liquid amber) |
| 368 Glenferrie Road, MALVERN | | Contributory | |
| 370 Glenferrie Road, MALVERN | | Contributory | Fence |
| 374 Glenferrie Road, MALVERN | | Contributory | Trees (Algerian Oak & Plane) |
| 376 Glenferrie Road, MALVERN | | Significant | Fence Trees (Plane and Gleditsia) |
| 378 Glenferrie Road, MALVERN | | Contributory | Trees (Algerian Oak, 2 x Pencil pines) |
| 2 Hamilton Road, MALVERN | | Contributory | |
| 4 Hamilton Road, MALVERN | Allawah | Significant | |
| 6 Hamilton Road, MALVERN | | Significant | Tree (Spruce) |
| 10 Hamilton Road, MALVERN | Turoa | Significant | |
| 12-14 Hamilton Road, MALVERN | | Contributory | Fence |
| 16 Hamilton Road, MALVERN | | Contributory | Gate and gate posts |
| 1 Henderson Avenue, MALVERN | | Significant | Stone garden wall |
| 2 Henderson Avenue, MALVERN | | Contributory | |
| 3 Henderson Avenue, MALVERN | | Significant | Tree (eucalypt) |
| 7 Henderson Avenue, MALVERN | | Contributory | |
| 9 Henderson Avenue, MALVERN | | Contributory | |
| 11 Henderson Avenue, MALVERN | | Contributory | |
| 12 Henderson Avenue, MALVERN | | Contributory | |
| 14 Henderson Avenue, MALVERN | | Contributory | |
| 15 Henderson Avenue, MALVERN | | Contributory | |
| 17 Henderson Avenue, MALVERN | | Contributory | |
| 19 Henderson Avenue, MALVERN | | Contributory | Stone fence |
| 21 Henderson Avenue, MALVERN | | Contributory | Stone fence |
| 23 Henderson Avenue, MALVERN | | Contributory | Stone fence |
| 25 Henderson Avenue, MALVERN | | Non-contributory | |
| 1 Moorakyne Avenue, MALVERN | | Significant | |
| 2 Moorakyne Avenue, MALVERN | | Significant | |
| 3 Moorakyne Avenue, MALVERN | | Significant | |
| 4 Moorakyne Avenue, MALVERN | | Non-contributory | |
| 5 Moorakyne Avenue, MALVERN | | Contributory | |

| | | | |
|---------------------------------|-----------|---|------------------------------------|
| 6 Moorakyne Avenue, MALVERN | | Contributory | |
| 7-9 Moorakyne Avenue, MALVERN | | Non-contributory | |
| 10 Moorakyne Avenue, MALVERN | | Significant | Fence |
| 11 Moorakyne Avenue, MALVERN | | Significant | Tree (cypress pine) |
| 12-14 Moorakyne Avenue, MALVERN | | Contributory | Tree (tulip poplar) |
| 13 Moorakyne Avenue, MALVERN | | Contributory | |
| 15 Moorakyne Avenue, MALVERN | | Contributory | |
| 17 Moorakyne Avenue, MALVERN | | Contributory | Fence |
| 5 Robinson Street, MALVERN | | Contributory | |
| 7 Robinson Street, MALVERN | | Contributory | |
| 16 Robinson Street, MALVERN | | Significant | |
| 18 Robinson Street, MALVERN | | Contributory | |
| 20-22 Robinson Street, MALVERN | | Contributory | |
| 24 Robinson Street, MALVERN | | Contributory | Fence |
| 26 Robinson Street, MALVERN | | Contributory | Fence |
| 18 Somers Avenue, MALVERN | | Contributory | Fence |
| 20 Somers Avenue, MALVERN | | Contributory | |
| 22 Somers Avenue, MALVERN | | Contributory | |
| 23 Somers Avenue, MALVERN | | Contributory | |
| 24 Somers Avenue, MALVERN | | Contributory | |
| 25 Somers Avenue, MALVERN | Loch Sloy | Contributory | |
| 27-29 Somers Avenue, MALVERN | | Contributory | |
| 33 Somers Avenue, MALVERN | | Contributory | |
| 1 Wilks Avenue, MALVERN | | Contributory | |
| 2 Wilks Avenue, MALVERN | | Significant | |
| 2A Wilks Avenue, MALVERN | | Contributory | |
| 2B Wilks Avenue, MALVERN | | Contributory | |
| 2C Wilks Avenue, MALVERN | | Contributory | |
| 2D Wilks Avenue, MALVERN | | Contributory | |
| 3-5 Wilks Avenue, MALVERN | | Contributory | Fence |
| 4 Wilks Avenue, MALVERN | | Significant | Tree (cypress pine) |
| 6 Wilks Avenue, MALVERN | | Significant | Fence |
| 7 Wilks Avenue, MALVERN | | Contributory | Fence |
| 8 Wilks Avenue, MALVERN | | Significant | |
| 9 Wilks Avenue, MALVERN | | Contributory | Fence |
| 10 Wilks Avenue, MALVERN | | Significant Non-contributory | Fence Tree (Pin Oak) |

| | | | |
|--------------------------|--|--------------|---|
| 11 Wilks Avenue, MALVERN | | Significant | Trees (2 eucalypts – lemon scented; camphor laurel) |
| 12 Wilks Avenue, MALVERN | | Contributory | |
| 13 Wilks Avenue, MALVERN | | Contributory | Fence |
| 15 Wilks Avenue, MALVERN | | Contributory | |



D2 HO683 1298 Malvern Road, Malvern – Statement of Significance

Heritage place: Residential Flats, 1298 Malvern Road, Malvern (1-4/1298 Malvern Road)

PS ref no.: HO683



Figure 1. 1298 Malvern Road, Malvern (November 2020)

Residential Flats, 1298 Malvern Road, Malvern – Statement of Significance, June 2021

What is significant?

Residential flats at 1298 Malvern Road, Malvern, built in 1939.

Elements that contribute to the significance of the place include (but are not limited to):

- The original external form, materials and detailing of the building
- The building's high level of integrity to its original [design form](#)
- Symmetry across principal (north) elevation
- H-shaped plan form
- Simple overall massing with low roof form and projecting eaves
- Terracotta tiled roof and decorative polychromatic brickwork

- Central parapeted bay and pilaster element
- Separate entries to apartments, with recessed doors and staircases
- Original windows
- Setback to north (Malvern Road) and side (Shaftesbury Avenue) boundaries
- ~~Original-d~~Decorative low garden wall and garden setting
- ~~Original-g~~Garages to rear

Later alterations and additions, including the [later windows, fascia and soffits and](#) secondary tall timber fencing to Shaftesbury Avenue, are not significant.

How is it significant?

The residential flats at 1298 Malvern Road are of local historical, representative (architectural) and aesthetic significance to the City of Stonnington.

Why is it significant?

The residential flats at 1298 Malvern Road are illustrative of the suburban development of Malvern in the interwar period when a number of residential flats/maisonettes were constructed across the suburb. This type of development was largely a result of increased labour and materials costs following World War I. The impetus for the efficient use of labour and materials led to an increased interest in flat/maisonette development, where shared services and land were considered an attractive prospect for investors. The flats at 1298 Malvern Road clearly illustrate this important phase of development of Malvern and the City of Stonnington more broadly (Criterion A).

The flats at 1298 Malvern Road are a fine and highly intact representative example of an interwar residential flat development in the City of Stonnington. The flats display typical features of this building type from this period in Malvern and across Stonnington more broadly, including a substantial two-storey form set on a large site, setbacks to the street frontages to provide a garden setting for the building, individual garages, face brick walls with decorative detailing, and tile-clad hipped roofs. The flats at 1298 Malvern Road are notable as a well-resolved example of a residential flat development from the interwar period in Malvern (Criterion D).

The flats at 1298 Malvern Road are a well-considered and carefully detailed example of a residential flat development designed in the Moderne-style. The design – with its symmetrical composition and low-pitched tile-clad hipped roofs, together with the use of distinctive architectural elements, including contrasting cream and dark-brick horizontal banding and vertical central pilaster element, and set within a garden setting – presents a ~~picturesque~~ [well resolved](#) composition of this architectural style. The matching low brick fence to the two street frontages and ~~original~~ garages to the rear contribute to the integrity and setting of the place (Criterion E).

Primary sources:

Malvern Heritage Review, GJM Heritage (June 2021)