

**EXPERT WITNESS STATEMENT JOHN BRIGGS**

**AMENDMENT C304 STONNINGTON**

**1-1a AIRLIE AVENUE, PRAHRAN**

I am the Principal of John Briggs Architects Pty Ltd, Architect and Conservation Consultant at 331A Bay Street, Port Melbourne. This Evidence Statement addresses the proposed application of a 'Significant' rather than a 'Contributory' grading to the former house on the subject land.

I am a Registered Architect, No. 4972, a member of the RAIA and hold a Bachelor of Architecture, University of Melbourne.

Of the 34 years that I have worked in the practice of Architecture, the last 30 years have been predominantly in the field of Conservation Architecture. My training in conservation architecture was in my employment with the firm Allom Lovell and Associates over 8 years where I was the Project Architect responsible for the heritage works at both the Regent Theatre and at the Gothic Bank at 380 Collins Street. I left Allom Lovell and Associates in 1998 to pursue practice in architecture and as a heritage consultant.

My work has provided me with broad experience in all aspects of heritage architecture including historical research, preparation and production of conservation reports and conservation plans for projects at all scales, as well as the preparation and presentation of submissions to Councils, Heritage Victoria, Planning Panels and to the Victorian Civil and Administrative Tribunal. I am a heritage advisor to the City of Melbourne. I have significant experience in the design, documentation and administration of restoration works, works to reconstruct missing historic elements and works to facilitate the adaptation of historic buildings for new use.

In preparing this statement I have been instructed by James Livingston Planning, acting on behalf of the applicant the Airlie Women's Clinic.

I have made all the inquiries that I believe are desirable and appropriate, and no matters of significance, which I regard as relevant, have to my knowledge been withheld from the Tribunal.



John Briggs

October 2021

John Briggs Architects Pty Ltd

## Introduction

1. I have been commissioned to produce this Expert Witness Statement on behalf of Airlie Women's Clinic, the applicant and property owner of 1-1a Airlie Avenue, Prahran.
2. I have been asked to provide an assessment of the
3. I inspected the site from the street on 3 August 2021.
4. The subject property is proposed to be regraded under the Heritage Overlay – HO178, Airlie Avenue Precinct, from an ungraded property to a grading of 'Significant (B)'
5. I have had regard for the state wide heritage policy under Clause 43.01 and the local heritage policy at Clause 22.04, as well as Planning Practice Note 1 – Applying the Heritage Overlay.
6. I have reviewed the submission made by Landmark Heritage to Panels Victoria



Figure 1 – The subject site indicated by the red boundary. (Google Maps)

## Summary of Opinion

7. It is my opinion that the features of the house have not been identified and justified as being sufficiently distinctive or outstanding for a grading of 'Significant' to be attributed to the property. With removal of the existing foliage the features, character and appearance of the front of the house as it presents to the public domain of the Airlie Avenue Precinct evidently contributes to the heritage significance of the Precinct and would appropriately be graded 'Contributory'.

## Site Description and Context

8. The subject site is located on the east side of Airlie Avenue and is incorporated as a part of the Cabrini complex which extends to the south on the High Street corner.
9. A single storey dwelling with face red brick walls and a hipped terracotta tile roof. The dwelling has a diagonal orientation to the street, with the original entrance facing to the south-west. The dwelling has timber post verandah with timber friezes and stained glass to the windows of its frontage. The verandah awning is clad in corrugated iron. The verandah has a decorative cast iron and timber rail balustrade.
10. The local streetscape character is mixed Victorian, Edwardian single storey dwellings adjacent to larger and recent blocks of flats from the late 20th century. To the north of the site is a collection of buildings of Cabrini Palliative Care. To the south at 3 Airlie Avenue is a similar house that is located on the corner of Airlie Avenue and Kelvin Grove. The house is also of an Edwardian expression similar to the subject dwelling being single storey, red face brick walls, timber post verandah entry and a hipped terracotta tiled roof. Opposite the subject site is a free standing double fronted Victorian dwelling. Further south on the west side of Airlie Avenue are three apartment buildings.



Figure 2 – Front of the subject house from Airlie Avenue (Belinda Minc)



Figure 3 – Front entry to the subject house



Figure 4 – Subject house façade behind the front trees



Figure 5 – The subject house from the north side



Figure 6 – The north side of the subject house (Belinda Minc)



Figure 7 – The north entry and rear of the subject house (Belinda Minc)



Figure 8 – The rear of the subject house (Belinda Minc)



Figure 9 – 3 Airlie Avenue, Prahran (Belinda Minc)



Figure 10 – 2 Airlie Avenue, Prahran (Google Streetview)



Figure 11 – 4, 6 & 8 Airlie Avenue, Prahran (Google Streetview)

### Heritage Significance

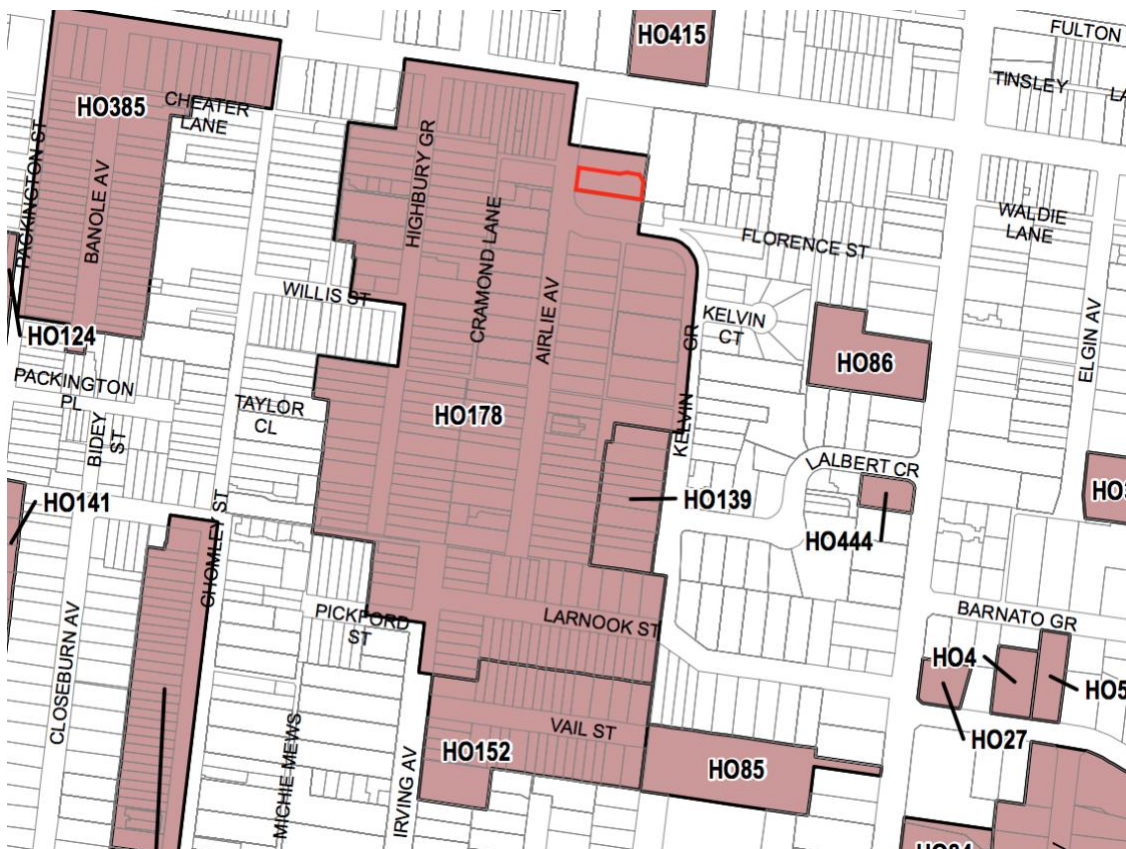


Figure 12 – Section of Heritage Overlay Map HO178 with the subject sites indicated by the red boundary.



**Precinct map**



Figure 13 – Proposed Extended Airlie Avenue Precinct Grading Map

11. The site at 1 Airlie Avenue, Prahran, falls under the Heritage Overlay HO178 Airlie Avenue Precinct. The site was previously ungraded and proposed to be graded in Stonnington - City of Stonnington Heritage Overlay Report (Stages 1-5) 1998 by Bryce Raworth.

12. The Statement of Significance of the Airlie Avenue Precinct is as follows:

***What is significant?***

*The Airlie Avenue Precinct, comprising 1-51 & 2-44 Airlie Avenue, 74-100A Chomley Street, 546-614 High Street, 1-67 & 2-46 Highbury Grove, 27-35 & 30-48 Irving Avenue, 2-18 Kelvin Grove, 1-21 & 2-36 Larnook Street, and 1-5 & 2-28 Willis Street, Prahran, is significant.*

*Streets and allotments in the precinct were created by successive subdivisions of the Merville Estate and Victoria Estate from 1879 to 1910. The earliest house in the precinct is the bichrome brick villa 'Cathcart' at 568 High Street of 1880. Residential development dating from 1880-90 characterises the northern half of the precinct, as well as two rows of shops of this era on High Street. Federation/Edwardian era residential predominates in the southern half, in keeping with its later subdivision dates.*

*Elements which contribute to the significance of the precinct include:*

- *The high degree of intactness of the precinct to its c1930 state, due to the low level of later redevelopment;*
- *The intactness of the buildings to their original state, with buildings typically retaining with their street presentation largely unaltered, apart from some changes to verandahs and windows;*
- *The single-storey scale of the residential streets, and the mixed single- and double-storey scale of the High Street section;*
- *The use of hipped roofs, timber, bichrome face brick or cement-render cladding to Victorian- era buildings, with a shift to gable-fronts and red face brick in the Federation and early interwar periods;*
- *The irregular subdivision pattern which demonstrates the piecemeal creation and extension of streets over a 30 year period, and whose boundaries are often indicated by east-west running laneways;*
- *The presence of laneways, many of them retaining their bluestone pitches, which not only provided access to nightsoil carts prior to the introduction of sewers c1900, but also provided pedestrian access between the cul-de-sacs;*
- *Mature street trees, particularly the London Planes in Larnook Street.*

**How is it significant?**

- *The Airlie Avenue Precinct, Prahran, is of local historical and aesthetic significance.*

**Why is it significant?**

*The precinct is of historical significance for its illustration of the ad hoc nature of late nineteenth-century and early twentieth-century subdivisions of large estates into suburban streets and allotments, resulting in an irregular street pattern and a number of cul-de-sacs linked by pedestrian laneways. The successive subdivisions are readily apparent due to the almost complete physical separation of the two principle eras – Victorian and Federation – sometimes at either end of a single street. The relatively modest means of many of Prahran’s residents are illustrated by the many timber Victorian single-fronted cottages, as well as semi-detached Federation dwellings. These are interspersed with a number of more substantial, double-fronted houses of both eras. The need for local shops in pre-automobile residential areas is illustrated by two rows of Victorian shops on High Street. (Criterion A)*

*The precinct is of aesthetic significance due to the regular rhythms created by identical rows of detached houses – for example Victorian timber cottages on Willis Street and rendered and timber villas on Airlie Avenue – and rows of asymmetrical semi-detached and symmetrical Edwardian and early interwar dwellings – for example on Highbury Grove, Airlie Avenue, Larnook Street and Irving Avenue. This rhythm is supported by the very consistent use of red face brick for both the Federation-era and inter-war era dwellings in the precinct. The aesthetic significance of the precinct is further enhanced by dwellings with unusual forms of ornamentation, such as the row of timber Victorian houses with pedimented front windows at 5-9 & 15 Airlie Avenue, and the single-fronted Victorian house at 84 Chomley Street with highly decorative cast-cement enrichments. The two rows of Victorian shops on High Street are enhanced by their shopfronts: with the original timber shopfronts at 602-610 High Street and Federation-era Brooks & Robinson shopfronts with Art Nouveau leadlights at 546-552 High Street. (Criterion E)*

13. The Heritage Overlay HO139 Kelvin Grove Precinct is located within the bordering streets of the HO178 Airlie Avenue Precinct. The precinct includes the houses on the west side of street from No. 20 to No. 40 Kelvin Grove and this Heritage Overlay is effectively contiguous and continuous with the Airlie Avenue Precinct and has a character and appearance that is also found within the Airlie Avenue Precinct. The statement of significance is copied below, as retrieved from the Victorian Heritage Database

*The Kelvin Grove Urban Conservation Area has significance as a cohesive grouping of Queen Anne buildings displaying strong architectural similarities, and relate to the 1910 subdivision by estate agent E. P. Muntz.*

*The consistency of the scale and form of the development and the repetition(sic) of designs and detailing suggests a common origin for the whole development and contributes to the legibility(sic) and significance of the place*

14. All of the houses within the Kelvin Grove Precinct are graded contributory except for No. 40 Kelvin Grove, which is graded as significant.
15. No 16 and 18 Kelvin Grove are also similar to the Edwardian era houses in the Airlie Avenue Precinct, such as the subject dwelling and neighbour at 3 Airlie Avenue and those in the southern end of Airlie Avenue and on the south side of Larnook Street.

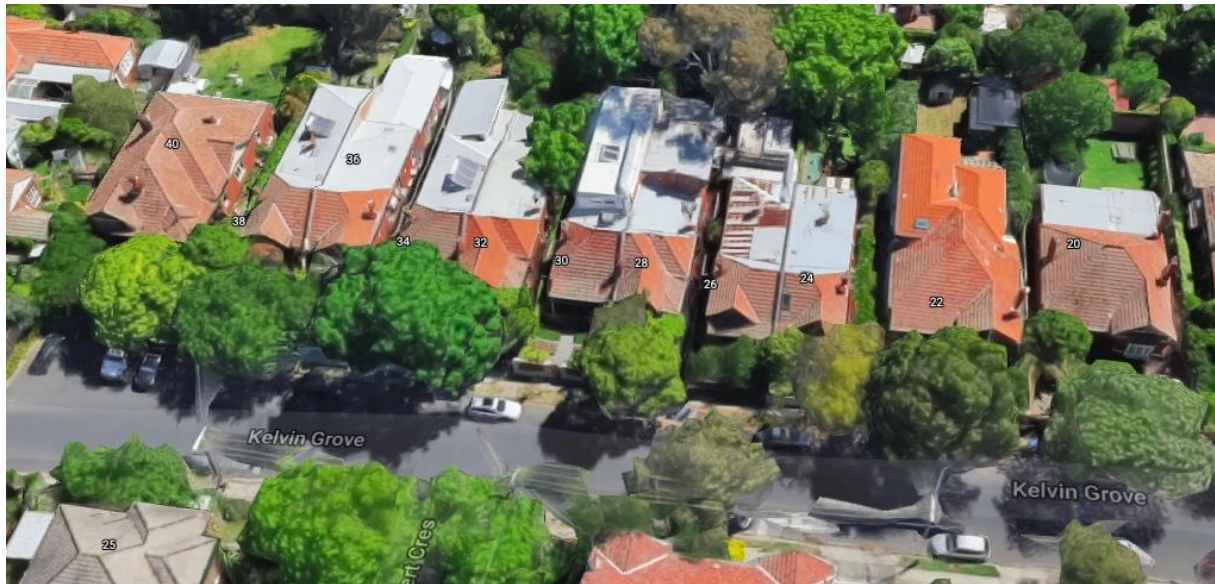


Figure 14 – The houses of HO139 (Google)

### Heritage Policy and Guidance with Commentary

16. The decision guidelines of the state heritage policy under Clause 43.01 provide the policy context in relation to the assessment of the constraints upon a heritage overlay.
17. The City of Stonnington website has a definitions document for the grading of buildings. This system is no longer used however the gradings remain for some places and are as follows.

#### *Building Gradings*

*The level of significance of a building is represented by its grading. All individually listed places are either of State significance (equivalent A1 grading) or high local significance*

*(equivalent A2 grading) and are significant in their own right. All graded properties in a heritage precinct are contributory to the significance of the heritage precinct. Properties in heritage precincts graded A1, A2 or B are assessed as 'significant' buildings within the context of the heritage precinct. Properties in heritage precincts graded C are assessed as 'contributory' to the built form attributes of the heritage precinct. An 'Ungraded' property in a heritage precinct is assessed as not contributing to the built form attributes of the heritage precinct, although the property remains part of the heritage precinct.*

*Building gradings have been ascribed to individual properties to indicate the relative significance of the building on the site, taking into account the intactness of the relevant built form heritage values and (in the case of heritage precincts) the consistency of the streetscape.*

*The building gradings are defined as follows:*

*A1 graded buildings – have been assessed as individually significant buildings of national or state importance, and are irreplaceable parts of Australia's built form heritage. An A1 graded building will typically be of extraordinarily high significance to the municipality clearly illustrating key local historical themes.*

*An A1 graded building may also contribute to a heritage precinct where it reinforces one or more of the heritage precinct's key historical themes. Its presence may elevate the significance of the heritage precinct.*

*A2 graded buildings – have been assessed as buildings of high local significance. They will typically stand out as important milestones in the development of the region or the municipality, and may illustrate one or more of the key local historical themes.*

*Some A2-graded buildings gain part of their significance from their location within a largely intact heritage precinct. Where an A2-graded building reinforces one or more of the key historical themes of the heritage precinct, its presence may enhance the significance of the heritage precinct.*

*The same building in isolation or on the periphery of a heritage precinct may be graded B.*

*B graded buildings – have been assessed as being well preserved and substantially intact representatives of particular periods or styles, which demonstrate the key historical themes of a heritage precinct. Some altered or defaced buildings which would otherwise have been graded A1 or A2 may be graded B.*

*B-graded buildings typically form the basis of, and make a built form contribution that is significant to, the heritage precinct. They reinforce one or more of the key historical themes of the heritage precinct.*

*Some B-graded buildings gain part of their significance from their location within a largely intact heritage precinct. The same building in isolation or on the periphery of a heritage precinct may be graded C.*

*C graded buildings – have been assessed as being either reasonably intact representatives of particular periods or styles, or they have been substantially altered but are part of a largely intact heritage precinct.*

*C graded buildings retain many of the key heritage attributes of the heritage precinct. They reinforce one or more of the key historical themes of the heritage precinct.*

*Ungraded buildings – contain no built form which contributes to the character or significance of a heritage precinct. These properties are included within a heritage*

*precinct because they are an integral part of the heritage precinct, and development of a property may impact on the significance of the heritage precinct.*

*Other Significant Attributes*

*All sites (including ungraded sites) may reinforce one or more key historical themes of a heritage precinct.*

*Places may have additional significance not reflected in the building gradings, which is defined in the statement of significance, such as social significance or association with an historic person or event, or the relative location of site within a heritage precinct.*

*Particular properties in heritage precincts may have additional significance arising from their association with a significant pattern of subdivision, pattern of access, orientation, siting or other matters that may not be reflected in the grading of built form on the site. New development, such as road or laneway closures or realignments and fencing may impact on these heritage values.*

18. Comment: The subject house is proposed to be re-graded as Significant B. The subject dwelling is intact at the front however has been altered at the rear. It is reasonable to conclude that the value of the place is its contribution to the understanding, character and appearance of the precinct. The frontage of the house is a good representative example of a Queen Anne Edwardian dwelling common for the period of development. Together with the neighbour at No.3 and the others in the precinct, it should be conserved for its contribution to the public place. There is no fabric that cannot be appreciated from the public domain that is significant or has been demonstrated as being so. That there is any aspect of the public appearance of the house that is not typical of the character and appearance described for house of the period in the Statement of Significance for the Precinct is also not demonstrated. The more appropriate grading for the subject site is 'Contributory'.

19. The Local Heritage Policy Clause 22.04 that have pretence to the subject assessment are as follows:

*Definitions*

*For the purposes of this policy the following meanings apply:*

- *'Heritage place' means a site, area, land, building, group of buildings in a precinct, a structure, archaeological site, tree, garden or other elements of the built environment with natural or cultural heritage significance.*
- *'Primary building volume' means the building fabric including the principal façade, roof form and chimneys. For residential buildings, this generally equates to the front two rooms in depth, of the original building.*
- *'Principal facade' means the front elevation facing the main road.*

- *'Significant building fabric means building fabric (including materials, roof, walls, windows, external joinery and chimneys) with heritage significance identified in the statement of significance or heritage assessment.*

*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 areas referred to in this policy have the following meanings:*

- *'All areas' means all commercial and residential areas.*
- *'Residential areas' means all areas included in residential zones.*
- *'Commercial areas' means all areas included in commercial and mixed use zones.*

#### *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.*

20. The significant fabric of the frontage of the subject house would also be retained under the contributory grading. It has not been demonstrated that there is any significant fabric that beyond that contributing to the public domain view of the house as a part of the Airlie Avenue Precinct.

#### *22.04-4.1 Demolition (includes full and partial demolition)*

- *Discourage demolition of significant buildings.*
- *Discourage demolition of parts of significant buildings (including but not limited to significant building fabric, the primary building volume, original fences, outbuildings, gardens and other features identified in the statement of significance or heritage assessment) unless it can be demonstrated that one or more of the following apply:*
  - *The demolition is minor in scale.*

- The demolition will not adversely affect the significance of the heritage place.
- The replacement development is sympathetic to the scale, setback and significance of the heritage place.
- Ensure significant building fabric is retained to conserve:
  - The heritage significance of the place (including buildings, fences and gardens).
  - The primary building volume (including original external joinery to doors and windows, original or early shopfront features, verandahs and other features).
  - The intactness of the heritage streetscape (if applicable).
- Discourage demolition or partial demolition of contributory buildings unless it can be demonstrated that:
  - The demolition will not adversely affect the significance of the heritage precinct.
  - The replacement development is sympathetic to the scale, setback and significance of the heritage precinct.
- Support demolition of ungraded buildings with an appropriate replacement building design (consistent with the provisions of Clause 22.04-4.5).

21. The demolition policy stipulates that for buildings graded significant must ensure that the impact on the heritage building is to be assessed. In contrast, demolition of a contributory graded building need only assess in relation to the impact on the heritage precinct. Any demolition works to a contributory building that cannot be seen from the public domain are by definition acceptable. It is essential then that if the building is nominated to be significant it must be clearly documented what elements or features of the building are to be considered significant in their own right, including the fabric, volume integrity of the original building and particularly those elements to which importance is attributed but which are not a part of the public domain presentation of the building. In this case this assessment has not been made.

22.04-4 Additions and alterations

- Ensure that all additions and alterations:
  - Retain and conserve the primary building volume and significant building fabric.
  - Are set back behind the primary building volume.
  - Respect the built form character of the place including but not limited to scale, form, height, street wall, siting and setbacks.
  - Adopt a visually recessive design where the heritage place remains the dominant visual element.



- Are readily identifiable as new works while respecting and having minimal impact on the significance of the heritage place.
- Complement the materials, detailing and finishes and paint colours of the heritage place.
- Avoid new openings in the primary building volume and significant building fabric

#### Residential areas

- Ensure that all upper level additions and alterations:
  - Are set back behind the primary building volume (as shown in Diagram 1).
  - Complement the height, scale and setbacks of any adjoining significant or contributory buildings.
  - Are contained within an envelope created by projecting a sight line from 1.7 metres above ground level on the opposite side of the street (as shown in Diagram 1).
  - Present minimal bulk from oblique views.
  - Do not obscure vistas and viewlines to significant buildings.

**Diagram 1: Preferred residential upper level setbacks**

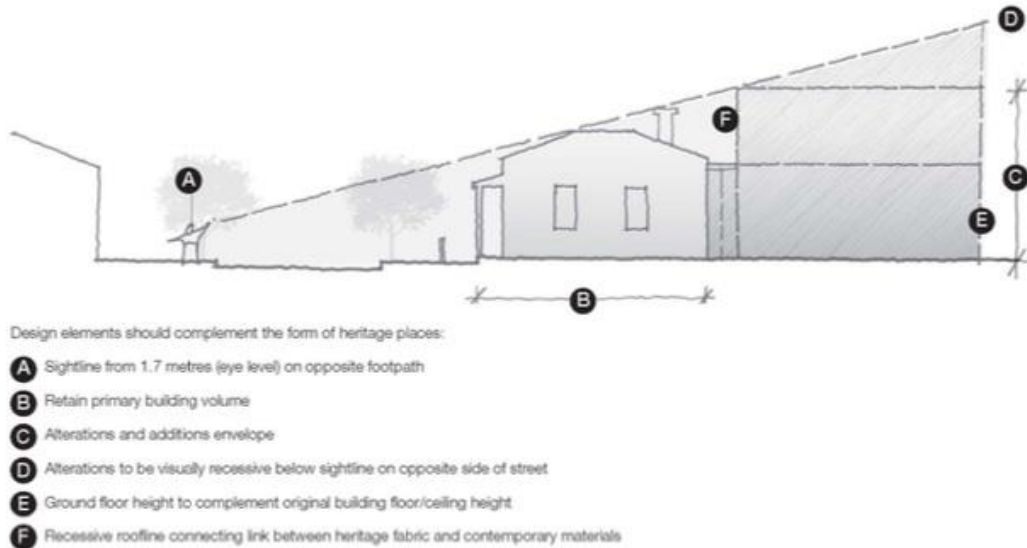


Figure 16 – Sightline guideline diagram (City of Stonnington Planning Scheme)

22. City of Stonnington has an accompanying Heritage Design Guidelines. These guide development responses to buildings and are differ dependant on whether the building is graded as Significant or Contributory.

### 3.1 Context

*Retaining significant heritage places, and parts of heritage places, is important to sustaining the valued heritage character of the City.*

### 3.2 Key Issues

- *Loss of significant buildings, or removal of significant building fabric, undermines the heritage values of the City.*
- *Demolition of the primary building volume of heritage places (including facade, roof and side walls) severely degrades the significance of a heritage place.*
- *Inappropriate replacement works may be visually dominant and unsympathetic to the heritage significance of the place.*

### 3.3 Design Guidelines

#### 3.3.1 Significant places

*All places*

*Full demolition is strongly discouraged.*

*Demolition of parts of buildings is discouraged*

*unless all of the following apply:*

- *All significant building fabric and other elements, such as gardens, outbuildings and fences, identified in the statement of significance is retained.*
- *The primary building volume is retained.*
- *The works are minor in scale and will not adversely affect the significance of the place.*
- *The works will assist in the long-term conservation of the place*

*Residential places*

*Works to residential places should:*

- *Retain the primary building volume for residential places as shown in Figure 3*

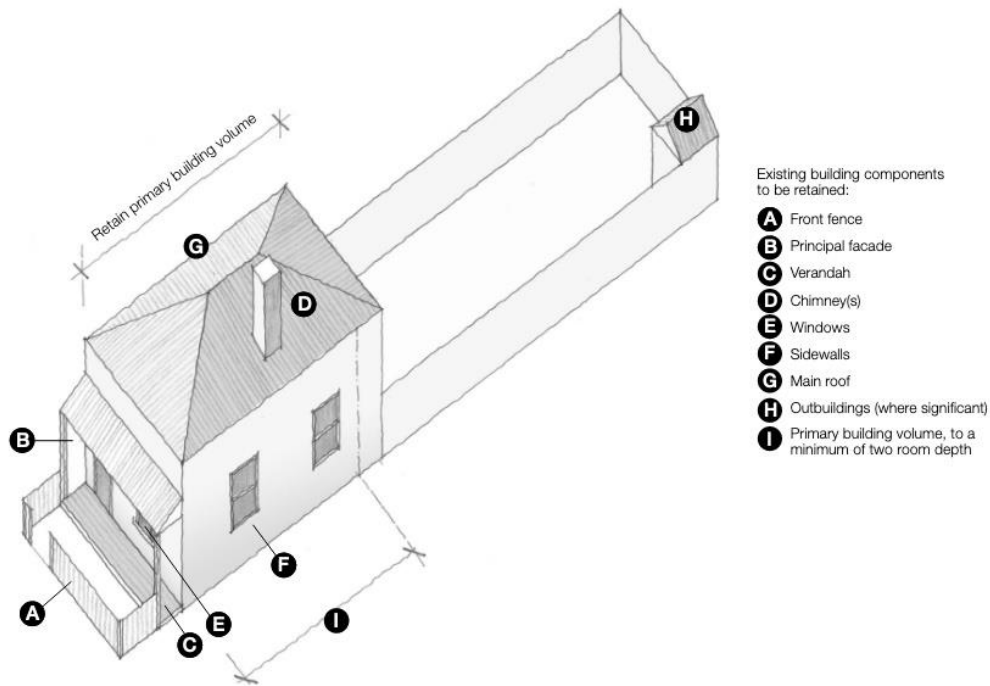


Figure 3 Elements of residential primary building volume to retain

Figure 17 – Element of residential primary building volume to retain (City of Stonnington Design Guidelines)

### 3.3.2 Contributory places

All places

Full demolition of contributory places is discouraged.

Partial demolition of contributory places may be appropriate in more limited circumstances including:

- The demolition will not adversely affect the significance of the place.
- The replacement built form or building is sympathetic to the scale, setback and significance of the place.

23. Comment: The rear of the dwelling presently accommodates the Medical Centre with the entry to the side part way back along the side wall that presents to the Cabrini roadway. That the whole of the primary building volume of the former house makes a contribution to the character and appearance of the heritage precinct is not demonstrated. It is also the case that as previously mapped the north boundary of the Heritage Overlay took in a part of the main Cabrini building and is now proposed along the line of the north wall of the subject house. It is to be accepted that the exposed north side of the building with the Medical Centre entry is not contributory to the heritage Precinct particularly beyond the canopy to the entry. Partial

demolition of the rear could be acceptably accommodated without adversely affecting any fabric contributing to the Heritage Precinct.

#### **Amendment C304**

24. Commentary provided in the extension citation on behalf of Council in explanation of the change in gradings included the following:
25. The southern half of the precinct is dominated by a cohesive group of red-brick Federation era residences, with single examples scattered along High Street and the north end of Airlie Avenue. The largest examples are double-fronted villas with complex, Marseilles-tiled roofs above red brick walls and ornate, timber verandahs. Notable examples include 1, 3, 34, 42, 44 Airlie Avenue, 27 Irving Avenue, and 2 & 18 Kelvin Grove. The most interesting examples among them used pronounced diagonal axes, such as 27 Irving Avenue with a front door, gablet and three-sided front verandah all addressing the corner. The villa at 1 Airlie Avenue has a similar plan form, though it is not on a corner site, and it is distinguished by its retention of a high level of timber and cast-iron verandah ornament as well as leadlight windows.
26. For this property to be demonstrably an exemplar of the type comparison should be provided particularly addressing how the timber and cast-iron verandah ornament and leadlight are distinguished to make those features of individually important. This is in my view not demonstrated below.

#### *Comparative analysis*

*HO178 Airlie Avenue Precinct is, in many ways, typical of streetscapes in the Prahran/Windsor area at the end of the early interwar period (c1930). It is unusual in that it has retained a high level of integrity with respect to this early character. The area was the product of speculative development over several decades and it remains legible both as an exemplar of the development mode, namely the construction of long rows of identical villa dwellings and later semi-detached pairs, and as a record of various architectural styles which gained and lost popular favour during the long construction period.*

*The HO178 precinct has a very distinctive delineation between the northern and southern halves. Between High Street and the south side of Willis Street houses, and shops, of the Victorian era predominate, with some early interwar-era residential infill primarily along High Street. This contrasts with the southern half, which is almost entirely of the Federation era, again with an admixture from the early interwar period.*

*The southern half is further distinguished by the east-west pedestrian lanes which improve circulation around the ad-hoc street layout.*

*The primarily Victorian half of the HO178 precinct can be compared to the nearby HO124 Bowen Street Precinct, which comprises mostly single-fronted timber Victorian Italianate cottages. This streetscape is very similar to Willis Street, much of the Chomley Street section, and the northern half of Highbury Grove. There are also polychrome brick houses on Chomley Street and High Street. The more substantial, masonry Victorian Italianate villas which characterise the northern half of Airlie Avenue can be compared favourable to HO131 Fawkner Street, South Yarra, which also includes comparable Victorian-era commercial buildings.*

*The primarily Federation southern half shares this character with the nearby HO386 Chomley Street Precinct. HO386 contains almost solely modest semi-detached dwellings. As in the Airlie Avenue Precinct some of them are identical gabled-fronted pairs while others have a gabled and hipped element to simulate a detached villa. This same type of development characterises much of the south end of Airlie Avenue and the south side of Larnook Street. In addition, there are many substantial double-fronted villas in the Airlie Avenue Precinct. The double-fronted Federation villas also compare well to the small HO139 Kelvin Grove Precinct which is mostly surrounded by HO178. This land was subdivided in 1910 and double-fronted Federation Queen Anne villas as well as asymmetrical semi-detached pairs were constructed shortly afterward, largely by a single builder. HO152 Vale Street Precinct, just south of HO178 Airlie Avenue Precinct, also has a very similar building stock, primarily asymmetrical Federation semi-detached pairs.*

*This part of the precinct also compares well with the nearby HO385 Banole Estate Precinct, which contains mostly Federation semi-detached pairs as well as interwar houses. The semi-detached dwellings in HO385 are overall simpler in detail and design than those in HO178 Airlie Avenue Precinct. There is a fine row of interwar bungalows along High Street in HO385, which compare to the row of bungalows at 11-21 Larnook Street.*

27. Comment: There is no discussion on what differentiates a place as being graded significant or contributory. There is discussion regarding similar building characteristics but no discussion on individually significant places or the characteristics of a significant place contrasted with a contributory place.

28. The precinct is compared to HO139 Kelvin Grove Precinct, which are all contributory places except for the significant graded No. 40 Kelvin Grove. The subject dwelling is of the similar character and similar level of intactness to this collection of contributory places.

#### Discussion

29. That the house is one constructed in the period for which the Airlie Avenue Precinct HO178, and the Kelvin Grove Precinct HO139 are recognised as significant and is a fine example of the type is not disputed. At issue is the potential confusion between the purpose and effect of grading of properties within the Heritage Overlay. The shift from letter gradings of building, as was generally applied in the early decades of heritage controls and assessments, to the simple three tier grading remains incompletely understood and explained.

30. The Planning Practice Note 1 – Applying the Heritage Overlay remains, in my view wrong and misleading in its discussion of ‘Thresholds’ under the heading What are recognized heritage criteria. PPN1 provides useful and informative with regards to heritage criteria and assessment of heritage significance particular with regard to establishing ‘thresholds’ in each criterion using ‘Comparative Analysis’. In PPN1 the comments on what thresholds to be applied set out on page 2 after Criterion H appear confused in the context of the Municipal Planning Schemes:

*The adoption of the above criteria does not diminish heritage assessment work undertaken before 2012 using older versions of criteria.*

*The thresholds to be applied in the assessment of significance shall be ‘State Significance’ and ‘Local Significance’. ‘Local Significance’ includes those places that are important to a particular community or locality. Letter gradings (for example, “A”, “B”, “C”) should not be used.*

31. The distinction between places that are of ‘State Significance’ and those that are of ‘Local Significance’ is addressed by the existence of the Victorian Heritage Act and resultant Victorian Heritage Register on which places of ‘State Significance’ should be listed. This distinction is also clearly addressed in the Schedule to Clause 43.01 with identification in the fifth column of those places, having State level of significance and included on the Victorian Heritage Register (VHR) under the Heritage Act. The places on the VHR are all required to be provided with an individual Heritage Overlay under the Planning Scheme to mirror the VHR listing.
32. The critical distinction to be made in the grading of properties within a Heritage Overlay is between places that are important, or have value, because they ‘Contribute’ to the collective place or area that is the entity having heritage significance, and those places that are ‘Significant’ in their own right.
33. The Planning Practice Note 1 (PPN1) includes no discussion of ‘Contributory’ gradings by comparison with the now defunct letter gradings or with the gradings of ‘Significant’ and ‘Non-

contributory'. The *Example Statement of Significance* provided as Appendix A to PPN1 does however employ the concept.

34. In the Explanatory Report for Amendment C304 is the following:

*The significance of the precincts and individual properties was assessed against Practice Note 01 Applying the Heritage Overlay (August 2018) and are considered to meet the criteria and threshold for local protection through the Heritage Overlay. Consequently, Amendment C304 is required to implement the findings of these studies by including the new heritage places into the Heritage Overlay.*

35. Critically for the purpose of assessing the threshold for 'significant' grading in relation the subject property is that direction over the question of 'Thresholds' remains poorly addressed in the definitions of gradings by the City of Stonnington.

36. At Clause 22.04-2 Definitions is the following:

*'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.*

37. In the Precinct Information Sheet provided with the Amendment papers the definitions are as follows:

*Significant: Significant heritage places are individually important places of state, municipal or local cultural heritage significance. They can be listed individually in the Schedule to the Heritage Overlay. They can also be places that, when combined within a precinct, form an important part of the cultural heritage significance of the precinct. They may be both individually significant and significant in the context of the heritage precinct.*

*Contributory heritage places are places that contribute to the cultural heritage significance of a precinct and have been given this status in a heritage study. They are not considered to be individually important places of state, municipal or local cultural heritage significance, however, when combined with other significant and/or contributory heritage places, they play an integral role in demonstrating the cultural heritage significance of a precinct.*

38. Although the PPN1 guides against the use of letter gradings the Heritage Design Guidelines and the current assessment for this Amendment C304 persists with the use of gradings. The definitions of levels of significance in the City of Stonnington *Heritage Design Guidelines* is set out with commentary as follows:

*A1 - Buildings of national or state significance or extraordinarily high local significance which are either individually significant or form part of a heritage precinct.*

39. It is noted that these buildings 'may' be of National or State significance but this is not actually the case unless they are listed on the National or State Register. The attribution of "extraordinarily high local significance" should properly be addressed in an individual Statement of Significance.
40. With such a high level of local significance all such individual properties would warrant application of an Individual Heritage Overlay where they are isolated from any related heritage precinct. Accordingly, a comparative survey of Individual Heritage Overlays should show similar houses. All house that are similar, within the Municipality, should also be covered by a Heritage Overlay and have an individual statement of significance explaining their importance in accordance with PPN1. Where such a property is a part of a wider place having related significance, and warranting the same level of heritage control, such A1 places may be included as a part of, and would of course contribute to the wider heritage place that is the Precinct. Importantly if the places were not individually significant on their own merit they should not be graded as A1 and are not significant because they form part of a heritage precinct. It is also to be noted that the 'Significant' grading lumps A1, A2 and B graded buildings in the one category and makes no distinction on how they should be managed.
41. The definition of A2 buildings is even more problematic in relation to PPN1 and plain English meaning:
- A2 - Buildings of high local significance which are either individually significant or which gain their significance from their location within a largely intact heritage precinct of comparable buildings.*
42. If a Significant building *gains* its significance from its location in association with comparable buildings it is the collective of buildings not the individual place that is significant. On this basis such a building can only be contributory to that larger 'collective' which is the significant heritage entity. The individual entity can, by definition, not itself be graded 'significant'. How a building achieves the 'Threshold' to be attributed the A2 grading is not explained.
43. It is understood that the direction for *Application of the Heritage Overlay* and by extension determination of what is significant to, and within, a Heritage Overlay is provided in Planning Practice Note 1 (PPN1). Notwithstanding the comment on 'Thresholds' provided above PPN1 appears a relatively clear document communicating in plain English.
44. The following phrases are most pertinent in terms of establishing what is significant about a place, which in the subject case is applies to the assessment of present task of assessing the significance of 1 Airlie Avenue (underlining is mine):



*The heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place.*

At page 2 below Criterion H:

*To apply a threshold, some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, including those previously included in a heritage register or overlay. Places identified to be of potential state significance should undergo analysis on a broader (statewide) comparative basis.*

At page 2 under *How is it significant*:

*... should indicate the threshold for which the place is considered important [against those items that contribute to a significant collective, or are themselves significant]*

At page 2 under *What is it significant*:

*There should be no doubt about the elements of the place that are under discussion. The paragraph should identify features or elements that are significant about the place, ... as a guide to future decision makers.*

And:

*Clarification could also be made of elements that are not significant. This may guide or provide the basis for an incorporated plan which identifies works that may be exempt from the need for a planning permit.*

45. The PPN1 addresses the application of the Heritage Overlay to either precincts or individual properties. That a precinct included a number of places warranting grading as ‘Significant’ within the precinct should not remove the expectation that the ‘Significance’ of those individual places is clearly explained. Where the one Statement of Significance can sensibly be applied to a whole group, or type, within a Precinct and provide that explanation then there is no need for individual Statements of Significance to address each individually Significant property.

46. The subject house has been proposed with a “Significant (B)” grading which is defined in the Guidelines as follow:

*B - Buildings which are substantially intact representatives of particular periods or styles which either gain their significance from their location within a largely intact heritage precinct or would otherwise have been graded A1 or A2 if they had not been significantly altered.*

47. As discussed above if a building that is supposed to be ‘significant’ only gains that significance from its wider context then it is not the building but the context that is the significant entity. The building ‘contributes’ to that entity but is not itself significant. There is no meaningful distinction explained in the above definitions between a buildings graded, A2 and B that that gains its significance from its context and a building that is ‘contributory’.

48. The distinction between 'Significant' and 'Contributory' buildings is that the former are of heritage importance as stand-alone entities whilst a contributory building is not considered to have heritage importance unless it is a part or a group of related places and that heritage group is the entity having heritage importance. The heritage value of the group amplifies the value of the individual property that contributes to the group.
49. By analogy an individual in a choir may not have the qualities expected of a soloist. Whilst the features of the subject house are features representative of a style and period of building considered to be important in the Precinct (Heritage Criterion D) and so contribute to the heritage character and appearance of the Precinct, there is no indication that the details or features of the house are exemplary, or stand out, or are worth a particular visit.
50. The Heritage Design Guidelines provide the following definition for 'C' graded building which are equated with 'Contributory' buildings:
- Buildings which are representative examples of particular periods or styles of buildings in largely intact heritage precincts which have been substantially altered.*
51. The understanding of a 'Heritage Place' is sometimes a source of confusion even amongst some Barristers working in the field of planning. The 'Heritage Place' as addressed under Clause 43.01 is the whole place covered by a Heritage Overlay. It is however natural to the English language that a Heritage Precinct is comprised of many separate and distinct 'places' that are individual properties occupied by heritage houses and that each of these places is naturally described as a 'heritage place'. It is acknowledged that subject site is a part of and 'contributes' to the wider heritage place of Airlie Avenue Precinct. It is also acknowledged that as a house that evidently has a historical form the property is also individually a heritage place.
52. At issue is the distinction between a 'Significant' heritage place within a Heritage Precinct and a place graded only as making a contribution to the heritage character and appearance of a wider heritage place of streetscape and precinct. To be 'Significant' the place itself must have heritage value or importance that is clearly explained, identified and justified in accordance with PPN1 as distinctive. On the other hand those places that are representative of the style and period identified as being significant to the Precinct and which contribute to the group or collective significance are not individually significant.
53. Given the ad hoc and varied development of heritage assessment across Victoria over the last half century it is not surprising that the threshold between contributory and significant places within a Heritage Overlay is inconsistent and poorly explained. The definitions provided above give limited guidance either on how threshold between Contributory and Significant heritage places should be determined or how policy should differ.

54. The clearest test is that places having 'Significant' gradings are those that can be shown to have heritage importance under at least one heritage criterion, as addressed under PPN1, as an individual entity. Those places that have value as a part of a collective, but not on their own merit in isolation should not be graded 'significant' but are 'contributory' to the heritage value of the wider heritage place: and area or precinct.
55. In my view there is nothing before the Panel that suggest this house is outstanding or an exemplar of the kind that would be worthy of application of individual Heritage Overlay if it were not located in a context of other heritage houses which collectively present as a heritage place. Whilst other houses graded significance within heritage overlays may exist this is not demonstration that the house at 1 Airlie Avenue is 'Significant'. In accordance with PPN1 this would need a comparison with a number of houses of similar character and appearance that are isolated from any heritage group and which have been accepted as worthy of individual application of the Heritage Overlay as stand-alone places. A place that is worthy of Significant Grading will by definition of being important to the formation of the identity, be destinational.
56. It is my view that whilst the subject house is certainly a pleasing heritage home it is not outstanding or destinational.
57. It is clear that the frontage of the subject house, notwithstanding the existing foliage, would contribute to the heritage character and appearance of Airlie Avenues as the property is viewed from the public domain. The applicable Statement of Significance for the house is that for the Airlie Avenue Precinct and the list of Elements which contribute to the significance of the precinct include:
- *The intactness of the buildings to their original state, with buildings typically retaining with their street presentation largely unaltered, apart from some changes to verandahs and windows;*
- As the Statement of Significance for the Precinct does not identify the features of any place or property that are normally experienced from the private domain within, or at the rear of, as property it is to be accepted that it is the "street presentation" of properties that is of value. For places of significance on the Schedule to the Heritage Overlay at Clause 43.01 just as State level significance can be identified, there is opportunity to activate controls over outbuilding, paint, interiors and trees however there is not any option to distinguish between controls over what is experienced from the public domain as distinct from part only experienced or appreciable from the private domain within the property.
58. The practical distinction is made only in the Policy and Guidelines as these apply to demolition with 'Significant places' having more stringent controls than do 'Contributory places'

59. For the former it is expected that the “primary building volume is retained” and “The works are minor in scale and will not adversely affect the significance of the place” whilst for the later the looser controls are:

*Partial demolition of contributory places may be appropriate in more limited circumstances including:*

- *The demolition will not adversely affect the significance of the place.*
- *The replacement built form or building is sympathetic to the scale, setback and significance of the place.*

60. The subject house is located at the edge of the heritage precinct and a part of the grounds of Cabrini with the rear of the house under the ‘principal roof form’ accessed from the north side used as a Medical Centre, The Airlie Women’s Clinic. The building behind the original principal roof form is also accessed from Cabrini.

61. In this context of Cabrini it is simply nonsensical to suggest that the rear of the house or property makes any contribution to the significance of the Airlie Avenue Precinct as could be concluded from the grading of the former house as ‘Significant’.

62. From the perspective of Protection, a ‘Contributory’ grading would appropriately protect those features of the house that contribute to its ‘street presentation’. The level of additional projection to the rear of the property provided by a ‘Significant’ grading has not been shown to be justified or required. The protection provided a ‘Contributory’ grading addresses the features of the house that contribute to its street presentation.

63. The features, attributes or elements of the subject house that could present to the public domain of the Precinct if foliage in the front garden were to be removed are not notably superior to houses such as at 17 Avondale Road, which abuts HO123 but is not itself covered by a heritage overlay. Also not covered by a Heritage Overlay but presenting has ‘heritage houses’ as does the subject house, are four houses on Malvern Road between Albany Road and Denham Place, No’s 1031-1039 and 1049. The property at 1043-45 is covered by HO324. There are many houses within Stonnington that are stand-alone houses, not covered by a Heritage Overlay, that present historical detailing and form at least as visually interesting as that of the subject house.

64. All those features of the subject house that could contribute to the public domain of the heritage precinct, if more exposed, would be addressed and protected by a ‘Contributory’ grading for the property. Without a Statement of Significance for the subject property explaining what features and details are superior to the similar detail of the many ‘Contributory’ house within heritage precincts, or explaining how the threshold for individual Significance applies to this house but not to similar quality individual houses across Stonnington, the

requirements of PPN1 are not met. Accordingly the case that the subject house should be graded 'Significant' rather than 'Contributory' has not been made.

A handwritten signature in black ink that reads "John Briggs". The signature is written in a cursive, flowing style.

John Briggs Architects Pty Ltd