

**Stonnington Planning Scheme Amendment C320ston
Toorak, Armadale and Kooyong Heritage Review**

Panel Report

Planning and Environment Act 1987

27 September 2023

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 Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Stonnington Planning Scheme Amendment C320ston

Toorak, Armadale and Kooyong Heritage Review

27 September 2023



Alison McFarlane, Chair



John Roney, Member

Contents

	Page
Executive summary	10
1 Introduction	17
1.1 The Amendment.....	17
1.2 Background	17
1.3 Procedural issues	18
1.4 Submissions.....	18
1.5 Post exhibition changes proposed by Council.....	19
1.6 The Panel’s approach	19
1.7 Limitations	20
2 Strategic issues	21
2.1 Planning context	21
2.2 Strategic justification.....	21
3 General issues	24
3.1 Building condition	24
3.2 Development opportunity.....	24
3.3 Property value and financial implications.....	26
3.4 Heritage design guidelines.....	27
3.5 Extant planning permits.....	28
3.6 Hercon criteria	29
3.7 Tree controls	31
3.8 Heritage citations.....	35
3.9 Other changes to the exhibited Amendment	36
4 Hampden Road Precinct (HO136)	39
4.1 13-15 and 17 Avalon Road, Armadale.....	40
4.2 44 Hampden Road, Armadale.....	46
5 Montalto Avenue Precinct (HO143)	49
5.1 Site-specific issues	51
6 Williams Road Precinct (HO155)	54
6.1 78 Williams Road, Prahran	55
7 Power Street Precinct (HO180)	58
7.1 11 Glenbervie Road, Toorak.....	60
7.2 8 Merriwee Crescent, Toorak.....	61
7.3 13 Moonga Road, Toorak	62
7.4 20 Moonga Road, Toorak	62
7.5 11 Power Avenue, Toorak	65
7.6 43 Power Street, Toorak	65
7.7 Extent of precinct	67
7.8 Combined precinct recommendations	68

8	Kooyong Precinct (HO181)	69
8.1	96 Elizabeth Street, Kooyong	71
8.2	693 Toorak Road, Kooyong	72
8.3	711-713 Toorak Road, Kooyong.....	73
9	Canterbury Road Precinct (HO748)	75
10	Glenferrie Road Precinct (HO749)	79
10.1	375 Glenferrie Road, Malvern.....	80
11	Williams Road Terraces Precinct (HO751)	85
11.1	246 and 248 Williams Road, Toorak.....	86
12	Lambert Road Precinct (HO752)	88
12.1	7 and 9 Baxter Street, Toorak.....	89
12.2	1, 2, 3 and 3A Lambert Road, Toorak	90
12.3	9 Lambert Road, Toorak	92
12.4	13 Lambert Road, Toorak	94
12.5	23, 25 and 27 Lambert Road, Toorak	95
12.6	627 and 629 Orrong Road, Toorak	97
12.7	636 Orrong Road, Toorak	100
13	Horsburgh Grove and Murray Street Precinct (HO757)	105
13.1	Precinct-wide issues	106
13.2	18 Erskine Street, Armadale	108
13.3	7 Horsburgh Grove, Armadale	109
13.4	2, 4 and 6 Murray Street, Armadale	110
14	Egerton Road Precinct (HO758)	113
14.1	12 and 20 Egerton Road, Armadale.....	114
15	Lansell Road Precinct (HO764)	117
15.1	569-571 Toorak Road, Toorak.....	118
16	Toorak Post-War Modern Group (HO747)	122
16.1	Criterion A.....	123
16.2	Criterion D	130
16.3	Criterion H	138
16.4	Serial listing.....	140
17	Individual heritage places	144
17.1	10 Chastleton Avenue, Toorak (HO18)	144
17.2	'Moonbria Flats' 68 Mathoura Road, Toorak (HO81).....	146
17.3	29 Lansell Road, Toorak (HO727)	150
17.4	20 Millicent Avenue, Toorak (HO730).....	154
17.5	7 Trawalla Avenue, Toorak (HO739)	159
17.6	Santosa, 33 Albany Road, Toorak (HO741).....	164
17.7	60 Washington Street, Toorak (HO742).....	167
17.8	'Kilpara' 703 Orrong Road, Toorak (HO743).....	170
17.9	1-2/5 Moralla Road, Toorak (HO745).....	173

17.10	Orrong Hotel 711 High Street, Armadale (HO753)	178
17.11	46-50 Wattletree Road, Armadale (HO754)	186
Appendix A	Submitters to the Amendment	194
Appendix B	Parties to the Hearing.....	196
Appendix C	Document list.....	198
Appendix D	Proposed heritage places and precincts, and submissions received	204
Appendix E	Post exhibition changes endorsed by Council.....	209
Appendix F	Planning context.....	212
F:1	Planning policy framework.....	212
F:2	Other relevant planning strategies and policies	212
F:3	Planning scheme provisions	214
F:4	Ministerial Directions, Planning Practice Notes and guides	215
Appendix G	Council agreed changes to citations	216
Appendix H	Panel preferred version of the Statements of Significance.....	217
H:1	Hampden Road Precinct (HO136) Statement of Significance	218
H:2	Power Street Precinct (HO180) Statement of Significance.....	221
H:3	Glenferrie Road Precinct (HO749) Statement of Significance	224
H:4	Horsburgh Grove and Murray Street Precincts (HO757) Statement of Significance.....	226
H:5	10 Chastleton Avenue, Toorak (HO18) Statement of Significance	228
H:6	Moonbria Flats 68 Mathoura Road, Toorak (HO81) Statement of Significance.....	229
H:7	29 Lansell Road, Toorak (HO727) Statement of Significance	230
H:8	20 Millicent Avenue, Toorak (HO730) Statement of Significance.....	231
H:9	33 Albany Road, Toorak (HO741) Statement of Significance	232
H:10	Kilpara Flats, 703 Orrong Road, Toorak (HO743) Statement of Significance.....	233
H:11	1-2/5 Moralla Road, Toorak (HO745) Statement of Significance.....	235

List of Tables

	Page	
Table 1	Amendment C320ston chronology of events	17
Table 2	Planning context	21

List of Figures

	Page	
Figure 1	13-15 Avalon Road, Armadale	41
Figure 2	17 Avalon Road, Armadale	41
Figure 3	44 Hampden Road, Armadale	47
Figure 4	Refinement of Montalto Precinct (HO143)	51

Figure 5	7 Stradbroke Avenue, Toorak	52
Figure 6	8 Montalto Avenue, Toorak	52
Figure 7	78 Williams Road current Heritage Overlay Map extent	56
Figure 8	78 Williams Road Citation Map extent	56
Figure 9	11 Glenbervie Road, Toorak.....	60
Figure 10	8 Merriwee Crescent, Toorak.....	61
Figure 11	13 Moonga Road, Toorak	62
Figure 12	20 Moonga Road, Toorak	63
Figure 13	Extract from HO180 Statement of Significance	64
Figure 14	Power Street Precinct (HO180) current mapping.....	64
Figure 15	11 Power Avenue, Toorak	65
Figure 16	43 Power Street, Toorak	66
Figure 17	96 Elizabeth Street, Kooyong	71
Figure 18	693 Toorak Road, Kooyong	72
Figure 19	4 Canterbury Road, Toorak	76
Figure 20	6 Canterbury Road, Toorak	76
Figure 21	8 Canterbury Road, Toorak	76
Figure 22	375 Glenferrie Road, Malvern.....	80
Figure 23	246 and 248 Williams Road, Toorak.....	86
Figure 24	7 and 9 Baxter Street, Toorak.....	89
Figure 25	1, 3 and 3A Lambert Road, Toorak	91
Figure 26	2 Lambert Road, Toorak	91
Figure 27	9 Lambert Road, Toorak	92
Figure 28	13 Lambert Road, Toorak	94
Figure 29	23 Lambert Road, Toorak	96
Figure 30	27 Lambert Road, Toorak	96
Figure 31	627 Orrong Road, Toorak	97
Figure 32	629 Orrong Road, Toorak	97
Figure 33	636 Orrong Road, Toorak	100
Figure 34	636 Orrong Road, Toorak proposed area of non-contributory building fabric	101
Figure 35	18 Erskine Street, Armadale	108

Figure 36	7 Horsburgh Grove, Armadale	109
Figure 37	2 Murray Street, Armadale.....	110
Figure 38	6 Murray Street, Armadale 2023 view	110
Figure 39	4 Murray Street, Armadale 2023 view	110
Figure 40	4 Murray Street, Armadale 2005 view	110
Figure 41	12 Egerton Road, Armadale	114
Figure 42	20 Egerton Road, Armadale 2023 view.....	114
Figure 43	569 Toorak Road, Toorak.....	118
Figure 44	571 Toorak Road prior to demolition.....	118
Figure 45	Locality Plan Toorak Post-war Modern Group	124
Figure 46	1 Lansell Court, Toorak 2003 view	133
Figure 47	1 Lansell Court, Toorak 2022 view	133
Figure 48	39 Lansell Road, Toorak - East elevation.....	135
Figure 49	39 Lansell Road, Toorak - North elevation.....	135
Figure 50	4 Nola Court, Toorak	136
Figure 51	2 Tyalla Crescent, Toorak 1970 view	136
Figure 52	2 Tyalla Crescent, Toorak 2023 view	136
Figure 53	7 Trawalla Avenue, Toorak with 1969 addition visible above the garage.....	161
Figure 54	Richardson House – 10 Blackfriars Close, Toorak (HO360).....	162
Figure 55	35 Larnook Street, Prahran (HO645).....	162
Figure 56	Quamby - 3 Glover Court, Toorak (HO44, VHR H0603)	175
Figure 57	Clendon Flats (HO130 Armadale Precinct)	175
Figure 58	Clendon Corner Flats (HO130 Armadale Precinct)	176
Figure 59	Moonbria Flats- 68 Mathoura Road, Toorak (HO81)	176
Figure 60	Orrong Hotel - 711 High Street, Armadale - circa 1910.....	179
Figure 61	Orrong Hotel circa 1964.....	179

Glossary and abbreviations

Amendment	Stonnington Planning Scheme Amendment C320ston
Council	Stonnington City Council
D	Document
Hercon	National Heritage Convention adopted by states and territories based on the Burra Charter values
Heritage Design Guidelines	<i>City of Stonnington Heritage Design Guidelines, 2017</i>
Heritage Review	<i>Toorak, Kooyong and Armadale Heritage Review, March 2022</i>
Para	Paragraph
Planning Scheme	Stonnington Planning Scheme
PPN01	Planning Practice Note 1: Applying the Heritage Overlay, August 2018 (updated 13 June 2023)
VHR	Victorian Heritage Register

Overview

Amendment summary

The Amendment	Stonnington Planning Scheme Amendment C320ston
Common name	Toorak, Armadale and Kooyong Heritage Review
Brief description	<p>The Amendment seeks to implement the recommendations of the <i>Toorak and Kooyong Heritage Review, 2022</i> and the <i>Armadale Heritage Review, 2022</i> prepared by Extent Heritage by:</p> <ul style="list-style-type: none"> - applying the Heritage Overlay to 21 individually significant places, one serial listing and nine new heritage precincts and two extended heritage precincts - changing a number of existing individually significant places and heritage precincts by removing places, changing of gradings, addition of Heritage Overlay controls or the alteration of names and addresses - incorporating Statements of Significance for all places and precincts - removing the Neighbourhood Character Overlay from places on Bailey Avenue and Valentine Grove, Armadale - correctly mapping the Heritage Overlay
Subject land	Land in Toorak, Armadale and Kooyong identified in Table 1
Planning Authority	Stonnington City Council
Authorisation	14 October 2022
Exhibition	16 February to 19 March 2023
Submissions	Number of Submissions: 77 (refer Appendix A)

Panel process

The Panel	Alison McFarlane (Chair) and John Roney
Supported by	Gabrielle Trowse and Georgia Brodrick, Planning Panels Victoria
Directions Hearing	Video conference, 30 June 2022
Panel Hearing	Planning Panels Victoria, 25, 26, 27, 28 and 31 July and 1 and 2 August 2023 (in person with video conferencing for remote attendance)
Site inspections	Unaccompanied, 21 July and 22 August 2023
Parties to the Hearing	Appendix B
Citation	Stonnington PSA C320ston [2023] PPV
Date of this report	27 September 2023

Executive summary

Stonnington Planning Scheme Amendment C320ston (the Amendment) seeks to implement the *Toorak, Kooyong and Armadale Heritage Review, March 2022* (Heritage Review).

Public exhibition of the Amendment in February and March 2023 attracted 77 submissions, including two late submissions and four supplementary submissions. All submissions were referred to the Panel.

At its Council meeting of 5 June 2023, Stonnington City Council (Council) resolved to refer all the submissions to a Panel. At the meeting, Council settled an 'advocacy' position to present to the Panel, including proposed changes to the Amendment to address some issues raised by submitters.

Common issues raised in submissions were:

- building condition
- future development opportunities
- property value and financial implications
- whether the Heritage Design Guidelines should be amended
- existing permits
- tree controls
- criteria for assessing heritage significance.

Issues raised in relation to places within precincts were:

- the appropriateness of the grading attributed to that place
- the integrity and intactness of buildings
- the integrity of precincts.

Issues raised in relation to the group listing were:

- whether the new theme of émigré architect designed post-war Modern houses for émigré clients has been established and is strategically justified
- whether the group shares well defined characteristics and are recognisable as a group
- whether there is a special association between the group, émigré architects and émigré clients.

Issues raised in relation to individually places were:

- the level of heritage significance of a place
- the integrity and intactness of the place.

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.

Common issues

The Panel concludes:

- The condition of a building is rarely relevant to an Amendment proposing the Heritage Overlay. No material has been put to the Panel confirming demolition of any proposed heritage place is inevitable.
- Development opportunity, property value or other financial implications are not relevant when assessing the heritage significance of an individual place or a precinct.
- Modifications to, or application of the Heritage Design Guidelines are not relevant to this Amendment.
- Extant planning permits are not relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay.
- Tree controls in the Heritage Overlay Schedule should only apply to those trees specified in the Statement of Significance.
- It is necessary to meet at least one of criterion in Planning Practice Note 1 to apply the Heritage Overlay. Associative significance (Criterion H) is not met where an assessment only refers to the place being the work of a noted architect or designer.

Precincts

- The Hampden Road Precinct (HO136) should be amended to delete:
 - 13-15 Avalon Road because it is too remote from the balance of the precinct
 - 17 Avalon Road because the precinct edge should not be aligned with a non-contributory property.
- The Statement of Significance for the Montalto Avenue Precinct (HO143) should be amended to re-categorise 8 Montalto Avenue because it is non-contributory to the precinct.
- The Statement of Significance for the Williams Road Precinct (HO155) should be amended to delete the eastern portion of 78 Williams Road to align with the Heritage Overlay map because it is not contributory to the precinct.
- The Power Street Precinct (HO180) is at a critical point where further removal of significant and contributory buildings may reduce the integrity of parts of the precinct below of threshold for local significance. Further work is required to refine the existing precinct boundaries as part of a separate amendment. It is unnecessary to include non-contributory properties at the edge of the precinct within the precinct.
- The Statement of Significance for the Power Street Precinct (HO180) and Heritage Overlay Maps should be amended to:
 - delete 'and fence' in the description of 11 Glenbervie Road, Toorak because the fence is not original
 - appropriately categorise buildings that do not contribute to the precinct at 13 Moonga Road, 11 and 45 Power Street and 455 Glenferrie Road
 - delete non-contributory properties at the edge of the precinct, including 20 and 25 Moonga Road, 25 Glen Road and 2-4 Warra Street.
- The Statement of Significance for the Kooyong Precinct (HO181) and Heritage Overlay Maps should be amended to:
 - categorise the building at 96 Elizabeth Street, Kooyong as non-contributory
 - delete the contiguous row of non-contributory buildings at the edge of the precinct (709, 711-713 and 717 Toorak Road and 29 Monaro Road, Kooyong).
- The Statement of Significance for the Canterbury Road Precinct (HO748) is satisfactory.

- It is appropriate to include 375 Glenferrie Road in the Glenferrie Road Precinct (HO749). The Statement of Significance for Glenferrie Road Precinct should be amended to:
 - differentiate the houses at 369 and 375 Glenferrie Road as Georgian Revival in character
 - delete reference to original brick boundary fences with timber gates fronting Glenferrie Road as character elements that contribute to the significance of the precinct.
- The Statement of Significance for the Williams Road Terraces Precinct (HO751) is satisfactory.
- The Statement of Significance for Lambert Road Precinct (HO752) and the Heritage Overlay Maps should be amended to:
 - delete non-contributory properties at the western edge of the precinct (1, 3 and 3A Lambert Road)
 - delete non-contributory properties at the western edge of the precinct (23, 35 and 27 Lambert Road).
- The Statement of Significance for the Horsburgh Grove and Murray Street Precinct (HO757) is appropriate and properly categorises properties at 2 and 4 Murray Street, Armadale as contributory to the precinct.
- The Statement of Significance for the Egerton Road Precinct (HO758) is appropriate and properly categorises 12 and 20 Egerton Road, Armadale as contributory to the precinct.

Serial listing

- The Heritage Overlay should not be applied to the Toorak Post-war Modern Group (HO747).
- The Heritage Review does not demonstrate the Toorak Post-war Modern Group meets heritage assessment Criterion A (historical significance), D (representative significance) or H (associative significance) because:
 - the characteristics of post-war European émigré Modernist architecture, described in the Heritage Review as luxurious and grand, are not evident in the group
 - the group has been incorrectly assessed against a list of design characteristics common to Modernist architecture rather than the characteristics specific to post-war European émigré Modernist architecture
 - even when assessed against characteristics common to Modernist architecture, only one of four buildings in the group are recognisable and have sufficient integrity to remain in the group (4 Nola Court).

Individual places

- The Statement of Significance for 10 Chastleton Avenue, Toorak (HO18) should be amended to accurately describe alterations and additions to the original building fabric.
- The Statement of Significance for Moonbria Flats at 68 Mathoura Road, Toorak (HO81) does not demonstrate that Criterion H (associative significance) is met. It is beyond the scope of the Amendment to assess whether the building has State significance.
- The Heritage Overlay (HO727) should be applied to 29 Lansell Road, Toorak and the Statement of Significance should be modified to reflect the alterations to the front fence and other minor corrections.

- The Heritage Overlay (HO730) should be applied to Lucknow at 20 Millicent Avenue, Toorak and the Statement of Significance should be modified to delete reference to the front fence and other minor corrections.
- The Heritage Overlay (HO739) should not be applied to applied to 7 Trawalla Avenue, Toorak because the heritage assessment does not demonstrate the building is of representative significance when compared to others in its class or that there is a special association between the building and its architect.
- The Heritage Overlay (HO741) should be applied to 33 Albany Road, Toorak because it meets the threshold for historical and aesthetic significance, but not associative significance.
- The Heritage Overlay (HO742) should not be applied to 60 Washington Street, Toorak because the heritage assessment does not demonstrate the building is of representative significance when compared to others in its class or that there is a special association between the building and its architect.
- The Statement of Significance for the Kilpara Flats (HO743) should be amended to correctly reference the species of the significant tree.
- The Heritage Overlay (HO745) should be applied to 1-2/5 Moralla Road, Toorak because it meets the threshold for representative significance, but not associative significance.
- The Heritage Overlay (HO753) should not be applied to the Orrong Hotel because it is not of historical importance to Stonnington's history and it is too altered to be of representative or aesthetic significance.
- The Heritage Overlay (HO754) should not be applied to the shops at 46-50 Wattletree Road, Armadale because they do not meet the threshold for historical, representative or aesthetic significance when compared to others in their class.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Stonnington Planning Scheme Amendment C320ston be adopted as exhibited subject to the following:

1. **Review all Heritage Overlay listings in the Amendment where associative significance (Criterion H) is proposed to:**
 - a) ensure that the Statement of Significance explains why the architect/designer is important to Stonnington and the special association they had with the place, or
 - b) delete associative significance (Criterion H) from the place.
2. **Amend the Heritage Overlay Schedule to ensure that tree controls only apply to the trees and locations referenced in Statements of Significance.**
3. **Amend the Amendment documentation to ensure that:**
 - a) it is consistent with the format of the Stonnington Planning Scheme resulting from Amendment C312ston
 - b) the names and dates of all documents referred to in Clauses 43.01 and 72.04 Schedule (Documents incorporated in this Planning Scheme) are consistent
 - c) Heritage Overlay maps are consistent with the maps in the Statements of Significance (where relevant).
4. **Amend the Heritage Overlay map and the Statement of Significance for the Hampden Road Precinct (HO136) in accordance with the Panel preferred version in Appendix H1 to:**

- a) delete 13-15 and 17 Avalon Road, Armadale
 - b) improve the clarity and accuracy of Criterion E (aesthetic significance)
 - c) delete reference to Criterion H (associative significance).
5. Amend the Statement of Significant for the Montalto Avenue Precinct (HO143) to categorise 8 and 26 Montalto Avenue as non-contributory.
6. Amend the Statement of Significance for the Williams Road Precinct (HO155) to delete the eastern portion of 78 Williams Road that fronts Russell Street to align with the Heritage Overlay map.
7. Amend the Heritage Overlay map and Statement of Significant for the Power Street Precinct (HO180) in accordance with the Panel preferred version shown at Appendix H2 to:
- a) delete 'and fence' in the description of 11 Glenbervie Road, Toorak
 - b) categorise the following properties as non-contributory:
 - 13 Moonga Road
 - 11 Power Avenue
 - 45 Power Street
 - 455 Glenferrie Road
 - c) delete the following properties:
 - 20 Moonga Road
 - 25 Moonga Road
 - 25 Glen Road
 - 2-4 Warra Street
 - land in the roadway and Transport Zone 1 at the intersection of Moonga Road and Warra Street.
8. Amend the Heritage Overlay map and Statement of Significant for the Kooyong Precinct (HO181) to:
- a) categorise 96 Elizabeth Street, Kooyong as non-contributory
 - b) remove properties at 709, 711-713 and 717 Toorak Road and 29 Monaro Road, Kooyong and 1-2/5 Moralla Road, Toorak.
9. Amend the Statement of Significance for the Glenferrie Road Precinct (HO749) as shown in the Panel preferred version in Appendix H3 to:
- a) Under 'What is significant?':
 - Describe the "... Glenferrie Road Precinct comprising four two-storey Inter-war Old English and Georgian Revival residences ..."
 - Delete the words "Original brick boundary fences with timber gates fronting Glenferrie Road"
 - b) Under 'Why is it significant?':
 - In Criteria A and E correct the spelling of the architect /builder to "Percy Cope & Son"
 - In Criterion E describe the precinct "... as a cohesive group of Inter-war Old English (371 and 373 Glenferrie Road) and Georgian Revival (369 and 375 Glenferrie Road) residences"

- In Criterion E delete “Its unified character is also further enhanced by the original front boundary fences, which are predominantly composed of open face brick and timber”.
10. Amend the Heritage Overlay map and the Statement of Significance for the Lambert Road Precinct (HO752) to delete 1, 3, 3A, 23, 25 and 27 Lambert Road.
 11. Amend the Statement of Significance for the Horsburgh Grove and Murray Street Precinct (HO757) as shown in the Panel preferred version in Appendix H4 to:
 - a) Under ‘What is significant?’ delete “Predominance of traditional timber picket fences along Murray Street”.
 - b) Under ‘Why is it significant?’ delete “The unified character is further enhanced by the predominance of traditional picket and open face brick fences.”
 12. Amend the Statement of Significance for 10 Chastleton Avenue Toorak (HO18) in accordance with the Panel preferred version shown at Appendix H5.
 13. Amend the Statement of Significance for ‘Moonbria Flats’, 68 Mathoura Road, Toorak (HO81) in accordance with the Panel preferred version at Appendix H6 to:
 - a) Under the heading ‘What is significant?’ state “The property at 68 Mathoura Road, Toorak (otherwise known as Moonbria Flats), is significant. Specifically, the scale, form and detailing of the Modernist apartment block is of significance. The garden edging, wall and plantings are not significant.”
 - b) Under the heading ‘How is it significant?’ state “The Moonbria Flats are of local historical and aesthetic significance to the City of Stonnington.”
 - c) Under the heading ‘Why is it significant?’ delete Criterion H.
 14. Amend Statement of Significance for 29 Lansell Road, Toorak (HO727) to reflect the alterations to the front fence and other minor corrections in accordance with the Panel preferred version included in Appendix H7.
 15. Amend the Statement of Significance for Lucknow, 20 Millicent Avenue, Toorak (HO730) in accordance with the Panel preferred version included in Appendix H8 to:
 - a) delete reference to the front fence as an element of significance
 - b) delete reference to stucco walls, original timber window and door joinery and a broken back verandah roof as key features contributing to the aesthetic value of the place
 - c) delete reference to the property as being highly intact.
 16. Amend the Statement of Significance for 33 Albany Road, Toorak (HO741) to delete Criteria H in accordance with the Panel preferred version shown at Appendix H9.
 17. Amend Statement of Significance for Kilpara Flats, 703 Orrong Road, Toorak (HO743) to delete reference to the significant tree as a Cedar (*Cedrus*) and replace it with Norfolk Island Pine (*Araucaria heterophylla*) in accordance with the Panel preferred version included in Appendix H10.
 18. Amend the Statement of Significance for 1-2/5 Moralla Road, Toorak (HO745) in accordance with the Panel preferred version at Appendix H11, to:
 - a) under the heading ‘What is significant?’ delete the words ‘post-war’ and ‘original front boundary fence and’.

- b) under the heading 'How is it significant?' delete 'It also has associative significance as two structures designed by the highly significant Modernist architect Roy Grounds.'
 - c) under the heading 'Why is it significant?' delete 'Furthermore, as with many post-war residential designs associated with the modernism idiom, the building was construction under the pressure of environmental and site constraints, specifically in relation to the dimensions of the block.'
 - d) under the heading 'Why is it significant?' delete Criteria H.
19. Delete the Heritage Overlay from:
- a) 7 Trawalla Avenue, Toorak (HO739)
 - b) 60 Washington Street, Toorak (HO742)
 - c) properties proposed for the Toorak Post-war Modern Group (HO747)
 - d) Orrong Hotel, 711 High Street, Armadale (HO753)
 - e) 46-50 Wattletree Road, Armadale (HO754).

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the *Toorak, Kooyong and Armadale Heritage Review*, March 2022 (Heritage Review).

Specifically, the Amendment proposes to:

- amend Clause 22.04 (Heritage Policy) to include the *Toorak, Kooyong and Armadale Heritage Review*, March 2022 under ‘Reference Documents’
- apply the Heritage Overlay to:
 - 21 new individually significant places
 - one serial listing
 - nine new heritage precincts and
 - two existing heritage precincts to be extended
- correct anomalies with the mapping of the existing Heritage Overlay
- remove the Neighbourhood Character Overlay from places on Bailey Avenue and Valentine Grove, Armadale
- amend Clause 72.04 (Schedule to Documents Incorporated in this Planning Scheme) to include new incorporated documents for all new and reviewed places.

The Amendment is supported by citations for all new individually significant places, the serial listing, and the nine new heritage precincts. In addition, the Amendment updates the citations for 51 existing individual places and 11 existing precincts.

All places and precincts subject to the proposed and revised Heritage Overlay are listed in Appendix D.

1.2 Background

Stonnington City Council (Council) provided a detailed background to the Amendment in its Part A submission, including a chronology of events. The Panel has summarised this in Table 1.

Table 1 Amendment C320ston chronology of events

Date	Event / Description
December 2019	Council endorsed municipal wide Heritage Review
March 2021	Extent Heritage engaged to conduct a review of Toorak, Kooyong and Armadale
April 2022	Toorak, Kooyong and Armadale Heritage Review completed by Extent Heritage
2 May 2022	Council resolved to seek authorisation from the Minister for Planning to prepare the Amendment
12 May 2022	Council requested the Minister for Planning prepare, adopt and approve Amendment C319ston to introduce interim heritage controls to the properties recommended for the Heritage Overlay by the Toorak, Kooyong and Armadale Heritage Review for the first time

Date	Event / Description
12 May 2022	Council requested authorisation to prepare Amendment C320ston for permanent controls from the Minister for Planning
14 October 2022	Authorisation to prepare the Amendment C320ston granted by the Minister for Planning
25 November 2022	Amendment C319ston (interim controls) gazetted
16 February to 19 March 2023	Amendment C320ston exhibited
5 June 2023	Council resolved to refer the submissions to a Panel
23 June 2023	Supplementary submissions referred to the Panel
7 July 2023	Further supplementary submission referred to the Panel

1.3 Procedural issues

A late request to be heard was received from Mr Andrew Rotstein, represented by Frank Perry of Perry Town Planning. Mr Rotstein was not a submitter to the Amendment, however he had purchased the property that is the subject of Submission 38. Mr Rotstein proposed to rely on matters raised in Submission 38. All parties were provided with an opportunity to make submissions on this request. No objections were received.

The Panel undertook a site inspection on Tuesday 22 August 2023. During the site inspection the Panel observed the building at 709 Toorak Road, Kooyong had been demolished. Submissions and evidence received had only confirmed the adjoining building at 711-713 Toorak Road, Kooyong had been demolished. Considering this new information, the Panel decided to reopen the Hearing process. The Panel directed Council to advise:

- if the building 709 Toorak Road, Kooyong was demolished
- if the classification of the property should be altered in the Statement of Significant for the Kooyong Precinct (HO181); or alternatively
- if the boundary of the Kooyong Precinct should be amended to remove 709 Kooyong Road and adjoining properties categorised as non-contributory to the precinct.

All parties were provided with an opportunity to make submissions in reply.

1.4 Submissions

Council received 77 submissions, of which 11 generally supported the Amendment, 52 objected and 14 submissions were neutral (for example sought clarification or requested to be kept informed about the Amendment).

Common issues raised in submissions were:

- building condition
- future development opportunities
- property value and financial implications
- whether the Heritage Design Guidelines should be amended
- existing permits

- tree controls
- criteria for assessing heritage significance.

Issues raised in relation to places within precincts were:

- the appropriateness of the grading attributed to that place
- the integrity and intactness of buildings
- the integrity of precincts.

Issues raised in relation to the group listing were:

- whether the new theme of émigré architect designed post-war Modern houses for émigré clients has been established and is strategically justified
- whether the group shares well defined characteristics and are recognisable as a group in a serial listing
- whether there is a special association between the group, émigré architects and émigré clients.

Issues raised in relation to individual places were:

- the level of heritage significance of a place
- the integrity and intactness of the place.

1.5 Post exhibition changes proposed by Council

Council referred submissions relating to heritage matters to its heritage consultant, Extent Heritage. Extent Heritage recommended post exhibition changes to the Amendment that were largely supported by Council officers. On 5 June 2023, Council resolved to endorse the officer recommended changes for the purposes of its advocacy position to the Panel. The changes endorsed by Council are summarised in Appendix E.

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. It has reviewed a large volume of material, and 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:

- Strategic issues (Chapter 2)
- General issues (Chapter 3)
- Heritage Precincts (Chapters 4 to 15)
- Group Listing (Chapter 16)
- Individual heritage places (Chapter 17).

1.7 Limitations

The Panel has not addressed submissions supporting the Amendment.

Submission received related to select places rather than the Amendment as a whole. The Panel has confined its assessment to the places raised in submissions. Many of the proposed new precincts and individual places have not been reviewed by the Panel.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix F of this report highlights key imperatives of relevant provisions and policies.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4(1)(d) of the PE Act
Municipal Planning Strategy	- Clause 02.02-4 (Built environment and heritage)
Planning Policy Framework	- Clauses 15.01-5S (Neighbourhood character), 15.03-1S (Heritage conservation), 15.03-1L (Heritage)
Other planning strategies and policies	- Plan Melbourne Outcome 4, Direction 4.4, Policies 4.4.1 and 4.4.4 - Stonnington Heritage Review - Stonnington Heritage Strategy and Action Plan 2018-2029
Planning scheme provisions	- Heritage Overlay
Ministerial directions	- Ministerial Direction 11 (Strategic Assessment of Amendments)
Planning practice notes	- Planning Practice Note 1: Applying the Heritage Overlay, August 2018 (updated 13 June 2023)

2.2 Strategic justification

(i) Evidence and submissions

Council called expert evidence on heritage from Ms Bashta of Extent Heritage. Ms Bashta gave evidence that the Heritage Review:

- recognises the model criteria (the Hercon criteria) to assess the heritage value of places and precincts and prepared heritage citations for the proposed new heritage places in accordance with these criteria
- prepared detailed comparative analyses to substantiate the significance of new places and precincts
- prepared Statements of Significance using the three-part forms of ‘What is Significant, ‘How is it Significant?’ and Why is it Significant?’
- designated gradings in accordance with relevant guidelines and definitions of significant and contributory places within the Stonnington Planning Scheme (Clause 15.03-L).

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 the Heritage Overlay as part of the Amendment. Some said it was unfair that properties were subject to continual review and there should be some finality to the consideration of heritage significance.

Council submitted that the heritage significance of the precincts and individual properties was assessed against the standard criteria contained in *Planning Practice Note 1: Applying the Heritage*

Overlay, August 2018 (PPN01), and the proposed heritage places identified met the requirements and threshold for local protection.

Council submitted:

- it is important to consider the scope of previous heritage studies
- it is usual practice for councils to undertake gap studies to include sites not previously identified as having heritage significance
- a key action in Council's *Heritage Strategy and Action Plan 2018-2029* (adopted in 2018) is to review gaps in the Heritage Overlay and protect all places of local significance
- whether a place was identified or not in a previous study is irrelevant to whether a place has sufficient local significance to justify the Heritage Overlay.

Council 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 and Stonnington 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.¹

(ii) Discussion

The *Planning and Environment Act 1987*, the Planning Policy Framework and Plan Melbourne seek to protect places of heritage significance. The Amendment is consistent with this.

The Heritage Review is 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 PPN01. It has been completed with appropriate analysis and rigour.

Heritage gap studies are relatively common in Victoria, and it is appropriate for these studies to add or delete places of heritage significance based on a review of the best available information at the time. It is not unusual for places to be missed even in comprehensive municipal wide studies or for buildings not previously identified to come forward as candidates as new information is available or new values are appreciated and understood. Demolition and alterations to properties can also necessitate the recategorising of some places, including the reconfiguring of precinct boundaries.

The Panel cannot speculate about previous studies. Its role is 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.

(iii) Conclusions

For the reasons set out above, the Panel concludes:

¹ D31, para 22

- The Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework and is consistent with the relevant Ministerial directions and PPN01.
- 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 should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 General issues

This chapter refers to issues which apply across more than one individual place or precinct. Where a submission raised only general issues, it is not referred to in subsequent chapters.

3.1 Building condition

(i) The issue

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

(ii) Submissions

Some property owners submitted the Heritage Overlay should not be applied to their property because their buildings were in poor condition.

For example, Submitter 44 said their property:

... had significant movement costing a small fortune to try and rectify. There are decent size cracks to the front ... and internal walls that even when plastered and re-rendered, continue to move with serious ongoing costs.

(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.

The Panel does not agree with submitters that the condition of the building is a reason to not apply the Heritage Overlay. The structural condition of a building should not be a criterion for assessing heritage significance, unless there is evidence demonstrating demolition of a building is inevitable.

Condition is highly relevant at the planning permit stage, when a development proposal can be assessed against the relevant planning policies including heritage.

(iv) Conclusions

The Panel concludes:

- Building condition is rarely relevant to an Amendment proposing the Heritage Overlay.
- No material has been put to the Panel confirming demolition of any proposed heritage place is inevitable.

3.2 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

Submissions stated:

- applying the Heritage Overlay will have negative implications on development opportunities for owners by limiting the ‘full market potential’ of their land
- the heritage study lacked consideration for broader local and state issues such as the need to accommodate for population growth and to provide for increased housing density and diversity in locations well serviced by public transport, community facilities and access to education and employment
- upgrades to the Kooyong Station and associated train line will impact the Heritage Overlay
- the Heritage Overlay was unnecessary because existing zone and overlay provisions were adequate to protect against inappropriate development, support neighbourhood character and manage streetscape issues
- the Heritage Overlay will create additional ‘red tape.’

(iii) Discussion

Concerns relating to future redevelopment opportunities are immaterial to this stage of the planning process and more appropriately considered at the planning permit stage. The assessment of the significance of a place should be separated from its conservation, adaptation, alteration or demolition. If a property or precinct displays the requisite levels of significance, then heritage protection should be applied through the Heritage Overlay.

The Heritage Overlay requires specific consideration of the heritage significance of a place in deciding a permit application for development of that place. No other zone or overlay control functions to conserve places of recognised heritage significance or appropriately manage future development by reference to heritage significance.

The Panel considers the Heritage Overlay is the most appropriate control to protect the heritage values of places that have been identified as meeting the threshold of local significance.

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 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 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.

(iv) Conclusion

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

3.3 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) Submissions

Various submissions objected to the Amendment because it would have negative financial implications for owners, particularly with respect to:

- decreased property values
- increased difficulty in selling the property
- increased cost of maintenance
- impact on the future use of the property
- the cost and delays associated with approvals.

In response, Council said section 12(2)(c) of the *Planning and Environment Act 1987* requires a planning authority to consider the social and economic effects of a planning scheme amendment. It said the way social and economic effects are properly considered in the context of heritage protection has been addressed by the Supreme Court and reports of Planning Panels Victoria. Council referred to a variety of cases, including:

- *Dustday Investments Pty Ltd v Minister for Planning* [2015] VSC101
- *Moonee Valley C200moon (PSA)* [2021] PPV 7
- *Boroondara C308boro (PSA)* [2020] PPV 83
- *Melbourne C305 (PSA)* [2020] PPV 68.

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 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 called expert evidence to demonstrate the financial implications of the Amendment from a personal or broader community-wide perspective.

(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 a property is of heritage significance.

(iv) Conclusion

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

3.4 Heritage design guidelines**(i) Background**

The *City of Stonnington Heritage Design Guidelines, 2017* (Heritage Design Guidelines) is a 'Policy document' in Clause 15.03-1L (Heritage) and a 'Background Document' in Clause 72.08.

The Amendment does not propose to modify the Heritage Design Guidelines.

(ii) The issue

The issue is whether the Heritage Design Guidelines should be modified, particularly with regard to guidelines relating to development on corner lots.

(iii) Evidence and submissions

Submitters 19 and 56 stated the Heritage Design Guidelines does not provide sufficient guidance regarding the development of corner lots.

Ms Bashta said the redevelopment of heritage properties within Stonnington is subject to the Heritage Design Guidelines, which is a policy document to Clause 15.03L. She said the assessment of future works is not a matter to be considered when applying the Heritage Overlay to a place.

Council called expert evidence on heritage from Ms Schmeder of Landmark Heritage. Ms Schmeder noted the Heritage Design Guidelines provided "*very minimal guidance for partial demolition and extensions for significant and contributory dwellings on corner sites.*" She said there was only a note that "*Greater upper level setbacks may be appropriate dependent on site context including ... whether the site is a corner site*" (page 12).

Ms Schmeder said additions to heritage buildings on corner sites are more sensitive and require careful design. As a result, she thought it would be valuable to provide more specific guidance on this topic when the Heritage Design Guidelines are next revised. She concluded:

As future work, separate to this amendment, I recommend that Stonnington's 'Heritage Design Guidelines' (2017) be revised to add greater guidance including diagrams on preferred outcomes for additions to buildings on corner sites, both those with a single (front) façade and those designed to address both street frontages.²

Submitter 19 sought a response from the Panel with respect to Ms Schmeder's recommendation. Council submitted changes to the Heritage Design Guidelines were beyond the scope of the Amendment.

(iv) Discussion

The Panel acknowledges the Heritage Design Guidelines provide limited guidance with respect to corner lots, however it is incorrect to say it provides no guidance.

² D18, para 151

The application of the Heritage Design Guidelines to the future development of a property is not relevant when assessing the heritage significance of a place. The key issue for consideration is whether a property is of heritage significance.

In any event, the Heritage Design Guidelines are a Background Document and do not form part of the Planning Scheme.

It is a matter for Council to determine whether the Heritage Design Guidelines should be modified. It is not a matter for this Panel. Any modification to the Heritage Design Guidelines should be subject to a separate process.

(v) Conclusion

The Panel concludes modifications to, or application of the Heritage Design Guidelines are not relevant to the Amendment.

3.5 Extant planning permits

(i) The issue

The issue is whether the Heritage Overlay should apply to a property with an existing planning permit to demolish a building.

(ii) Submissions

Several submissions asserted that properties with an existing (current) planning permit which authorised either total or partial demolition of heritage fabric should be excluded from the Amendment.

Council submitted a site with an existing planning permit should have its heritage values assessed on the basis that the planning permit may not be acted upon. If an existing planning permit is acted upon, the Heritage Overlay may be removed or amended through a subsequent amendment. Council said this approach was consistent with the direction provided by previous Planning Panels, including:

- Melbourne C186 (PSA) [2012] PPV 79
- Melbourne C215 (PSA) [2014] PPV 121
- Melbourne C240 (PSA) [2015] PPV 37
- Melbourne C305 (PSA) [2020] PPV 68.

(iii) Discussion

The Panel agrees with the long-held principle that the heritage significance of a property should be assessed based on existing heritage fabric irrespective of whether there is a planning permit to demolish that fabric. It would be incorrect to assume that the heritage fabric will no longer exist simply because there is a permit, because there may be permits which are never acted upon.

If a permit is activated and heritage fabric is demolished, then Council should reassess the appropriateness of the heritage controls that apply to the site. This may necessitate a change to the documentation before finalising the Amendment or a separate planning scheme amendment.

The Panel has not interpreted the application of interim heritage controls to some sites as indication the sites are of heritage significance. Similarly, the non-application of interim controls

does not mean sites are not of potential heritage significance. These are matters to be determined through the assessment of the permanent heritage controls.

(iv) Conclusion

The Panel concludes that extant planning permits are not relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay.

3.6 Hercon criteria

(i) Background

PPN01 outlines eight recognised heritage criteria to be used for the assessment of the heritage value of a heritage place. These are known as the Hercon criteria and are discussed in Appendix F4.

Many of the proposed heritage places have been assessed as having associative significance (Criterion H). As exhibited, assessment against this criterion commonly refers to a place being the work of a noted architect or designer.

(ii) The issues

The issues are:

- whether it is necessary to satisfy all the Hercon criteria to warrant the application of the Heritage Overlay
- buildings designed by notable architects or designers broadly meet the threshold for associative significance under Criterion H.

(iii) Evidence and submissions

Several submissions said their property does not meet the threshold of local significance because the Heritage Review did not identify it meeting all eight of the Hercon criteria.

Council said a place needs to meet at least one of the Hercon criteria to warrant applying the Heritage Overlay. It said there is no requirement for a place to meet more than one criterion and it would be highly unlikely that a place would meet all eight criteria. Council advised it was unaware of any places that are identified as being of local significance that meet all eight Hercon criteria.

Ms Schmeder's evidence noted:

... While there is no specific guidance on this in PPN01 'Applying the Heritage Overlay' (2018), Heritage Council's Victorian Heritage Register Criteria and Threshold Guidelines (rev. 2022, page 3) sets out the approach followed by all statutory bodies in Australia, that is: 'Only one criterion needs to be satisfied to meet the threshold for inclusion in the VHR, though many places and objects meet two or more criteria. There is no place or object in the VHR that meets all criteria.'³

Various parties called evidence from heritage experts. Several of these experts offered opinions on the threshold for satisfying associative significance (Criterion H).

Mr Lovell stated:

³ D 18, para 155

In meeting Criterion H the expectation is that the person or group of persons is important to the history of Stonnington and that the association with the relevant place is special.⁴

Ms Schmeder stated:

... to meet Criterion H, the association between person/group and a place must be “special”. This is generally acknowledged to mean that it must be demonstrably special within the oeuvre of an architect or architectural practice. For example, it might be an especially accomplished example of a key place-type they designed, illustrate an important transition in their style, or have been designed for the architect’s or practice’s own use ...⁵

Ms Schmeder further commented:

The architect’s own home is a building type generally recognised as being the purest expression of a designer’s work, and thus generally an important part of his or her oeuvre. As Stonnington was home to a number of important architects over the centuries...there is even a sub-theme recognising this typology in the Stonnington Thematic Environmental History (Context PL, 2006, 2009): 8.4.3 Architects and their houses, as well as in Extent’s heritage review (Section 3.2 of Volume 1).⁶

Ms Lardner stated:

In order to meet the test for associative significance, the individual needs to be of importance in history and the place needs to provide evidence of the association with the individual and allow the association to be appreciated better than most other places.⁷

(iv) Discussion

Submitters have misinterpreted the heritage citation and PPN01, and it is unrealistic and unnecessary to satisfy all eight criteria. The Panel accepts it is necessary to only satisfy one of the Hercon criteria to justify the application of the Heritage Overlay. Most places in the Amendment satisfy two or more of the criteria.

PPN01 requires a special association with the life or works of a person, or group of persons, of importance in our history to meet Criterion H (associative significance). Having regard to PPN01 and the opinions of the experts, the Panel considers there are two tests that must both be met to demonstrate associative significance between an architect or designer (or group) and a place.

First, the architect or designer (or group) must be important to the history of Stonnington. Not all architects and designers responsible for buildings in Stonnington are important architects to the municipality. Examples of architects that are important to Stonnington are provided in the Thematic Environmental History, and include:

- Harold Desbrowe-Annear, one of Australia’s leading domestic architects, who was prolific in the study area and influenced other architects, designers and clients in the study area
- Roy Grounds and Robin Boyd who created modern designs to fit in with the difficult topography of sites.

Second, there must be a special association between the person or group and the place. A special association is more substantial than the normal relationship between an architect or designer and the place. The mere fact that an architect important to a municipality designed the place is not a ‘special association.’ If the threshold was this low, then all buildings designed by that architect

⁴ D24, para 73

⁵ D18, page 86

⁶ D18, page 91

⁷ D23, page 21

would be of associative significance and could be subject to a Heritage Overlay. The Panel considers this is not the intended or appropriate application of Criterion H.

The Panel has reviewed a number of places where submissions have queried the veracity of the alleged associative significance. It has applied the tests outlined above to these places and made conclusions and recommendations accordingly. These places are discussed in detail in the report.

There are, however, several other places where the Amendment proposes to apply associative significance but there were no submissions relating to those places. The Panel has not reviewed those places because there were no submissions to review. Council should review all places where associative significance is proposed to ensure the citation and Statement of Significance provide appropriate justification for the application of Criterion H. This should be clearly explained in the Statement of Significance.

Associative significance should only be applied where it can be established that:

- the architect or designer (or group) is important to Stonnington, and
- the architect or designer (or group) has a special association with the place.

If further research cannot establish both points, then Criterion H should not be applied to the place.

(v) Conclusions and recommendation

The Panel concludes:

- It is necessary to meet at least one of the Hercon criteria to apply the Heritage Overlay.
- Associative significance is not met where an assessment only refers to the place being the work of a noted architect or designer.
- Associative significance between an architect or designer and a place should demonstrate:
 - the architect or designer is important to the history of the place, in this case Stonnington, and
 - the architect or designer has a special association with the place.

The Panel recommends:

Review all Heritage Overlay listings in the Amendment where associative significance (Criterion H) is proposed to:

- a) ensure that the Statement of Significance explains why the architect/designer is important to Stonnington and the special association they had with the place, or
- b) delete associative significance (Criterion H) from the place.

3.7 Tree controls

(i) Background

Under the Heritage Overlay, Clause 43.01-1 (Permit requirement) states:

A permit is required to:

- ...
- Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:
 - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.

- If the tree presents an immediate risk of personal injury or damage to property.

Tree controls are activated by ‘turning on’ the ‘Tree Controls Apply?’ column in the Clause 43.01 Schedule.

PPN01 states:

Applying tree controls

The schedule can apply tree controls over heritage places. The tree controls could apply to the whole of a heritage place, for example, over a house site or an area or a tree or group of trees could be specifically nominated as the heritage place.

Tree controls are applied by including a ‘yes’ in the Tree Controls Apply? column. Tree controls should only be applied where there has been a proper assessment. The statement of significance for the heritage place should identify the particular trees that are significant under What is significant? and why the tree or trees are important.

If only one, or a few trees within a large property are considered significant, the Tree Controls Apply? column can be qualified with the relevant details. A planning permit would then only be required to remove, destroy or lop the trees that were specifically identified in the column.

This control is designed to protect trees that are of intrinsic significance, such as trees that are included on the National Trust Heritage Register, or trees that contribute to the significance of a heritage place, for example, trees that contribute to the significance of a garden or area.

The control is not meant to protect trees for their amenity value. See Vegetation protection in urban areas for alternative methods of vegetation protection.

The Heritage Review states:

Tree controls

Where tree controls were applied to a heritage place, an individual tree, collection of trees or a garden was deemed to be significant in relation to the wider site through archival research and physical analysis. The plantings were generally contemporary with the structures on site, pre- dated the structures and were representative of an earlier phase of development, or contributed to the heritage setting of the place. Where tree controls were applied, the statement of significance clearly identified the particular tree or trees under “What is significant?” and why they are important under “Why is it significant?”.

(ii) The issue

The issue is whether tree controls have been appropriately applied in the Heritage Overlay Schedule.

(iii) Evidence and submissions

At the Hearing, there was some confusion about whether tree controls were intended to apply to private property in the Hampden Road Precinct (HO136). This led to a broader discussion between the Panel and Council about the application of tree controls in other places in the Amendment.

In the Hampden Road Precinct:

- the exhibited Amendment ‘turns on’ the ‘Tree Controls Apply?’ column in the Clause 43.01 Schedule with the word ‘Yes,’ but does not identify specific trees in the column
- the Statement of Significance for the precinct only references mature oak (*Quercus*) street trees on Hampden Road as being locally significant
- the citation in the Heritage Review identifies street trees and trees on private properties within the Hampden Road Precinct.

The owner of 13-15 Avalon Road noted:

- in the exhibited Amendment, tree controls are recommended in relation to the mature oak (*Quercus*) trees along Hampden Road
- tree controls will apply to the entire Hampden Road Precinct if the exhibited version is approved
- Mr Patrick's evidence concludes there is no relevant heritage significance attributable to any of the trees at 13-15 Avalon Road
- the mere fact that some trees may be old, large or attractive specimens does lead to a conclusion that they have heritage significance
- no tree controls should apply to 13-15 Avalon Road.

Council acknowledged there is potential confusion between the control to be applied and the identified elements of heritage significance to the Hampden Road Precinct. It agreed this was a matter that applied more broadly than the Hampden Road Precinct because tree controls apply generally in circumstances where the Statement of Significance (and associated citation) identify trees of heritage value.

Council identified the following new and existing precincts in the Amendment with tree controls:

- Montalto Road Precinct (HO143)
- Huntingfield Road Precinct (HO347)
- Union Street Precinct (HO377)
- Bailey Avenue and Valentine Grove Precinct (HO759)
- Lansell Road Precinct (HO764)
- Clendon Road Precinct (HO766)
- Landale Road Precinct (HO768).

Council noted the additional complication in the Hampden Road Precinct is that the Statement of Significance only references the street trees, whereas the citation references both street trees and several trees on private land.

It said the potential confusion arising from the differences between the Schedule, the Statement of Significance and the citation could be addressed by one of two approaches:

- to nominate within the Heritage Overlay Schedule that only the trees referenced in the Statement of Significance are of heritage significance to the precinct (for example, the mature oak (*Quercus*) street trees on Hampden Road); or
- to alter the Statement of Significance to identify the trees identified in the citation (including on individual properties within the precinct) and to reflect this in the Heritage Overlay Schedule.

Council noted both options raise potential issues of procedural fairness for submitters and for persons who have not made submissions. It said the citation identifies more than one or a few trees within the Hampden Road Precinct and the trees are located on multiple properties. Council said PPN01 does not suggest that specific trees are listed in the Heritage Overlay Schedule in these circumstances.

Council invited a recommendation from the Panel that:

... the trees within private properties in the Hampden Road Precinct are the subject of future review to confirm the heritage significance of those trees and in that event to ensure they are properly protected in both the Statement of Significance and the Schedule to the Heritage Overlay.

More generally, Council invites the recommendation of the Panel that the Schedule to the Heritage Overlay lists the trees identified in the Statement of Significance in circumstances

where a small number of trees are identified in the respective Statements of Significance (and associated citations) as trees of heritage value. The value of this approach is that a planning permit is only required for removal of the trees identified in the Schedule, rather than for all trees in the precinct. The only exception to this approach is for HO143 Montalto Road where Edna Walling gardens at 23 Montalto Avenue and 6 Stonehaven Court are identified in the Statement of Significance and a requirement for a permit for removal of any tree in that precinct is appropriate.⁸

(iv) Discussion

The Amendment is poorly drafted with respect to the application of tree controls in the Heritage Overlay Schedule. The exhibited Amendment requires a permit for all trees within a precinct or individual Heritage Overlay where the column in the Heritage Overlay Schedule is 'turned on.' This is in contrary to PPN01 and the intention of the Heritage Review.

It is clear from PPN01 that a Statement of Significance should identify any trees of heritage value. The Heritage Review acknowledged this approach and noted that where tree controls were applied, the Statement of Significance *clearly identified the particular tree or trees under 'What is significant' and why they are important under 'Why is it significant.'*

The Panel considers there is a clear intention expressed in the Heritage Review. That is, the trees specified in the Statement of Significance are the trees with heritage value and therefore these are the trees that should be specified in the Heritage Overlay Schedule. Other trees referenced in the citation should not be referenced in the Statement of Significance or the Heritage Overlay Schedule.

The Heritage Overlay Schedule should be modified to specify the tree (or trees) of heritage significance identified in the Statement of Significance. This could be done in one of two ways.

First, if there are a small number of trees or places, then the particular species and location could be specified in the 'Tree controls apply' column, such as:

- Mature Oak (Quercus) street trees only, or
- Mature Oak (Quercus) at 23 Smith Street.

Alternatively, if there are many trees or a complex description of their location, then the column could state 'Only trees referenced in the Statement of Significance' (where the Statement of Significance is an Incorporated document in the scheme). The Panel considers this approach is consistent with the intent of PPN01.

Council should review all places where the tree controls apply to ensure that the Heritage Overlay Schedule appropriately references the relevant trees specified in the Statement of Significance. This review should not be limited to the precincts identified by Council because there are other individual heritage places (and perhaps other precincts) where tree controls are activated in the Heritage Overlay Schedule (for example, Kilpara Flats (HO743) at 703 Orrong Road, Toorak).

Additional trees referred to in a citation should only be included in the Statement of Significance and the Heritage Overlay Schedule following a further review of the heritage value of those trees through a separate planning scheme amendment process.

⁸ D64a, paras 38-39

(v) Conclusions and recommendation

The Panel concludes:

- Tree controls in the Heritage Overlay Schedule should only apply to those trees specified in the Statement of Significance.
- The Heritage Overlay Schedule should be modified to ensure that only the specific trees and locations referenced in a Statement of Significance are included in the column headed 'Tree Controls Apply?'
- Additional trees referred to in a citation should only be included in the Statement of Significance and the Heritage Overlay Schedule following a further review of the heritage value of those trees and subject to a separate planning scheme amendment.

The Panel recommends:

Amend the Heritage Overlay Schedule to ensure that tree controls only apply to the trees and locations referenced in Statements of Significance.

3.8 Heritage citations**(i) Background**

The Heritage Review includes a heritage citation for each place. The citation includes information regarding matters such as:

- place location and site details, including photographs
- relationship to themes and subthemes in the Thematic Environmental History
- a description of the place, including physical analysis and alterations and additions
- historical context
- place history
- comparative analysis
- references.

The citation also includes a Statement of Significance for the place.

The Heritage Review (including the citations) is proposed to be included as a Background Document in Clause 72.08.

Separately, the Amendment included a Statement of Significance for each heritage place. This was based on the Statement of Significance in the citation. The separate Statements of Significance are proposed to be Incorporated documents in accordance with Clauses 72.04 and 43.01.

(ii) The issue

The issue is whether the heritage citations in the Heritage Review accurately reflect each place.

(iii) Submissions

Many submissions made comments about the detail in the citations and sought corrections or additions to these documents. It was common for submitters to want further alterations or additions regarding their property recorded and to seek the detailed identification of non-contributory fabric in the citations. Some submissions only commented on the detail in the citations and did not respond to the exhibited Statement of Significance.

Some expert witnesses made recommendations regarding details in the citations.

Council said it intended to update the citations in response to some of the submissions and evidence as part of the finalisation of the Amendment documentation. It provided the Panel with a list of these changes in its closing submission.⁹

(iv) Discussion

The Heritage Review (and its numerous citations) is a Background Document and does not form part of the Planning Scheme. The Statements of Significance are Incorporated Documents and carry more weight than a Background Document.

The Panel has focussed its attention on the exhibited Amendment and in particular the Statements of Significance because these are the documents that will form part of the Planning Scheme.

The Panel considers the citations are important background material and provide justification for the application of the Heritage Overlay. The minor corrections and additions to the citations may help to improve the clarity and accuracy of the document, however the critical parts of the citation should be included in the Statement of Significance.

The Panel makes no recommendations regarding the various changes to the citations sought by submitters, expert witnesses or Council unless there is a direct implication for the relevant Statement of Significance. In those instances, the Panel has made recommendations relating to the Statement of Significance only.

It is a matter for Council to update the citations in accordance with the changes it has supported prior to the finalisation of the Amendment.

For completeness, the Panel includes the list of changes to the citations proposed by Council in Appendix G of this Report.

(v) Conclusion

The Panel concludes:

- The heritage citations are Background Documents that do not form part of the Stonnington Planning Scheme.
- It is a matter for Council to amend the Heritage Review, including the citations, prior to the finalisation of the Amendment.

3.9 Other changes to the exhibited Amendment

(i) Background

Council proposed minor changes to the exhibited Amendment during the Hearing. These changes corrected errors or ensured consistency in the Amendment documentation.

(ii) The issue

The issue is whether the minor changes identified by Council during the Hearing are appropriate.

⁹ D64a, para 54

(iii) Submissions

Council submitted that on 11 May 2023, Amendment C312ston was gazetted into the Planning Scheme. Amendment C312ston replaced the existing local policy section of the Planning Scheme with a redrafted policy in the new Planning Policy Framework format, consistent with the changes introduced by Amendment VC148.

The exhibited Amendment proposed to include the Heritage Review as a reference document in Clause 22.04 (Heritage). Council advised all information previously contained within Clause 22.04 is now found at Clause 15.03-1L (Heritage) and it was necessary to now reference the Heritage Review in the Clause 72.08 Schedule (Background Documents). Council said this was the only alteration required to the Amendment in response to Amendment C312ston.

Council submitted minor changes to Clause 43.01 Schedule (Heritage Overlay) and Clause 72.04 Schedule (Documents Incorporated in this Planning Scheme) would also be necessary to ensure consistency with any changes to the titles and dates of various documents, such as the Statements of Significance.

Council proposed several additional minor changes including:

- updating the exhibited Planning Scheme Map 4HO to reflect the removal of 9 Aberdeen Road, Prahran from the Williams Road Precinct (HO155) because 9 Aberdeen Road is occupied by a contemporary dwelling constructed in the former rear yard of 96 Williams Road, which does not contribute to the Precinct
- updating Planning Scheme Map 5HO to show only the proposed extensions to Hampden Road Precinct (HO136) and Auburn Grove Precinct (HO123) rather than show the totality of the extended precincts (as exhibited)
- updating the Horsburgh Grove and Murray Street Precinct (HO757) Statement of Significance map to remove 1A Murray Street, Armadale in line with citation and other Amendment documentation.

(iv) Discussion

The Panel generally accepts the minor changes proposed by Council to the Amendment documentation are appropriate, subject to the detailed recommendations contained in this report.

These are matters that can be addressed as part of the finalisation of the Amendment documentation and the Panel does not need to make specific detailed recommendations for every minor change.

(v) Conclusion and recommendations

The Panel concludes it is appropriate to make minor changes to the Amendment documentation to ensure it is consistent with the changes resulting from Amendment C312ston, consequential changes to document names and dates and other corrections as necessary to ensure the documentation is consistent.

The Panel recommends:

Amend the Amendment documentation to ensure that:

- a) it is consistent with the format of the Stonnington Planning Scheme resulting from Amendment C312ston**
- b) the names and dates of all documents referred to in Clauses 43.01 and 72.04 Schedule (Documents incorporated in this Planning Scheme) are consistent**
- c) Heritage Overlay maps are consistent with the maps in the Statements of Significance (where relevant).**

4 Hampden Road Precinct (HO136)

Exhibited Statement of Significance



What is significant?

The Hampden Road Precinct, comprising properties on Hampden Road, Avalon Road and Dandenong Road, is locally significant. The mature oak (*Quercus*) street trees on Hampden Road are also locally significant.

Significant properties include:

- Former Moorilim, 373-375 Dandenong Road, Armadale (Victorian Italianate mansion, now a school)
- Namarong, 52 Hampden Road, Armadale (Victorian Italianate mansion)

The remainder of the precinct is predominantly characterised by contributory graded buildings, with a small number of non-contributory infill developments. Refer to the grading map for designations.

Character elements that contribute to the significance of the precinct include:

- The generous allotments established by the 1919 subdivision of Namarong Estate and 1929 subdivision of Avalon Estate;
- The presence of intact remnant late Victorian Italianate mansion estate buildings, that were erected prior to the interwar era subdivision;
- The presence of a large group of contributory dwellings of varying Interwar styles, including Old English, Georgian Revival (with Mediterranean influences), American Bungalow, Mediterranean and Streamline Moderne. Some of these buildings are associated with notable architects.
- The relatively high integrity of contributory buildings when viewed from the street. Dwellings typically survive with their presentation to the street largely unaltered,

retaining elements such as verandahs, porticos, roof forms, chimneys, windows and door openings, brick detailing and timber joinery;

- The overall consistency of form, scale (one to two storeys), siting (regular front and side setbacks) and external materials and detailing (brick or render with hip or gable tiled roofs and chimneys) of the groups of inter-war houses, apartments and maisonettes;
- Building designs reflecting the growing popularity of interwar high density flat development;
- Building designs responding to the rise in popularity of the motor car;
- The absence of vehicle accommodation or other buildings in front or side setback areas; and
- A garden estate character established by the well-maintained garden settings, low front fences and street trees, particularly the mature oak (*Quercus*) trees.

Later alterations and additions to the properties are not significant.

How is it significant?

The Hampden Road Precinct is of local historical and aesthetic significance to the City of Stonnington. The precinct also has associative significance, featuring examples of domestic architecture by notable architects.

Why is it significant?

The Hampden Road Precinct is historically significant as interwar subdivisions of the Namarong Estate and Avalon Estate respectively, which saw the formation of a wide street with generous allotments within Armadale. Both the remnant late Victorian dwellings and diversity of interwar houses and flats erected following the subdivision demonstrates urban character changes that occurred between the late 19th and early to mid 20th century in the City of Stonnington. It is also significant as an illustration of the increasing popularity of apartment living during the inter-war period and, in particular, demonstrates the emergence of maisonettes as an acceptable form of apartment development for middle class families. The precinct forms a tangible link to the interwar subdivision and development story of Armadale. **(Criterion A)**

The Hampden Road Precinct is aesthetically significant as an intact and visually cohesive interwar era streetscape in the City of Stonnington. The streetscape consists of a large number of fine, well-detailed and cohesive freestanding dwellings, apartment buildings and maisonettes from the interwar eras, designed the Old English, Georgian Revival (with Mediterranean influences), American Bungalow, Mediterranean and Streamline Moderne styles. As a group they display cohesion through form, materials, siting, setbacks and one to two story heights. The grand Victorian Italianate mansions add further to the aesthetic significance of the place, owing to their grand scale, detailing and façade articulation. The precinct has a strong garden estate character established by well-maintained gardens, low front fences and street trees, particularly the mature oak (*Quercus*) trees. **(Criterion E)**

The Hampden Road Precinct has associative significance, featuring examples of the domestic Interwar work of noted architects Robert Hamilton (32 Hampden Road), IG Anderson (35 Hampden Road), Eric Beedham (371 Dandenong Road) and Arnaud E. Wright (13-15 Avalon Road). **(Criterion H)**

4.1 13-15 and 17 Avalon Road, Armadale

(i) Background

The properties at 13-15 and 17 Avalon Road, Armadale adjoin each other. The land at 13-15 Avalon Road contains a single dwelling.

The Hampden Road Precinct (HO136) is an existing heritage precinct. The properties at 13-15 and 17 Avalon Road are not within the existing HO136 boundary. The Amendment seeks to include the properties within the precinct and incorporate a Statement of Significance for the precinct and apply tree controls.

The Hampden Road Precinct is identified in the Statement of Significance as having historical (Criterion A), aesthetic (Criterion E) and associative (Criterion H) significance.

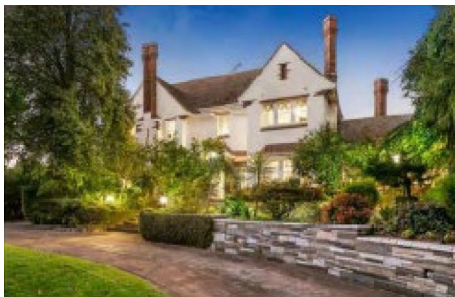
As exhibited in the Hampden Road Precinct Statement of Significance, the properties are categorised as:

- 13-15 Avalon Road – contributory
- 17 Avalon Road – non-contributory.

The Heritage Review notes:

While the Hampden Road Precinct is not the most intact interwar era precinct compared with other examples, it encompasses a stylistically cohesive group of residences through form, sitting, setbacks, and materiality. The prevalence of a large range of intact interwar Old English style dwellings is of particular note. While this is occasionally broken up by the presence of modern residential buildings, these instances are limited and are generally of a scale, setback and form that are broadly complementary to the character of the older building stock.

Figure 1 13-15 Avalon Road, Armadale



Source: D32

Figure 2 17 Avalon Road, Armadale



Source: D18

(ii) The issues

The issues are whether:

- the properties at 13-15 and 17 Avalon Road should be included in the Hampden Road Precinct (HO136)
- the Statement of Significance is appropriate.

(iii) Evidence and submissions

The owner of 13-15 Avalon Road objected to the extension of the Hampden Road Precinct to this property because:

- the Heritage Review provides insufficient justification for the inclusion of the place within the Heritage Overlay
- multiple expert reports have concluded that the property is not of heritage significance
- the asserted associative significance is made without analysis of whether the place is a notable and important work of Arnaud Wright or its specific heritage contribution to the precinct
- the property is physically removed from Hampden Road and is separated along Avalon Road by 17 Avalon Road, which is a modern house with no heritage significance
- the property does not logically form part of the Hampden Road Precinct.

The owner of 17 Avalon Road submitted this property does not contribute to the significance of the Hampden Road Precinct. He submitted the existing planning controls were sufficient to ensure

appropriate development of the site and additional controls were unnecessary and would add cost and 'bureaucracy' to the process.

In response to these submissions, Extent Heritage advised Council that 13-15 Avalon Road should not be included within the Hampden Road Precinct and the property did not meet Criterion H for the association with architect Arnaud E. Wright. As a consequence, Extent Heritage said 17 Avalon Road should also be deleted from the Hampden Road Precinct.

Advice from Landmark Heritage to Council said the application of a Heritage Overlay was warranted, either as an extension to the Hampden Road Precinct (HO136) as proposed in the Amendment or as an individual Heritage Overlay.

At its meeting on 5 June 2023, Council maintained that 13-15 and 17 Avalon Road should be included in the Hampden Road Precinct.

Mr Lovell gave evidence on behalf of the owners of 13-15 Avalon Road and said:

- the dwelling at 13-15 Avalon Road was constructed in circa 1934-5 to a design by Arnaud E Wright, a local architect and builder
- the design is a pattern book-like example of the Old English style and adopts characteristics including high pitched terracotta tiled roofs, decorative brickwork contrasting with imitation limewash walls, corbelled brickwork chimneys, and two prominent projecting gables
- it is a building which is more muted in its presentation of the style lacking the strong asymmetry typically employed, without half timbering and containing very limited elements of decorative brickwork
- within the Stonnington context, where the style was widely adopted, 13-15 Avalon Road presents as a restrained and economical design
- the property was created because of the subdivision of the Avalon estate but is physically detached from the geographical grouping of buildings which comprise the Hampden Road Precinct
- the property does not logically form part of the Hampden Road Precinct and consequently does not contribute to the precinct as assessed under Criterion E
- the Statement of Significance identifies the architects for four of seventeen inter-war properties in the precinct, however they are likely to be four of a number of architects who worked in the area and do not present as important to the history of Stonnington
- recognition of these four architects (and potentially others) could be more appropriately recognised under Criteria A or E, subject to further research to confirm their significance.

Mr Lovell noted the Hampden Road Precinct has evolved over approximately 40 years and said:

- it was first identified in 1983 in the 'Prahran Conservation Study' and was limited to the area to the south of Avalon Road taking in both sides of the road and encompassing the surviving Victorian mansions
- in 1992 the 'Prahran Character and Conservation Study' confirmed the extent of the precinct as limited to the 1983 boundaries
- in 2009, the 'City of Stonnington Heritage Overlay Gap Study – Heritage Overlay Precincts Final Report' by Bryce Raworth recommended that the precinct be extended to the north, incorporating both sides of the street up to Armadale Road, but not including 13-15 Avalon Road

- the physical and visual detachment of the property is the suspected reason why previous studies and assessments to date have excluded 13-15 Avalon Road from the Hampden Road Precinct.

Mr Lovell concluded:

As an example of Old English style architecture my view is that 13-15 Avalon Road is a handsome, if conservative design. It is a design which, with modifications, Wright applied on two other sites in Stonnington. It is not a design which stands out amongst a number of more highly graded examples of the application of the style. As such, it is not a building which I believe meets the threshold required to be identified as individually significant, whether within or outside a precinct.

Regarding the expansion of the Hampden Road Precinct to incorporate 13-15 Avalon Road, regardless of the grading of the place, my view is that it is geographically remote from the primary streetscape which is at the core of the precinct. While a product of the subdivision which in part delivered properties which form the precinct, it is not a house and property which makes an active contribution to the physical place. Inclusion would be a contrivance rather than one based on the establishment of soundly justified boundaries.

Mr Patrick a landscape architect experienced in heritage matters, also gave evidence on behalf of submitter 50. It was Mr Patrick's opinion that:

- the garden at 13-15 Avalon Road is a typical garden of Melbourne's inter-war years without evidence of a notable designer or notable vegetation
- there is nothing about the garden at 13-15 Avalon Road that is of heritage significance
- the garden does not contribute to any heritage significance of the house on the site
- if a Heritage Overlay is determined to be appropriate for the site there is no justification for the imposition of tree controls as there is no relevant heritage significance attributable to trees on the site
- reference to a 'significant' garden in documents relating to the site would appear to relate to the site's size rather than its heritage value.

Ms Bashta gave evidence that:

- the properties at 13-15 and 17 Avalon Road are physically isolated from, and do not form a natural extension to the Hampden Road Precinct
- the prominent pitched roof form of 13-15 Avalon Road does have some visibility within Hampden Road however this is limited and does not provide a strong visual connection between this building and the Hampden Road Precinct
- although the parcels at 13-15 Avalon Road formed part of the 1929 subdivision of the Avalon Estate, the connection between this property and the remainder of the subdivision along Hampden Road has been diminished by the construction of several non-contributory buildings which isolate Avalon Road from Hampden Road
- 13-15 Avalon Road sits as an isolated element within a streetscape that is not considered to be an intact heritage streetscape in its own right.

Ms Bashta did not support the extension of the Hampden Road Precinct to the west to capture 13-15 and 17 Avalon Road. She considered including 13-15 Avalon Road within the Redcourt Avenue Precinct (HO384) but dismissed it as a logical inclusion.

Further, Ms Bashta did not consider there was a sound basis to elevate 13-15 Avalon Road to 'significant' when other similar inter-war developments are designated as contributory to the precinct (such as 28-30, 38 and 42 Hampden Road).

Noting the high bar for listing individual heritage places in Stonnington, Ms Bashta stated:

On balance, the residence at 13-15 Avalon Road is considered to be a good example of an Old English Revival design, however it is not at a level that distinguishes it from more impressive examples within the municipality that would justify the inclusion of this place in the HO as an individual heritage place.¹⁰

Ms Schmeder said:

- the site serves to illustrate the westward extension of the Avalon Estate and the path of its entrance drive, thereby contributing to the historic significance of the Hampden Road Precinct
- the site is one of several houses in the Hampden Road Precinct built by important inter-war architects
- Arnaud E. Wright was particularly important in the development of Toorak and Armadale at that time and on that basis the property contributes to the associative significance of the precinct
- the design quality and intactness of the house is at least equivalent to many individually significant Old English houses in the Stonnington Heritage Overlay and it is superior to these houses in its setting, which comprises a large front garden
- the extension of the Hampden Road Precinct ‘around the corner’ is warranted because the house is of high significance
- the property has an immediate inter-war context, as the eastern end of the Redcourt Avenue Precinct (HO384) is directly across the street
- the inclusion of 13-15 and 17 Avalon Road in the Hampden Road Precinct is appropriate.

In response to evidence and submissions, Council did not accept that 13-15 Avalon was so removed from the Hampden Road Precinct that it cannot properly contribute to the precinct as a contributory place. In this regard, it preferred the evidence of Ms Schmeder.

(iv) Discussion

The critical issue is whether 13-15 Avalon Road forms part of the Hampden Road Precinct. The location of 13-15 Avalon Road relative to the balance of the precinct is characterised by a range of matters, including:

- the house is deeply set back on the lot and is difficult to see from Avalon Road
- the house is separated from Hampden Road to the east by non-contributory buildings located at 17 Avalon Road and 44 and 46 Hampden Road
- the lot is several metres below the height of Hampden Road
- the topography and angle of Avalon Road creates a disconnection with Hampden Road
- the closest building which evidences inter-war development is 10 Avalon Road on the south-west corner of the intersection of Avalon and Hampden roads
- it is not a property which is part of an intact streetscape in either Avalon Road or Hampden Road
- the precinct is generally a linear shape focussed along Hampden Road between Dandenong Road and Avondale Road.

The Panel considers 13-15 Avalon Road is visually separated from the Hampden Road streetscape and as a result its contribution to the precinct’s historical and aesthetic value is diminished. The

¹⁰ D17, para 236

property is too far removed from Hampden Road to be readily understood as part of the balance of the precinct and therefore it should not be included in the Hampden Road Precinct (HO136).

If the dwelling was located on Hampden Road it would have been appropriate to include the building in the precinct as a contributory building, however its location is too remote from the significant and contributory buildings in the precinct to form any meaningful relationship to the precinct.

The inclusion of a place within a precinct should be determined by its association with that precinct, not the significance of the place. Even if the place was categorised as significant (as suggested by Ms Schmeder), this should not, in itself, determine whether a place should be in a precinct. There needs to be a real and substantive connection between the place and the precinct for a building to be included in a precinct. There is no prescribed formula for determining whether a place should be included in a precinct. It is a matter of judgement based on the circumstances of the location.

The Panel has not considered whether 13-15 Avalon Road could form part of the Redcourt Avenue Precinct (HO384) to the west of the site. No expert witness suggested this was an appropriate alternative and Council did not advance this as a proposition. There is insufficient justification for the application of an individual Heritage Overlay to 13-15 Avalon Road.

The Panel has not given significant weight to the previous heritage studies that may have investigated the site. It is difficult to determine the extent to which the site was specifically researched and the circumstances around each of the previous studies or advice. On this basis, and consistent with the discussion in Chapter 2.2 of this report, the Panel has approached the assessment of 13-15 Avalon Road with 'fresh eyes'.

The garden at 13-15 Avalon Road is not of heritage significance and no specific tree controls for the site are warranted. The Clause 43.01 Schedule should clarify the extent of significant trees in the precinct as discussed in Chapter 3.7 of this report.

Having concluded that 13-15 Avalon Road should not be included in the Hampden Road Precinct, it follows that 17 Avalon Road should also be excluded. It is a non-contributory property that is located at the edge of the precinct and its inclusion is only justified if 13-15 Avalon is in the precinct. The removal of 17 Avalon Road should only occur if 13-15 Avalon Road is deleted from the precinct.

The Panel considers the Statement of Significance is generally acceptable except for the following matters.

First, the description of aesthetic significance (Criterion E) refers to:

The Hampden Road Precinct is aesthetically significant as an intact and visually cohesive interwar era streetscape in the City of Stonnington. The streetscape consists of ...

The Heritage Review notes that the Hampden Road Precinct is not the most intact inter-war era precinct compared with other examples. The Panel considers the precinct is not a wholly intact or unbroken inter-war era streetscape, as there are numerous buildings in Hampden Road excluded from the precinct, or classified as non-contributory. In addition, it is inappropriate to infer there is a single streetscape in the precinct.

The Panel considers the Statement of Significance should be modified to state:

The Hampden Road Precinct is aesthetically significant **for demonstrating an intact and visually cohesive interwar era streetscapes** in the City of Stonnington. The streetscapes consists of ...

Second, the Panel agrees with Mr Lovell that no associative significance has been established between the four architects identified in the Statement of Significance and the City of Stonnington. The Statement of Significance only notes that the Hampden Road Precinct features examples of the domestic inter-war work of the four architects, without explaining why these particular examples are important or why the architects have a special association. On this basis, there is insufficient justification for applying Criterion H to the Hampden Road Precinct.

Further research is required to demonstrate the special association of these architects (and potentially others) and the properties in the precinct and their importance to the history of Stonnington. Alternatively, the Panel considers recognition of these architects could be more appropriately noted under Criteria A or E.

(v) Conclusions and recommendations

The Panel concludes:

- 13-15 Avalon Road should be deleted from the Hampden Road Precinct (HO136) because it is too remote from the balance of the precinct.
- 17 Avalon Road should be deleted from the Hampden Road Precinct (HO136) because with the removal of 13-15 Avalon Road it is a non-contributory property at the western edge of the precinct.
- The Statement of Significance should be modified to:
 - improve the clarity and accuracy of Criterion E (aesthetic significance)
 - delete reference to Criterion H (associative significance).

The Panel recommends:

Amend the Heritage Overlay map and the Statement of Significance for the Hampden Road Precinct (HO136) in accordance with the Panel preferred version in Appendix H1 to:

- a) delete 13-15 and 17 Avalon Road, Armadale
- b) improve the clarity and accuracy of Criterion E (aesthetic significance)
- c) delete reference to Criterion H (associative significance).

4.2 44 Hampden Road, Armadale

(i) Background

44 Hampden Road, Armadale is currently identified within the Hampden Road Precinct (HO136) and is categorised as 'ungraded'.

The Amendment proposes to incorporate a Statement of Significance for the precinct, categorise the property as non-contributory and apply tree controls.

Figure 3 44 Hampden Road, Armadale

Source: D31

(ii) The issue

The issue is whether 44 Hampden Road should be included in the Hampden Road Precinct (HO136).

(iii) Evidence and submissions

Submitter 54 objected to the application of the Heritage Overlay to 44 Hampden Road because:

- it includes a contemporary dwelling that does not contribute directly to the significance of the precinct
- existing planning controls prevent any impact of future development of the property on the Heritage Precinct
- the addition of another layer of control will add cost, bureaucracy and processing time.

The submitter said the properties at 44, 46 and 17 Avalon Road were all non-contributory and should be deleted from the Heritage Overlay.

Ms Bashta said that non-contributory properties do not contribute to the heritage value of the wider precinct, however they are included in the precinct to ensure that any future development of the site does not adversely affect the significance of the wider precinct area. She noted Clause 15-03L of the Planning Scheme supports demolition of ungraded (or non-contributory) buildings when the replacement building design is sympathetic to the scale, setback and significance of the heritage place or precinct. Ms Bashta supported the application of HO136 to 44 Hampden Road.

Ms Schmeder agreed with Ms Bashta and noted:

- 44 Hampden Road has been in the HO136 precinct for many years and is currently categorised as ungraded
- there is no practical difference between an ungraded and non-contributory property
- it is very common practice to include non-contributory properties in heritage precincts when they stand in the middle of a row of contributory (and significant) properties to ensure that future development does not negatively impact the heritage value of the precinct.

Council submitted the application of the Heritage Overlay to 44 Hampden Road was appropriate.

(iv) Discussion

The application of the Heritage Overlay to 44 Hampden Road is appropriate. The Panel notes the property is already subject to HO136 and there is no practical implication associated with changing the categorisation from ungraded to non-contributory.

The properties at 44 and 46 Hampden Road are located in the middle of the Hampden Road Precinct and it is appropriate that development of these sites is managed to ensure acceptable outcomes that respect the heritage values of the precinct.

Other issues raised by the submitter are addressed elsewhere in this report.

(v) Conclusion

The Panel concludes it is appropriate to apply the Heritage Overlay (HO136) to 44 Hampden Road and to categorise the property as non-contributory.

5 Montalto Avenue Precinct (HO143)

Exhibited Statement of Significance



What is significant?

The Montalto Avenue Precinct, comprising properties on Montalto Avenue, Orrong Road, Stradbroke Avenue, and Stonehaven Court, Toorak, is locally significant. The sweetgum (liquidambar) street trees on Montalto Avenue and Orrong Road, Edna Walling gardens at 23 Montalto Avenue and 6 Stonehaven Court, as well as a large eucalypt (eucalyptus) tree and two mature cedar (cedrus) trees at 6 Stonehaven Court are also locally significant.

Significant properties include:

- 16 Montalto Avenue, Toorak (highly intact and fine example of an Interwar Old English building)
- 18 Montalto Avenue, Toorak (highly intact and fine example of an Interwar Old English building)
- 19 Montalto Avenue, Toorak (highly intact and fine example of an Interwar Old English building with Tudor influences)
- 32 Montalto Avenue, Toorak (highly intact and fine example of an Interwar Old English building with Tudor influences)
- 681 Orrong Road, Toorak (highly intact and fine example of an Interwar Old English building)
- 1-8 Stonehaven Court 1-8 and 692 Orrong Road, Toorak (a substantial and intact example of an interwar Old English apartment building with Tudor Revival influences, designed by Robert Hamilton)
- Mullion at 6 Stonehaven Court, Toorak (Prairie style interwar era dwelling, designed by Walter Burley Griffin and Eric M. Nichols, original trees from the Egoleen Estate and

Edna Walling designed gardens).

The remainder of the precinct is largely characterised by contributory buildings, with a small number of non-contributory infill developments. Refer to the gradings map for designations.

Character elements that contribute to the significance of the precinct include:

- The generous allotments, subdivision pattern and unique loop road formation established by the 1927 Montalto Estate, the last character of which creates a 'village' feel.
- The presence of a large group of individually significant dwellings of varying Interwar styles, including Old English, Georgian Revival, Tudor Revival and Prairie style, some associated with prominent architects.
- The high integrity of the contributory interwar buildings when viewed from the street. Dwellings typically survive with their presentation to the street largely unaltered, retaining elements such as verandahs, porticos, roof forms, chimneys, window and door openings, brick detailing and timber joinery;
- The regularity and harmony of the double-storey, freestanding interwar era building stock;
- Consistency in front setbacks on each individual street;
- Buildings characterised by brick, timber wall panelling, render, tile and timber joinery, as well as hipped and gabled roofs;
- Building designs responding to the rise in popularity of the motor car;
- Original or period appropriate front fences; and
- A garden estate character established by well-maintained garden settings and street trees, particularly the sweetgum (*liquidambar*) trees. Some gardens were designed by Edna Walling (23 Montalto Avenue and 6 Stonehaven Court). Further, a large eucalypt (*eucalyptus*) tree and two mature cedar (*cedrus*) trees remain at 6 Stonehaven Court from the former Egoleen Estate.

Later alterations and additions to the properties are not significant.

How is it significant?

The Montalto Avenue Precinct is of local historical, representative and aesthetic significance to the City of Stonnington. The precinct also has associative significance as related to a number of notable architects and landscape designer.

Why is it significant?

The Montalto Avenue Precinct is historically significant as the 1927 subdivision of the Montalto Estate which saw the formation of a highly unusual loop road form in the suburb. It is also historically significant as forming part of the 1927 Egoleen Estate subdivision; the former estate is still evident through a large eucalypt (*eucalyptus*) tree and two mature cedar (*cedrus*) trees at 6 Stonehaven Court. The precinct forms a tangible link to the interwar subdivision story of Toorak. **(Criterion A)**

The Montalto Avenue Precinct contains a good representative collection of Interwar era dwellings of various styles, including Old English, Georgian Revival, Tudor Revival and Prairie style. **(Criterion D)**

The Montalto Avenue Precinct is aesthetically significant as an intact and visually cohesive group of streetscapes in the City of Stonnington for this period of development. The streetscape consists of a large number of fine, well-detailed and cohesive freestanding dwellings from the interwar eras, as well as an aesthetically pleasing apartment building from the same era. As a group they display cohesion through form, materials, setbacks and heights, as well as a strong garden estate character established by sweetgum (*liquidambar*) trees, landscape architect designed gardens and remnant Victorian era estate trees, which combine to create a harmonious and attractive streetscape. The unique subdivision pattern formed by the Montalto Estate subdivision adds further aesthetic appeal, creating a village feel to the loop road. **(Criterion E)**

The Montalto Avenue Precinct has associative significance, featuring examples of the work of noted

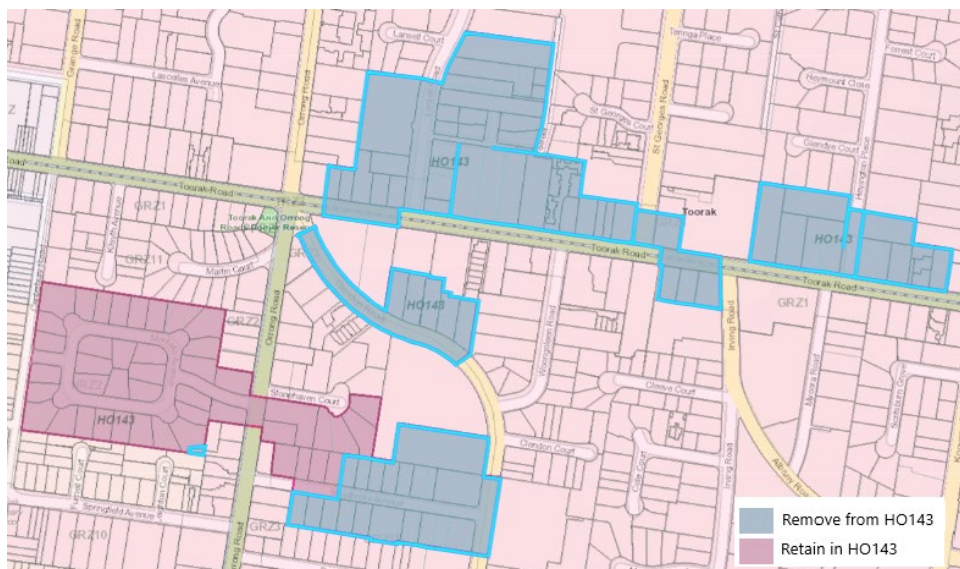
architects Walter Burley Griffin, Eric M. Nichols and Robert Hamilton as well as an Edna Walling designed garden. **(Criterion H)**

The Heritage Review recommended the Montalto Precinct (HO143) should be changed to:

- confine the Montalto Avenue Precinct to select properties in Montalto Avenue, Orrong Road, Stradbroke Avenue, and Stonehaven Court (Figure 4)
- create new precincts for Lansell Road (HO764), Toorak Road and Heyington Place (HO765), and Clendon Road (HO766)
- individually list 3 Lansell Road (HO760), 57 Clendon Road (HO761), 61 Clendon Road (HO762) and 581 Toorak Road (HO763)
- remove the following properties from the Heritage Overlay:
 - 5-15 and 2-16 Stradbroke Avenue
 - 59 Lansell Road
 - 534, 536, 569, 571, 587 and 589 Toorak Road.

The proposed removal of the Heritage Overlay from 569 and 571 Toorak Road is addressed in Chapter 15 of this Report (Lansell Road Precinct).

Figure 4 Refinement of Montalto Precinct (HO143)



5.1 Site-specific issues

(i) Background

The property at 8 Montalto Avenue is categorised as contributory in the Statement of Significance.

The property at 7 Stradbroke Avenue is proposed to be deleted from the Montalto Avenue Precinct (HO143).

Figure 5 7 Stradbroke Avenue, Toorak

Source: D18

Figure 6 8 Montalto Avenue, Toorak

Source: D18

(ii) The issue

The issue is whether the Statement of Significance for the Montalto Avenue Precinct (HO143) accurately categorises existing buildings.

(iii) Evidence and submissions

A submitter stated:

- 8 Montalto Avenue is a contemporary building and should be categorised as non-contributory
- 15 Montalto Avenue should be categorised as 'classic French' rather than contemporary
- 17 Montalto Avenue is a more intact inter-war era home than 16 Montalto Avenue, however only 16 Montalto Avenue is described as significant
- the original building at 19 Montalto Avenue was destroyed by fire therefore the significant grading is incorrect
- 26 Montalto Avenue is being developed and should be identified as non-contributory
- there are other homes within this location that ought be classified significant rather than contributory.

Another submitter stated the building at 8 Montalto Avenue was built in 1993 and should be categorised as non-contributory to the Montalto Avenue Precinct (HO143).

The owners of 8 Stradbroke Road stated the Heritage Review incorrectly described Stradbroke Avenue as Stradbroke Road.

Ms Bashta's evidence was:

- 8 Montalto is a contemporary building and should be categorised as non-contributory
- 17 Montalto Avenue does not exhibit a degree of aesthetic excellence that sets it apart from contributory buildings within the precinct whereas 16 Montalto Avenue has been designated as significant as a highly articulated and picturesque Inter-war Old English House with several noted features
- no information has been provided to substantiate the claim that 19 Montalto Avenue was reconstructed following a fire and on the current available information the proposed grading as significant should remain
- it is accepted that 26 Montalto Avenue is being redeveloped
- all gradings comply with current guidelines.

Council agreed that 8 and 26 Montalto Avenue are contemporary buildings and should be categorised as non-contributory to the precinct.

Council agreed to correct the errors in the Heritage Report relating to 7 Stradbroke Avenue, however noted that no changes are required to the State of Significance or citation because this property is not proposed to be retained in a heritage precinct.

Council did not support any other changes to the categorisation of buildings in the Statement of Significance, consistent with the evidence of Ms Bashta.

(iv) Discussion

The Panel agrees the contemporary buildings at 8 and 26 Montalto Avenue are non-contributory to the Montalto Avenue Precinct.

The Panel agrees with Council that no changes to the Amendment are required in response to the submission regarding 7 Stradbroke Avenue.

The Panel agrees with the categorisation of other buildings in the precinct, noting that the rating terms of non-contributory, contributory and significant are consistent with PPN01. In the absence of evidence confirming the original building at 19 Montalto Avenue has been destroyed by fire, the Panel accepts the building should be classified as significant.

(v) Conclusions and recommendations

The Panel concludes that 8 and 26 Montalto Avenue should be categorised as non-contributory to the Montalto Avenue Precinct.

The Panel recommends:

Amend the Statement of Significant for the Montalto Avenue Precinct (HO143) to categorise 8 and 26 Montalto Avenue as non-contributory.

6 Williams Road Precinct (HO155)

Exhibited Statement of Significance



What is significant?

The Williams Road Precinct, comprising a group of Victorian, Edwardian and Interwar era dwellings and shops on Williams Road and High Street, Prahran and Windsor, is locally significant.

Significant properties include:

- 78 Williams Road, Prahran (a fine and intact two-storey Italianate Victorian residence).
- 80 Williams Road, Prahran (a fine and intact two-storey Italianate Victorian residence).
- 92-94 Williams Road, Prahran (a former fire station part of the Metropolitan Fire Brigade and intact example of a late Victorian building with transitional Federation era influences).
- 118 Williams Road, Prahran (a fine and intact two-storey Italianate Victorian residence; the dormer window is not original and considered an intrusive design element).
- 131-135 Williams Road, Prahran (a highly distinct, decorative and intact two-storey Italianate Victorian terrace group).

The remainder of the street is largely characterised by contributory properties, with a small number of non-contributory properties. Refer to the grading map for designations.

Character elements that contribute to the significance of the precinct include:

- The distinctive pattern of late 19th century subdivision and subsequent development created by groups of Victorian, Edwardian and Interwar era dwellings and shops;
- The presence of an important group of significant graded Victorian era residences;
- The regularity and harmony of the single-storey, freestanding Victorian era residential

buildings characterised by pitched slate and corrugated galvanised iron roofs with profiled masonry chimneys, face brick, rendered masonry and timber walls, front verandahs with bullnose awnings, decorative lacework and timber or cast iron joinery, original timber window and door joinery, and, in some cases, projecting bay windows;

- The regularity and harmony of two-storey attached and freestanding Victorian Italianate residential buildings primarily characterised by hipped roofs with profiled masonry chimneys behind ornamented parapets, face brick and rendered masonry walls, decorative mouldings, elaborate verandah detailed including cast-iron lacework, upper floor balconies, and original arched windows and doors;
- The collection of one-storey Edwardian era building stock primarily characterised by decorative stucco gable ends, gable finials, profiled masonry chimneys, tiled and hipped gable roofs, original timber window and door joinery, and face brick walls;
- Edwardian era shops characterised by two-storey façades, flat roofs behind parapets, restrained ornamentation, ground floor awnings, and original timber sash windows to the upper floor;
- Several interwar dwellings that are largely complement older building stock in terms of their roof form, height and use of brick and timber in their construction;
- The relative uniformity of front setbacks and building heights across the precinct;
- Original front fences of timber, cast iron, stone and brick; and
- The landscape setting established by wide roads, bluestone kerb and guttering (some original and some contemporary) and young to mature London plane (*Platanus × acerifolia*) street trees.

Later alterations and additions to the properties are not significant.

How is it significant?

The Williams Road Precinct is of local historical and aesthetic significance to the City of Stonnington.

Why is it significant?

The Williams Road Precinct is historically significant as an area that rapidly developed during the 1880s boom period, which precipitated urban character changes and the formation of upper middle class enclaves in Prahran during the late 19th century. Evident in its substantially sized allotments and fine collection of one and two-storey terraces and villas set on a wide road, the precinct is distinct from the neighbouring narrow streets within the area that are predominantly characterised by smaller workers cottages. The precinct forms a tangible link to the late Victorian subdivision story of Prahran and illustrates the suburb's growing middle-class character in the early 20th century. **(Criterion A)**

The Williams Road Precinct is aesthetically significant as an intact and visually cohesive heritage area characterised by Victorian, Edwardian and Interwar era dwellings and shops. The buildings retain a high level of integrity as a group, displaying cohesion through built form, materials, setbacks and heights. The character of some buildings is enhanced by original fences of brick, stone, cast iron and timber. Combined, these elements create a harmonious and attractive precinct that is only occasionally intercepted by relatively low scale modern development. **(Criterion E)**

6.1 78 Williams Road, Prahran

(i) Background

The property at 78 Williams Road is currently within the Williams Road Precinct (HO155) and is categorised as significant. The Amendment proposes to incorporate a Statement of Significance for HO155 and does not propose to change the categorisation of 78 Williams Road.

The property has frontages to Williams Road (west) and Russell Street (east). The current extent of HO155 does not include the land at the rear of 78 Williams Road that fronts Russell Street. The

Amendment does not propose to vary the extent of HO155 on the Planning Scheme map (4HO) with respect to 78 Williams Road (although it does propose to delete some other properties from HO155). The maps in the citation and the Statement of Significance appear to suggest that all of the land at 78 Williams Road, including the land at the rear fronting Russell Street, is a significant place.

(ii) The issue

The issue is whether the Williams Road Precinct (HO155) should include all of the property at 78 Williams Road, including land with frontage to Russell Street.

(iii) Evidence and submissions

The owner requested that the citation for Williams Road Precinct (HO155) be amended to align with the current boundary as it relates to 78 Williams Road (refer Figure 7 and Figure 8).

Figure 7 78 Williams Road current Heritage Overlay Map extent

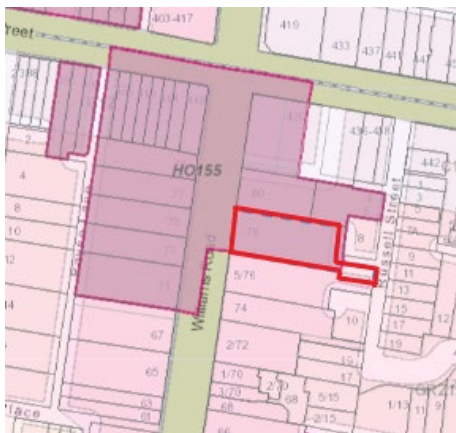


Figure 8 78 Williams Road Citation Map extent



Ms Bashta noted that the rear of the property (fronting Russell Street) is a car park that has been subdivided from the balance of the lot and it does not contribute to the heritage values of the precinct. She agreed that the Heritage Overlay should not apply to the rear of the property and observed this was consistent with other properties fronting Russell Street.

Council agreed with the evidence of Ms Bashta and accepted that the maps in the Statement of Significance and citation should be modified to exclude the rear portion of 78 Williams Road that fronts Russell Street.

(iv) Discussion

The Panel agrees the eastern part of 78 Williams Road that has been subdivided and fronts Russell Street is not of heritage significance and the Heritage Overlay should not apply to that land.

The map in the Statement of Significance should be amended to ensure that the Williams Road Precinct does not include the rear of 78 Williams Road, as shown in the current Heritage Overlay map (4HO) in the Planning Scheme. This change will ensure the map in the Statement of Significance is consistent with the current Heritage Overlay map and will avoid confusion and misunderstanding about the extent of land at 78 Williams Road that is of heritage significance.

(v) Conclusions and recommendation

The Panel concludes:

- The eastern part of 78 Williams Road that fronts Russell Street is not of heritage significance.
- The map in the Statement of Significance should be modified to ensure the curtilage of the HO155 precinct does not include the land at the rear of 78 Williams Road and is consistent with the current Heritage Overlay boundary for this land in the Heritage Overlay maps.

The Panel recommends:

Amend the Statement of Significance for the Williams Road Precinct (HO155) to delete the eastern portion of 78 Williams Road that fronts Russell Street to align with the Heritage Overlay map.

7 Power Street Precinct (HO180)

Exhibited Statement of Significance



What is significant?

The Power Street Precinct, comprising properties on Evans Court, Glenberrie Road, Glen Road, Glenferrie Road, Glyndebourne Avenue, Kooyong Road, Kyeamba Grove, Merriwee Crescent, Monomeath Avenue, Moonga Road, Myriong Crescent, Power Avenue, Toorak Avenue, Toorak Road and Warra Street, Toorak, is locally significant.

Significant properties include:

- 1 Evans Court, Toorak (highly intact and fine example of an Interwar Old English building, designed by Joseph Plottel)
- 8 Evans Court, Toorak (highly intact and fine example of an Interwar Old English building)
- 11 Glenberrie Road, Toorak (an intact and notable example of an Interwar Georgian Revival building and fence with Mediterranean design influences, designed by Arthur Barnes)
- 'Wyndarring' at 2 Glyndebourne Avenue, Toorak (highly intact and visually distinct example of an Interwar residence with Arts and Crafts influences)
- 1 Merriwee Crescent, Toorak Toorak (highly intact and fine example of an Interwar Old English building)
- 12 and 12A Monomeath Avenue, Toorak (highly intact and fine example of an Interwar Old English masonette with Tudor influences)
- 3 Myriong Crescent, Toorak (a high quality and intact example of an Interwar Old English / English Domestic Revival residence, designed by Arnaud E. Wright)

- 8 Power Avenue, Toorak (a high quality example of Harold Debrowe-Annear's interwar domestic designs)
- 19 Power Avenue, Toorak (highly intact and fine example of an Interwar Old English building, designed by Arnaud E. Wright)
- 21 Power Avenue, Toorak (highly intact and fine example of an Interwar Old English building, designed by Arnaud E. Wright)
- 1-5/625 Toorak Road, Toorak (highly intact and fine example of an Interwar Old English apartment building, designed and altered by Joseph Plottel)

The remainder of the precinct is largely characterised by contributory buildings, with a series of non-contributory infill developments. Refer to the gradings map for designations.

Character elements that contribute to the significance of the precinct include:

- The distinctive pattern of subdivision and development created by groups of Interwar housing amongst some Victorian and Federation era dwellings and shops;
- The presence of a large group of individually significant dwellings and apartment buildings of varying Interwar styles, including Old English and Georgian Revival, some associated with prominent architects;
- The relatively high integrity of the contributory buildings when viewed from the street. Dwellings typically survive with their presentation to the street largely unaltered, retaining elements such as verandahs, porticos, roof forms and parapets, chimneys, window and door openings, brick detailing and timber joinery;
- Consistency in front setbacks on each individual street;
- Buildings characterised by brick, render, tile and timber joinery, as well as hipped and gabled roofs;
- Building designs responding to the rise in popularity of the motor car;
- Some original or period appropriate front fences; and
- Later alterations and additions to the properties are not significant.

How is it significant?

The Power Street Precinct is of local historical, representative and aesthetic significance to the City of Stonnington. The precinct also has associative significance with a range of notable architects.

Why is it significant?

The Power Street Precinct is historically significant as a substantial representation of residential development of the interwar period that took place following the subdivision of the large estates of the previous century. These developments combine with other remnant commercial and residential buildings of the first wave of limited development during the 19th and early 20th centuries to form a tangible link to two distinct periods of development and change in Toorak. The area covers four former estates, and a series of subdivision land parcels named Glyn, Glyndebourne, Mayfield and Grong Grong, Metford/Kyeamba, Myrong and Moonga from which street names have been derived. **(Criterion A)**

The Power Street Precinct contains a good representative collection of interwar era dwellings of various styles, including Old English, Georgian Revival, Art Deco and Tudor Revival. **(Criterion D)**

Owing to the higher level of integrity, Glenferrie Road, Kyeamba Grove, Moonga Road and Toorak Road in particular are aesthetically significant as an intact and visually cohesive group of streetscapes in the City of Stonnington for this period of development. The streetscape consists of a large number of fine, well-detailed and cohesive dwellings and apartment buildings from both the Federation and Interwar eras. As a group they display cohesion through form, materials, setbacks and heights. **(Criterion E)**

The St Georges Court Precinct has associative significance, featuring examples of the domestic Interwar work of noted architects Joseph Plottel, Arthur Barnes, Arnaud E. Wright and Harold Desbrowe-Annear. **(Criterion H)**

The Heritage Overlay currently applies to the Power Street Precinct (HO180). No change to the extent of the existing mapping was exhibited as part of the Amendment. The Amendment proposes to incorporate a new Statement of Significance for the precinct into the Planning Scheme.

The Panel's recommendations for the Power Street Precinct (HO180) are consolidated in Chapter 7.8.

7.1 11 Glenberrie Road, Toorak

(i) Background

The property at 11 Glenberrie Road is categorised as significant in the Statement of Significance consistent with its classification in the existing Power Street Precinct.

Figure 9 11 Glenberrie Road, Toorak



Source: D31

(ii) The issue

The issue is whether the front fence at 11 Glenberrie Road should be categorised as significant in the Power Street Precinct.

(iii) Evidence and submissions

The owner submitted the original front fence at 11 Glenberrie Road has been substantially altered and has no heritage value. The submitter requested that the Statement of Significance and accompanying citation be updated to delete references to the fence as being of heritage significance.

Council and Ms Bashta agreed with the submitter.

(iv) Discussion

The Panel agrees with Council, Ms Bashta and the submitter that the front fence at 11 Glenberrie Road has been substantially altered and is not of heritage significance. The fence should not be referred to in the Statement of Significance.

(v) Conclusion

The Panel concludes the front fence at 11 Glenberrie Road does not have heritage significance.

7.2 8 Merriwee Crescent, Toorak

(i) Background

The property at 8 Merriwee Crescent is categorised as contributory in the Statement of Significance and is included in the existing Power Street Precinct (HO180).

Figure 10 8 Merriwee Crescent, Toorak



Source: D31

(ii) The issue

The issue is whether the property at 8 Merriwee Crescent should be categorised as non-contributory to the Power Street Precinct (HO180).

(iii) Evidence and submissions

The owner of 8 Merriwee Crescent stated the building is not a fine example of an inter-war era dwelling and does not contribute to the historical, representative and aesthetic values of Stonnington.

Council submitted the building was contributory to the Power Street Precinct. Ms Bashta supported Council's position. Ms Bashta acknowledged the building had been altered, but considered it retains its original inter-war features derived from the prairie style, including a horizontal emphasis, shallow hipped roof lines and overhanging eaves. Ms Bashta explained contributory buildings are places that 'contribute' to the built form attributes and significance of a precinct whereas fine examples of a class are typically designated as 'significant'.

(iv) Discussion

The Panel agrees with Council and Ms Bashta that the building at 8 Merriwee Crescent is sufficiently intact to reach the threshold to be categorised as contributory to the Power Street Precinct. The property sits alongside an intact row of contributory dwellings that are clearly read and experienced as part of the precinct.

(v) Conclusion

The Panel concludes that 8 Merriwee Crescent is appropriately categorised as contributory to the Power Street Precinct (HO180).

7.3 13 Moonga Road, Toorak

(i) Background

The property at 13 Moonga Road is categorised as contributory in the Statement of Significance.

Figure 11 13 Moonga Road, Toorak



Source: D31

(ii) The issue

The issue is whether 13 Moonga Road should be recognised as contributory to the Power Street Precinct (HO180).

(iii) Evidence and submissions

A submitter stated the building at 13 Moonga Road was not built in the inter-war era and should be categorised as non-contributory to the Power Street Precinct (HO180).

Council and Ms Bashta agreed with the submitter. Ms Bashta confirmed the building at 13 Moonga Road does not appear in 1945 aerial photographs and is therefore not an inter-war era home.

(iv) Discussion

The Panel agrees the building at 13 Moonga Road is non-contributory to the Montalto Avenue Precinct because it was constructed outside the inter-war era which underpins the historical, representative and aesthetic significance of the precinct.

(v) Conclusion

The Panel concludes the property at 13 Moonga Road, Toorak should be categorised as non-contributory to the Power Street Precinct.

7.4 20 Moonga Road, Toorak

(i) Background

The property at 20 Moonga Road is categorised as non-contributory in the Statement of Significance, consistent with its categorisation in the existing Power Street Precinct.

20 Moonga Road is one of four non-contributory properties located at the northern end of the precinct at the intersection of Moonga Road and Warra Street.

Figure 12 20 Moonga Road, Toorak

Source: D31

(ii) The issue

The issue is whether the property at 20 Moonga Road, Toorak should be included in the Power Street Precinct (HO180).

(iii) Evidence and submissions

Submitter 40 stated the building at 20 Moonga Road, Toorak is an ordinary building without any scientific, aesthetic, architectural or historical interest, nor does it have any special cultural value. The submitter requested the building be excluded from the Heritage Overlay.

Council submitted the property should be included in the Power Street Precinct to ensure future development of the site does not adversely affect the significance of the precinct. Ms Bashta supported Council's position.

In response to a question from the Panel about the alignment of the precinct boundary with the cluster of non-contributory buildings at the intersection of Moonga Road and Warra Street, Council confirmed the boundary of the Power Street Precinct has been in place for more than two decades and is not proposed to be revised as part of the Amendment. The character elements contributing to the significance of the precinct include the distinctive pattern of subdivision and development created by groups of inter-war housing amongst some Victorian and Federation era dwellings and shops. Council submitted non-contributory properties have been retained within the Power Street Precinct for the following reasons:

- the lots at the northern end of Moonga Road were subdivisions of the original Victorian estates and the interface with the Gardiners Creek valley was particularly attractive in the interwar period; and
- the dwelling at 20 Moonga Road was constructed in the interwar period and would have been contributory to the precinct if it were not highly altered. This property, the walk-up flats to the north and the two neo-Georgian dwellings adjacent on Moonga Road were retained in the precinct to ensure replacement buildings did not adversely impact the heritage values of the precinct, having regard to the subdivision pattern and vistas identified in the citation.

In addition, Council noted submissions were not received from other property owners or occupiers of non-contributory places. Removal of these places from the Power Street Precinct may have attracted submissions if it was proposed as part of the Amendment.

In response to a question from the Panel, Ms Basta agreed the non-contributory properties should be removed from the precinct.

(iv) Discussion

20 Moonga Road, and nearby properties at 25 Moonga Road, 2-4 Warra Street and 25 Glen Road are located at the edge of the Power Street Precinct and do not contribute to its significance because they contain contemporary buildings.

The Panel disagrees with Council that retaining the properties in the precinct is necessary to ensure new development protects the values of the broader precinct. Heritage precincts do not require a 'buffer' property to protect the setting of contributory and significant buildings. Aligning the boundary of the precinct to the southern boundary of 1 Toorak Avenue is sufficient to protect the setting of the precinct.

The Panel also disagrees with Council that retaining the properties in the precinct is necessary to protect the distinctive subdivision pattern that demonstrates the break-up of mansion estates. The street network alone does not demonstrate historical significance of the Power Street Precinct. Rather, it is the combination of the pattern of subdivision and inter-war housing that expresses the historical significance. The significance is diminished below the necessary threshold once buildings are significantly altered or replaced.

The exhibited Amendment did not include mapping changes to the Power Street Precinct (HO180). Removal of the Heritage Overlay from properties will necessitate the introduction of a new heritage deletion map into the Amendment. The Panel is satisfied this is consistent with the intent of the exhibited Amendment, given its purpose is to ensure the Planning Scheme recognises and protects places with heritage values. The corollary of this intent is that the Heritage Overlay is not applied to places without heritage value.

The Panel acknowledges the owners of 25 Moonga Road, 25 Glen Road and 2-4 Warra Street have not participated in the Amendment process to date. The Panel notes section 32 of the *Planning and Environment Act 1987* includes notice provisions that may be applied when a planning authority changes an amendment at the adoption stage, although that is ultimately a matter for the Minister for Planning.

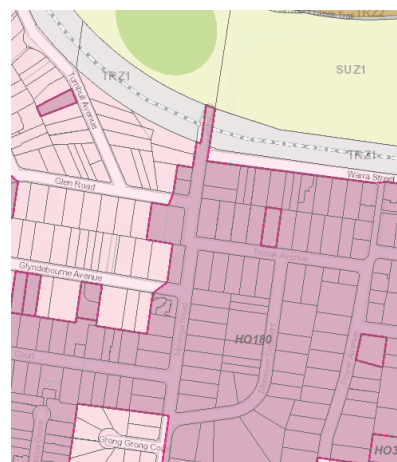
The Panel further notes that the exhibited Statement of Significance and the existing mapping of the Power Street Precinct do not align as shown in Figure 13 and Figure 14. The two must be aligned, consistent with the guidance in PPN01.

Figure 13 Extract from HO180 Statement of Significance



Source: Amendment C320ston

Figure 14 Power Street Precinct (HO180) current mapping



Source: www.mapshare.vic.gov.au/vicplan

(v) Conclusion

The Panel concludes properties at 20 and 25 Moonga Road, 25 Glen Road and 2-4 Warra Street do not contribute to the Power Street Precinct.

7.5 11 Power Avenue, Toorak**(i) Background**

The property at 11 Power Avenue is categorised as contributory in the Statement of Significance, consistent with its classification in the existing Power Street Precinct (HO180).

Figure 15 11 Power Avenue, Toorak



Source: D31

(ii) The issue

The issue is whether the property at 11 Power Avenue should be categorised as contributory to the Power Street Precinct (HO180).

(iii) Evidence and submissions

The owner stated there is insufficient justification for the site's contributory grading because the house has been extensively modified and is a poor quality example of a single storey inter-war villa.

Council and Ms Bashta agreed with the submitter and noted the building has lost a substantial amount of its original features and detailing.

(iv) Discussion

The Panel agrees with Council, Ms Bashta and the owner that the building at 11 Power Avenue does not meet the threshold for categorisation as 'contributory' in the Power Street Precinct.

(v) Conclusion

The Panel concludes 11 Power Avenue should be categorised as non-contributory to the Power Street Precinct (HO180).

7.6 43 Power Street, Toorak**(i) Background**

The properties at 43 and 45 Power Street are categorised as contributory in the Statement of Significance for the Power Street Precinct (HO180).

Figure 16 43 Power Street, Toorak

Source: D31

(ii) The issue

The issue is whether 43 Power Street should be included in the Power Street Precinct.

(iii) Evidence and submissions

A submitter noted the inter-war flats at 45 Power Street had been demolished and replaced with contemporary flats. The submitter stated Power Street has *“no heritage feeling or aesthetic anymore”* because of past demolition of original homes. In these circumstances, it would be reasonable to remove the 43 Power Street from the Power Street Precinct (HO180).

Council and Ms Bashta disagreed with the submitter.

Ms Bashta described 43 Power Street as a substantially intact example of an inter-war bungalow that is both illustrative of inter-war development in the Power Street Precinct and of the diverse architectural styles that emerged in the inter-war era. The building retains most of its original features, including its broad, medium pitched roofs, prominent front verandah, wide eaves with exposed rafter tails, and eyelid dormer.

Ms Bashta considered the number of non-contributory properties within Power Street is *“not inconsistent with the overall character of the Power Street Precinct”*. Further, Power Street contributes to the broader precinct through its subdivision pattern and relationship to the steep topography. She observed infill non-contributory development is generally sensitively sited and massed so as not to detract from the overall significance of the area.

Ms Bashta noted 45 Power Street/455 Glenferrie Road is a contemporary flat development that should be categorised as non-contributory. Council supported this change.

(iv) Discussion

The Panel agrees with Ms Bashta that 43 Power Street is an intact example of the inter-war bungalow. The key consideration for the Panel is whether this part of the precinct is sufficiently intact to be understood as a precinct.

The run of non-contributory buildings on the southern side of Power Street do have an impact on the integrity of the precinct and diminish the quality of the setting for building on the north side of the street, including 43 Power Street. However, the Panel is satisfied there is sufficient visual connection between heritage building stock to warrant retaining both sides of the street in the Power Street Precinct, but only just.

(v) Conclusions

The Panel concludes:

- The property at 43 Power Street should be retained in the Power Street Precinct and categorised as contributory.
- The properties at 45 Power Street and 455 Glenferrie Road should be categorised as non-contributory to the Power Street Precinct.

7.7 Extent of precinct

(i) The issues

The issue is whether the extent of the Power Street Precinct is justified and appropriate.

(ii) Evidence and submissions

Submitter 63 stated the proposed extent of the Power Street Precinct is an “*irresponsible overreach*” and a more targeted approach focused on specific significant landmarks would achieve heritage goals without limiting the area’s future. The submitter requested that the precinct be reviewed.

Council’s submission referred to the Officer Report of 5 June 2023, which stated:

- the Heritage Overlay does not prohibit change and future development, rather it is a tool used to manage change to ensure the heritage values of the place are not compromised or lost
- the scale of the Power Street Precinct recognises the heritage values of the wider residential area and has been applied to encourage sympathetic development in the area
- the boundaries of the precinct are not changed by the Amendment
- the Amendment relates to an update of the existing citation information only, including the revision of gradings
- a targeted approach that only recognises ‘significant’ graded places would fall short in managing appropriate change in the precinct.

Ms Bashta’s opinion was consistent with Council’s submissions.

(iii) Discussion

Submission 63 is an example of a submission that generally opposes the extent of a precinct. The Amendment proposes to introduce a new Statement of Significance for the precinct. This requires buildings to be categorised in accordance with contemporary practice. In the Panel’s view, it also requires the boundaries of the precinct to be reviewed to ensure they remain fit for purpose.

The Power Street Precinct contains pockets of non-contributory buildings. These impact on the overall quality of precinct. Further removal of contributory and significant building stock would likely reduce the integrity of the precinct below the threshold that warrants its retention in the Heritage Overlay in its current form.

The Panel has recommended the property at 20 Moonga Road and adjoining parcels should be deleted from the precinct because they are at the edge of the precinct and contain non-contributory buildings. The properties are not read as part of the precinct, and it is unnecessary to manage their future development to protect the integrity of the precinct.

There are other non-contributory properties located at the edge of the precinct that may warrant removal for the same reasons. These are:

- Kooyong Gardens

- 449 Glenferrie Road
- 226A Kooyong Road.

The Panel did not seek or receive submissions on these properties so it has not concluded or recommended that they be removed from the Power Street Precinct as part of the Amendment. However, Council should review the edge conditions of the Power Street Precinct and take steps to remove non-contributory properties.

While no submissions or evidence disputed the asserted associative significance of the precinct, the Panel's general discussion in Chapter 3.6 applies to this precinct.

(iv) Conclusions

The Panel concludes:

- The Power Street Precinct is at a critical point where further removal of significant and contributory may reduce the integrity of parts of the precinct below of threshold for local significance.
- It is unnecessary to include non-contributory properties at the edge of the precinct within the precinct. Further work is required to refine the existing precinct boundaries at its edges as part of a separate amendment.

7.8 Combined precinct recommendations

The Panel recommends:

Amend the Heritage Overlay map and Statement of Significant for the Power Street Precinct (HO180) in accordance with the Panel preferred version shown at Appendix H2 to:

- a) delete 'and fence' in the description of 11 Glenbervie Road, Toorak
- b) categorise the following properties as non-contributory:
 - 13 Moonga Road
 - 11 Power Avenue
 - 45 Power Street
 - 455 Glenferrie Road
- c) delete the following properties:
 - 20 Moonga Road
 - 25 Moonga Road
 - 25 Glen Road
 - 2-4 Warra Street
 - land in the roadway and Transport Zone 1 at the intersection of Moonga Road and Warra Street.

8 Kooyong Precinct (HO181)

Exhibited Statement of Significance



What is significant?

The Kooyong Precinct, comprising properties on Avenel Road, Elizabeth Street, Glenferrie Road, Mernda Road, Monaro Road, Moralla Road, Norford Grove, Sutton Street, Talbot Crescent and Toorak Road, is significant.

Significant properties include:

- 1 Avenel Road (highly intact and fine example of an Interwar Old English building)
- 31 Avenel Road (highly intact Interwar Streamline Moderne building)
- 404 Glenferrie Road (Desbrowe-Annear designed Interwar Arts and Crafts inspired dwelling)
- 422-426 Glenferrie Road ('Denby Dale'; highly intact and fine collection of Interwar Old English buildings with distinct garden settings)
- 1 and 2/434 Glenferrie Road (highly intact and fine example of an Interwar Old English building)
- 4 Mernda Road (highly intact and fine example of an Interwar Old English building)
- 7 Moralla Road (highly intact and fine example of an Interwar Old English building)
- 13 Moralla Road (highly intact and fine example of an Interwar Old English building)
- 1 and 2/3 Talbot Crescent (highly intact and fine example of an Interwar Old English building)
- 35 Talbot Crescent (highly intact and fine example of an Interwar Old English building)
- 37 Talbot Crescent (highly intact and fine example of an Interwar Old English building)

- 39 Talbot Crescent (highly intact and fine example of an Interwar Old English building)
- 1 and 2/53 Talbot Crescent (highly intact and fine example of an Interwar Old English building with Arts and Crafts influences)
- 59 Talbot Crescent (highly intact and fine example of an Interwar Old English building with Arts and Crafts influences)
- 77-79 Talbot Crescent (semi-detached Interwar Streamline Moderne)

The remainder of the precinct is largely characterised by contributory buildings, with a series of non-contributory infill developments. Refer to the gradings map for designations.

Character elements that contribute to the significance of the precinct include:

- The distinctive pattern of subdivision and development created by the discrete groups of Interwar housing amongst some Federation era dwellings;
- The presence of a large group of individually significant dwellings of varying Interwar styles, including Old English, Arts and Crafts deviations of the Old English and Streamline Moderne;
- The relatively high integrity of the contributory buildings when viewed from the street. Dwellings typically survive with their presentation to the street largely unaltered, retaining verandahs, chimneys, face brick (as relevant), window and door openings, brick detailing and timber joinery;
- The regularity and harmony of the single-storey or double-storey, freestanding Federation/Edwardian and Interwar era building stock;
- Buildings characterised by brick, render, tile and timber joinery, as well as hipped and gabled roofs; and
- Consistency in front and side setbacks.

Later alterations and additions to the properties are not significant.

How is it significant?

The Kooyong Precinct is of local historical, representative and aesthetic significance to the City of Stonnington.

Why is it significant?

The Kooyong Precinct is historically significant as representative of the 1902-1925 subdivisions of Kooyong, which resulted in the creation of over seven key streets. The precinct forms a tangible link to the post-subdivision story of Kooyong, particularly in the Federation and Interwar years. **(Criterion A)**

The Kooyong Precinct contains a good representative collection of Interwar era dwellings of various styles, including Old English, Streamline Moderne and other Interwar buildings with Arts and Crafts influences. There are also some good representative examples of Edwardian era residences. **(Criteria D)**

The Kooyong Precinct is aesthetically significant as a relatively intact and visually cohesive group of streetscapes in the City of Stonnington for this period of development. The streetscape consists of a large number of fine, well-detailed and cohesive freestanding dwellings from the Federation/Edwardian and Interwar eras. They display cohesion through form, materials, setbacks and heights that creates a harmonious and attractive streetscape. **(Criteria E)**

The Kooyong Precinct (HO181) is currently included in the Heritage Overlay. The Amendment proposes to incorporate a Statement of Significance for the precinct into the Planning Scheme.

8.1 96 Elizabeth Street, Kooyong

(i) Background

The property at 96 Elizabeth Street is categorised as contributory in the Statement of Significance.

Figure 17 96 Elizabeth Street, Kooyong



Source: D31

(ii) The issue

The issue is whether the Heritage Overlay (HO181) should continue to apply to 96 Elizabeth Street, Kooyong.

(iii) Evidence and submissions

The owner stated 96 Elizabeth Street has many modifications and is not in its original condition. This includes replacement of the original front window and door, removal of a verandah and addition of a garage. In addition, the building is surrounded by many contemporary buildings and abuts a railway line to the rear, which diminishes its significance.

Council submitted the continued application of the Heritage Overlay and contributory grading of 96 Elizabeth Street, Kooyong was appropriate.

Ms Bashta was satisfied the alternations to the dwelling do not detract from its inter-war era legibility, nor its cohesiveness in relation to other inter-war properties along the streetscape. She noted the building retains its original form and detailing, including a shingled gable, terracotta tiling, exposed rafter tails and intersecting hipped and gable roof forms.

(iv) Discussion

The Panel does not agree with Council and Ms Bashta that the building at 96 Elizabeth Street meets the threshold for recognition as a contributory building. This is largely due to replacement of original windows with larger frames that detract from its integrity as an inter-war building.

The east side of Elizabeth Street comprises an intact collection of contributory buildings. The property warrants inclusion in the Kooyong Precinct so that it can be managed to protect the integrity of this intact streetscape.

(v) Conclusions and recommendations

The Panel concludes:

- Heritage Overlay (HO181) should continue to apply to 96 Elizabeth Street, Kooyong.
- The Statement of Significant for the Kooyong Precinct (HO181) should be amended to categorise 96 Elizabeth Street, Kooyong as non-contributory.

The Panel recommends:

Amend the Statement of Significant for the Kooyong Precinct (HO181) to categorise 96 Elizabeth Street, Kooyong as non-contributory.

8.2 693 Toorak Road, Kooyong

(i) Background

The property at 693 Toorak Road is categorised as contributory in the Statement of Significance. The properties at 693 and 695 Toorak Road are a duplex pair on separate allotments.

Figure 18 693 Toorak Road, Kooyong



Source: D31

(ii) The issue

The issue is whether 693 Toorak Road, Kooyong should be included in the Kooyong Precinct (HO181).

(iii) Evidence and submissions

The owner stated the building at 693 Toorak Road is a duplex not a house, does not have heritage value and the Heritage Overlay should not be applied. The submitter noted nearby homes in the precinct have been demolished and replaced with large developments.

Council did not support the submission but proposed to update the Statement of Significance, citation and associated Amendment documentation to identify 693 and 695 Toorak Road as a duplex.

Ms Bashta described the building as a duplex with Georgian Revival influences and was satisfied it contributes to the character elements of the precinct. Ms Bashta considered the nearby contemporary buildings do not detract from the contributory elements of 693 Toorak Road. She noted 693-695 Toorak Road is adjoined by contributory structures of the same design as 689, 691 and 697-699 Toorak Road.

(iv) Discussion

The property at 693 Toorak Road forms part of a cohesive group of inter-war buildings between 689 and 699 Toorak Road that are visually connected to and contribute to the Kooyong Precinct. The cluster of buildings show consistency in built form, materials, fenestration, allotment sizes and heights. The Panel agrees with Council and Ms Bashta that the building is correctly categorised as contributory to the Kooyong Precinct.

(v) Conclusion

The Panel concludes the property at 693 Toorak Road, Kooyong should be included in the Kooyong Precinct.

8.3 711-713 Toorak Road, Kooyong**(i) Background**

The property at 711-713 Toorak Road, Kooyong is categorised as contributory in the Statement of Significance.

(ii) The issue

The issue is whether 711-713 Toorak Road, Kooyong should be included in the Kooyong Precinct (HO181).

(iii) Evidence and submissions

A submitter stated the building at 711-713 Toorak Road had been demolished but is still classified as contributory in the Amendment.

Council submitted the Statement of Significance, citation and associated Amendment documentation should be corrected to reflect that 711-713 Toorak Road, Kooyong has been demolished. Ms Bashta supported this correction.

Council confirmed the adjoining building at 709 Toorak Road had also been demolished and it would be appropriate to categorise the building as non-contributory to the precinct.

In response to a question from the Panel, Council Officers confirmed it is not necessary to amend the “*longstanding*” boundaries of the Kooyong Precinct. Council Officers considered it was important the boundaries were retained to ensure future development, (including amendments to existing permits and new permits) respect the heritage significance of the precinct.

(iv) Discussion

The Panel agrees with Council that 709 and 711-713 Toorak Road are not contributory to the Kooyong Precinct.

Of the twenty properties in the precinct along Toorak Road, nine are categorised as non-contributory. This includes a run of six non-contributory properties between Moralla Road and Elizabeth Street. While this stretch of Toorak Road may have once been clearly read as part of the Kooyong Precinct, this is no longer the case.

Longstanding boundaries are only relevant if the buildings in the boundaries remain static. Since the boundaries were first identified, original buildings have been demolished and replaced. The precinct boundaries should be adjusted in response to these changing circumstances.

Based on the information before it, the Panel is satisfied contiguous non-contributory properties along Toorak Road should be removed from the precinct. These are:

- 709 Toorak Road
- 711-713 Toorak Road
- 29 Monaro Road
- 717 Toorak Road.

There are other non-contributory properties located at the edge of the precinct that may warrant removal for the same reasons. These are:

- 428 Glenferrie Road
- 430 Glenferrie Road
- 93-95 Talbot Crescent
- southern end of Talbot Crescent road reserve.

The Panel did not seek or receive submissions on these properties, so it has not concluded or recommended that they be removed from the Kooyong Precinct as part of this Amendment. However, Council should review the edge conditions of the Kooyong Precinct to promptly remove non-contributory properties.

(v) Conclusions and recommendation

The Panel concludes:

- The longstanding precinct boundaries should be reviewed when there is a substantial change to building stock within the precinct.
- 709, 711-713 and 717 Toorak Road and 29 Monaro Road form part of a contiguous row of non-contributory properties that should be removed from the Kooyong Precinct.
- Further work is required to refine the Kooyong Precinct boundaries at its edges as part of a separate amendment.

The Panel recommends:

Amend the Heritage Overlay map and the Statement of Significance for the Kooyong Precinct (HO181) to remove properties at 709, 711-713 and 717 Toorak Road and 29 Monaro Road.

9 Canterbury Road Precinct (HO748)

Exhibited Statement of Significance



What is significant?

The Canterbury Road Precinct, comprising a group of freestanding Victorian cottages on Canterbury Road, Toorak, is significant.

The precinct is wholly characterised by contributory graded buildings.

Character elements that contribute to the significance of the precinct include:

- The distinctive pattern of the 1882 subdivision of Poynton Estate and subsequent development created by the cohesive group of Victorian era buildings;
- A high degree of intactness arising from the same construction period and absence of modern infill;
- The regularity and harmony of the single-storey, freestanding Victorian era cottages characterised by modest built forms, hipped roofs, single and double fronted façades, raised portico entrances, bracketed eaves, timber sash windows, rendered walls and open face dichromatic brickwork;
- The uniformity of allotments, siting, setbacks and building heights across the precinct;
- Cast iron lacework, balustrade and bullnosed awnings at 4-8 Canterbury Road, Toorak;
- Cast iron palisade fencing with decorative cast iron posts at 4 Canterbury Road, Toorak.

Later alterations and additions to the properties are not significant.

How is it significant?

The Canterbury Road Precinct is of local historical and aesthetic significance to the City of Stonnington.

Why is it significant?

The Canterbury Road Precinct is of historical significance as a small pocket of cottages that were developed within a short period of time as investment properties following the 1882 subdivision of Poynton Estate, which precipitated the area's shift from sparsely developed paddocks and mansion estates to a suburban upper-middle class enclave. The dwellings were developed during an important phase for Toorak, being the land boom of the 1880s that saw a period of land speculation, rapid subdivision and development. This group of houses therefore forms a tangible link to this period of development. **(Criterion A)**

The Canterbury Road Precinct is of local aesthetic significance as an intact and visually cohesive collection of single-storey freestanding Victorian cottages. The buildings retain a high level of integrity as a group and demonstrate stylistic cohesion through uniformity in built form, materials, detailing, ornamentation, fenestration, allotment sizes, setbacks and height. The formal entrance porticos at 10-16 Canterbury Road are also of particular note as a unique feature for this era, distinguishing it from other Victorian era building stock. Combined, these elements create a harmonious and attractive collection of buildings that are free from modern infill within the curtilage. **(Criterion E)**

(i) Background

The properties at 4, 6 and 8 Canterbury Road, Toorak form part of the Canterbury Road Precinct (HO748). This is a proposed new precinct, and all the properties are categorised as contributory.

Figure 19 4 Canterbury Road, Toorak



Source: D18

Figure 20 6 Canterbury Road, Toorak



Source: D18

Figure 21 8 Canterbury Road, Toorak



Source: D18

(ii) The issue

The issue is whether the Statement of Significance for the Canterbury Road Precinct is appropriate.

(iii) Evidence and submissions

Submitters for 4, 6 and 8 Canterbury Road did not object to applying the Heritage Overlay to these properties. They submitted there were a range of inaccuracies or omissions in the heritage citation which should be corrected. These included matters relating to the:

- labelling of photographs
- description of the properties in the 'Physical Analysis' section
- inclusion of further alterations and additions to the properties
- other minor typographical errors.

The submitters wanted to ensure that non-contributory fabric was comprehensively identified.

A submitter noted the Statement of Significance describes the *"cast iron palisade fencing with decorative cast iron posts at 4 Canterbury Road, Toorak"* as significant. The submitter stated a 'police incident' involving an alleged speeding car hitting the fence resulted in *"significant damage to the south-west section of the fence"*. The fence was in the process of being repaired.

Council submitted that the citation should be amended to address the issues raised by the submitters, consistent with its resolution of 5 June 2023.

Ms Bashta supported the minor changes to the citation suggested by the submitters and endorsed by Council. She recommended an additional minor change to the citation, but did not propose any consequential changes to the Statement of Significance. Council supported this additional minor change.

Ms Schmeder supported the changes to the citation proposed by Council and Ms Bashta.

In response to the proposed modifications to the citation, a submitter advised:

In light of the document circulated by Council on 25 July 2023 entitled 'Recommended changes to Amendment C320ston for purposes of Council's Advocacy position before the Panel – 24 July 2023', and the evidence given by Ms Bashta on 25 July, we no longer need to be heard further by the Panel.

We accept Council's proposal to amend the citation in accordance with the changes shown in Attachment 2 to the officer report of 5 June 2023, with the additional changes shown in Appendix B to Ms Bashta's evidence report to note removal of the northern chimney at 6 Canterbury Road.¹¹

(iv) Discussion

The issues raised by submitters have no material impact on the Amendment. The Panel notes that although the minor corrections and additions to the citation help to improve the clarity of some matters, the citation is a Background Document, and it does not form part of the Planning Scheme. The Statement of Significance forms part of the Planning Scheme and it carries more weight than a Background Document. It is a matter for Council to update the citation for the precinct in accordance with the changes it has supported before finalising the Amendment.

The front fence at 4 Canterbury Road is largely intact. A small section of the southern portion of the fence, including the gates, appear to have been repaired in materials and style that matches the original fence. Reference to the front fence at 4 Canterbury Road in the Statement of Significance is appropriate.

¹¹ D78

Under the heading 'What is significant?' the Statement of Significance notes "*Later alterations and additions to the properties are not significant*". The Panel is satisfied that this is sufficient to describe the building fabric that is not significant to the place. It is beyond the usual scope of a Statement of Significance to identify every non-contributory element in detail, particularly for a precinct. It would be cumbersome and resource intensive to continually update a Statement of Significance to list building changes that might occur over time.

Listing non-significant fabric, including alterations and additions, in a Statement of Significance does not exempt the need for a planning permit under the Heritage Overlay.

(v) Conclusion

The Panel concludes the Statement of Significance for the Canterbury Road Precinct (HO748) is appropriate.

10 Glenferrie Road Precinct (HO749)

Exhibited Statement of Significance



What is significant?

The Glenferrie Road Precinct, comprising four two-storey Interwar Old English residences on Glenferrie Road, Malvern, is significant.

The precinct is characterised by contributory graded buildings.

Character elements that contribute to the significance of the precinct include:

- The generous allotments and the subdivision pattern established by the 1932 subdivision of Doona Estate;
- The regularity and harmony of the four two-storey Interwar Old English residences characterised by projecting gables, complex hipped and gable roofs clad with terracotta Marseilles tiles, timber framed sash windows, expressed brick motifs and tall profiled chimneys;
- A high degree of integrity overall arising from the absence of modern infill;
- The uniformity of setbacks, siting, allotment sizes and building heights;
- A garden estate character established by well-maintained garden settings; and
- Original brick boundary fences with timber gates fronting Glenferrie Road.

Later alterations and additions to the properties are not significant.

How is it significant?

The Glenferrie Road Precinct is of local historical and aesthetic significance to the City of Stonnington.

Why is it significant?

The Glenferrie Road Precinct is of historical significance as a collection of residences that were developed at the same time following the 1932 subdivision of Victorian era mansion Doona Estate, which saw the creation of generous allotments with frontages to Glenferrie Road, Stonnington Place, Church Street and Cross Street. The dwellings at 371-375 Glenferrie Road, and possibly 369 Glenferrie Road, were designed and built by Percy Copy & Son, a partnership between Percy Neville Cope and Clifford Neville Cope who were responsible for the construction of numerous domestic residences across Malvern. The precinct represents part of the wider pattern of rapid subdivision and development that was unfolding across the municipality during the 1920s and 1930s and forms a tangible link to the interwar urban character changes taking place in Malvern more broadly. **(Criterion A)**

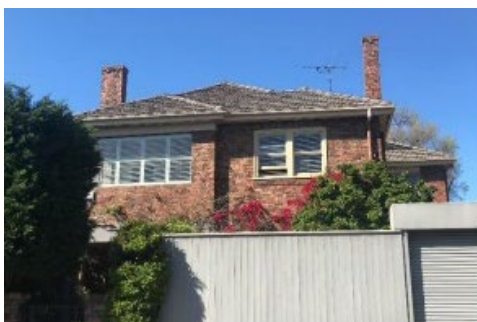
The Glenferrie Road Precinct is of aesthetic significance as a cohesive group of Interwar Old English residences. Although the individual buildings are not without alterations, they retain a high level of integrity as a group and demonstrate stylistic cohesion through uniformity in built form, materials, detailing, fenestration, heights, setbacks, sitting and allotment sizes. This is partially due to their construction during the same period and primarily by the same company, being Percy Copy & Son. Its unified character is also further enhanced by the original front boundary fences, which are predominantly composed of open face brick and timber. Combined, these elements create a harmonious and attractive group of buildings along a main thoroughfare that is free from modern development. **(Criterion E)**

10.1 375 Glenferrie Road, Malvern

(i) Background

The property at 375 Glenferrie Road, Malvern forms part of the Glenferrie Road Precinct (HO749) which has been identified as having historical (Criterion A) and aesthetic (Criterion E) significance. This is a proposed new precinct and all of the properties are categorised as contributory to the precinct.

Figure 22 375 Glenferrie Road, Malvern



Source: D31

(ii) The issues

The issues are whether the:

- property at 375 Glenferrie Road is of local heritage significance
- Statement of Significance is appropriate.

(iii) Evidence and submissions

The owner originally submitted:

- the Heritage Review provides insufficient justification for the heritage protection of 375 Glenferrie Road
- the building has been substantially altered from its original form
- the application of a 'blanket' approach to sites within a precinct fails to proportionately guide future renewal
- heritage protection should be focused on presentation to the street, however the design guidance contained in Clause 22.04 will necessarily result in a burden or impaired built form restriction to the rear of the dwelling.

At the Hearing, the owner did not object to applying the Heritage Overlay to 375 Glenferrie Road. The principal concerns were:

- the Statement of Significance does not properly differentiate the subject site from others in the precinct
- the corner location is unique in the precinct and there is insufficient guidance regarding future development
- the application of heritage policy warrants further comment and clarity within the Amendment documentation.

In particular, the submitter said that Stonnington Place should be differentiated from the main thoroughfare of Glenferrie Road, particularly at the transition of the original brick fence to the wood fence and garage at the rear of the site. The submitter sought "*refinements to the Statement of Significance and citations, and proper articulation of 375 Glenferrie Road as it relates to the identified precinct*" but did not provide specific wording for either the Statement of Significance or citation.

The submitter wanted greater clarity regarding the application of the Heritage Design Guidelines referred to in Clause 15.03-1L, particularly having regard to development on corner lots.

Ms Bashta noted 375 Glenferrie Road has undergone several alterations including:

- the loss of window louvre shutters along the facade
- window replacements to the ground floor of the facade and upper floor of the northern elevation
- the front fence has been altered with the original splayed pedestrian gate removed and replaced by a solid panel
- entry to the property is now through Stonnington Place
- alterations and additions to the north-western corner and western (rear) elevation of the property, including an early 1933 rear addition by builder Percy Cope, rendered brickwork, the addition of fixed windows to the ground floor, an awning addition and re-landscaping to the rear yard.

Ms Bashta noted the complete list of alterations and additions were not recorded in the citation and she recommended that it be updated. She recommended a minor typographical correction to the spelling of the architect/builder of the property in the Statement of Significance from 'Percy Copy & Son' to 'Percy Cope & Son'.

Ms Bashta concluded:

While 375 Glenferrie Road, Malvern has undergone some alterations, these are relatively minor and it retains its overall built form, materials and brickwork detailing, which are

identified as contributory elements to the Glenferrie Road Precinct. It is therefore still regarded as contributory to the identified built form attributes and significance of the proposed Glenferrie Road Precinct.¹²

Ms Schmeder stated that although the dwelling has had a range of alterations, the overall intactness of the house is sufficient for it to contribute to the significance of the precinct. She noted that the houses at 371 and 373 are appropriately described as 'Inter-war Old English' because they display key characteristics of the style such as vergeless gables and Tudor arches. In her opinion, the houses at 369 and 375 Glenferrie Road have very few Old English features and were better described as Georgian Revival in character.

Ms Schmeder said that Old English and Georgian Revival were both inter-war styles and it was common for both styles to share some characteristics. She said the houses at 369 and 375 Glenferrie Road clearly contribute to the precinct as their overall built form (size, setbacks, materials, front fence) is in keeping with the rest of the precinct and is strengthened by the common historical link (the same designer-builder).

Ms Schmeder noted the Statement of Significance identified the 'original brick boundary fences with timber gates fronting Glenferrie Road' as character elements that contribute to the significance of the precinct. In response to this issue, she said:

- the front fences for 373 and 375 were 'definitely' original
- the front fence at 371 Glenferrie Road is sympathetic but clearly made of new materials and it is higher than shown in the 1930s photos (at the end of the precinct citation)
- the front fence of No. 369 is also markedly higher than the others and may also be rebuilt (though this is not clear from the historic photos).

Ms Schmeder concluded:

- the Statement of Significance (and citation) should be revised to:
 - describe the houses at 369 and 375 Glenferrie Road as Georgian Revival and the houses at 371 and 373 Glenferrie Road as Old English
 - note that front fences to 373 and 375 Glenferrie Road are original
- the precinct citation should be updated to note that 369 and 371 Glenferrie Road have only been overpainted (not re-rendered) and the first floor balcony of 369 Glenferrie Road has been infilled.

In response to questions from Submitter 19, Ms Bashta did not object to updating the Statement of Significance to differentiate the inter-war styles and said this would not alter the significance of the place in general or the application of Criterion E.

Council acknowledged the benefit of Ms Schmeder's recommendation to identify the stylistic differences by adding references to Georgian Revival in the Statement of Significance (and citation) but noted this specific change was not the subject of a resolution by Council and has not fallen within the Council officer's assessment of a 'minor change'. It said if this change was made to the Statement of Significance there would be no implications for applying Criterion E to this precinct.

Ms Bashta and Ms Schmeder both agreed that matters relating to the Heritage Design Guidelines were beyond the scope of the Amendment.

¹² D17, para 80

Council submitted that 375 Glenferrie Road is one example of many in Stonnington of a corner property in a precinct Heritage Overlay and the application of heritage policy is not a matter for consideration as part of the Amendment.

(iv) Discussion

The Panel considers it is appropriate to include 375 Glenferrie Road in the Glenferrie Road Precinct (HO749). Although the property has been subject to some alterations and additions, sufficient original fabric remains to justify the application of Criterion E (aesthetic significance). The Statement of Significance identifies that later alterations and additions to the property are not significant. This is appropriate. Ultimately, the submitter did not object to applying HO749 to the property.

The Panel agrees with Ms Schmeder that the styles of the dwellings in the precinct should be differentiated. The houses at 371 and 373 Glenferrie Road are appropriately referenced in the Statement of Significance as Old English, however the houses at 369 and 375 Glenferrie Road should be correctly identified as Georgian Revival. The Statement of Significance should be modified accordingly. The Panel does not consider this materially impacts the significance of 369 and 375 Glenferrie Road or the precinct as a whole.

The front fences at 369 and 371 Glenferrie Road are not original. In addition, the front timber gate at 375 Glenferrie Road has been replaced with a solid panel (and pedestrian entry at this point is no longer possible). The only original brick boundary fence and timber gate is at 373 Glenferrie Road. On this basis, the Panel does not consider it is appropriate for the Statement of Significance to state 'original brick boundary fences with timber gates fronting Glenferrie Road' are character elements that contribute to the significance of the precinct.

The Panel has considered limiting the exhibited fence and gate description in the Statement of Significance to 373 Glenferrie Road, however the deletion of three properties (out of four in total) diminishes the importance of the element to the character of the precinct. It follows that references to the original front boundary fences in Criterion E should also be deleted.

The name of the architect/builder should be corrected to state 'Percy Cope & Son'.

The Panel considers the corner location of 375 Glenferrie Road is not relevant when assessing the heritage significance of the place. The application of the Heritage Design Guidelines to this or any other corner lot is also not a matter that is relevant to this Amendment. These are matters for consideration at the time of a specific planning permit application for the development of the site. The Amendment is focussed on the consideration of heritage significance.

It is a matter for Council to determine whether the Heritage Design Guidelines should be modified. It is not a matter for the Panel.

(v) Conclusions and recommendations

The Panel concludes:

- It is appropriate to include 375 Glenferrie Road in the Glenferrie Road Precinct (HO749).
- The Statement of Significance should be modified to:
 - differentiate the houses at 369 and 375 Glenferrie Road as Georgian Revival in character

- delete reference to original brick boundary fences with timber gates fronting Glenferrie Road as character elements that contribute to the significance of the precinct
- delete reference to the original front boundary fences in Criterion E
- correct the spelling of the architect/builder to 'Percy Cope & Son'.
- The corner location of 375 Glenferrie Road is not a relevant consideration when assessing the heritage significance of the place.
- The application of the Heritage Design Guidelines is not a matter that is relevant to this Amendment.

The Panel recommends:

Amend the Statement of Significance for the Glenferrie Road Precinct (HO749) as shown in the Panel preferred version in Appendix H3 to:

a) Under 'What is significant?':

- Describe the "... Glenferrie Road Precinct comprising four two-storey Inter-war Old English and Georgian Revival residences ..."
- Delete the words "Original brick boundary fences with timber gates fronting Glenferrie Road"

b) Under 'Why is it significant?':

- In Criteria A and E correct the spelling of the architect /builder to "Percy Cope & Son"
- In Criterion E describe the precinct "... as a cohesive group of Inter-war Old English (371 and 373 Glenferrie Road) and Georgian Revival (369 and 375 Glenferrie Road) residences"
- In Criterion E delete "Its unified character is also further enhanced by the original front boundary fences, which are predominantly composed of open face brick and timber".

11 Williams Road Terraces Precinct (H0751)

Exhibited Statement of Significance



What is significant?

The Williams Road Terraces Precinct, comprising six two-storey Victorian Italianate terraces on Williams Road, Toorak, is significant.

The precinct is wholly characterised by contributory graded buildings.

Character elements that contribute to the significance of the precinct include:

- The distinctive pattern of the late 19th century subdivision;
- A high degree of intactness of the Victorian Italianate terraces arising from two close periods of construction and absence of modern infill;
- The regularity and harmony of the terrace group, characterised by hipped roofs with corbelled brick and render chimneys concealed by elaborately ornamented parapets finished with a smooth stucco render, open upper level balconies, filigree iron lacework, timber framed sash windows with expressive windowsill and lintel, and moulded ornaments;
- The uniformity of setbacks, allotment sizes and building heights; and
- Predominance of period appropriate low cast iron palisade fencing.

Later alterations and additions to the properties are not significant.

How is it significant?

The Williams Road Terraces Precinct is of local historical and aesthetic significance to the City of Stonnington.

Why is it significant?

The Williams Road Terraces Precinct is of local historical significance as a group of residential terraces that were developed in two stages as investment properties following the 1886 subdivision of Woodside Estate, which precipitated the area's shift from sparsely developed land to a suburban upper-middle class enclave. The dwellings were developed during an important phase whereby the land boom of the 1880s that saw a period of land speculation, rapid subdivision and development. The terrace group thus forms a tangible link to this period of development. **(Criterion A)**

The Williams Road Terraces Precinct is of local aesthetic significance as a visually cohesive row of semi-detached boom era Victorian Italianate terraces. Minor alterations aside, the buildings retain a high level of integrity as a group and demonstrate stylistic cohesion through uniformity in built form, materials, ornamentation, fenestration, fencing, setbacks and height. **(Criterion E)**

11.1 246 and 248 Williams Road, Toorak

(i) Background

The properties at 246 and 248 Williams Road, Toorak form part of the Williams Road Terraces Precinct (H0751). This is a proposed new precinct, and all the properties are categorised as contributory to the precinct.

Figure 23 246 and 248 Williams Road, Toorak



Source: D18

(ii) The issue

The issue is whether the Williams Road Terraces Precinct should include 246-248 Williams Road, Toorak.

(iii) Evidence and submissions

A submitter supported the Williams Road Terraces Precinct.

The owners of 246 and 248 Williams Road stated there was insufficient justification for including the properties the precinct because:

- they were built after the other properties in the precinct and does not share a party wall with the remainder of the properties
- the properties have been subject to alterations

- other similar buildings in the street have not been identified for inclusion in the Heritage Overlay due to neglect resulting in a situation whereby owners are penalised for appropriately maintaining properties
- the heritage significance of the buildings is undermined by modern development in the area.

Council submitted the identification of the 246 and 248 Williams Road as contributory to the Williams Road Terraces Precinct was appropriate.

Ms Bashta gave evidence that 246 and 248 Williams Road were constructed approximately one year after 238-244 Williams Road. She considered:

- the later construction date as well as minor differences in detailing to the remainder of the precinct does not preclude them from being contributory properties
- the properties are consistent with the citation which recognises the association with terrace development during the boom era, as well as its visual cohesiveness and demonstration of Victorian Italianate features
- the properties generally retain their built form, materials, composition and detailing, and are therefore contributory to the built form attributes and significance of the precinct.

Ms Bashta noted the Victorian and Federation era building stock adjacent to Williams Road Terraces Precinct was reviewed during fieldwork and determined to lack the degree of intactness and cohesiveness demonstrated in the Williams Road Terraces Precinct.

(iv) Discussion

The Panel is satisfied that Williams Road terraces form a cohesive row of terraces from a period of importance to the development of Stonnington. The form, materials and detailing of the building at 246 and 248 Williams Road are substantially intact. The Panel agrees with Council and Ms Basta that these buildings should be categorised as contributory and retained in the precinct as exhibited.

(v) Conclusion

The Panel concludes 246 and 248 Williams Road, Toorak are contributory to the Williams Road Terraces Precinct.

12 Lambert Road Precinct (HO752)

Exhibited Statement of Significance



What is significant?

The Lambert Road Precinct, comprising a group of Edwardian and Federation style dwellings on Lambert Road, Baxter Street, Orrong Road and Mandeville Crescent, is locally significant.

The precinct is primarily characterised by contributory graded buildings and four non-contributory buildings.

Character elements that contribute to the significance of the precinct include:

- The distinctive pattern of the 1902, 1907 and 1909 subdivisions and subsequent development created by groups of Edwardian and Federation era buildings;
- A relatively high degree of intactness arising from the similar construction period and absence of modern infill within the curtilage;
- The regularity and harmony of the single-storey Edwardian and Federation era houses primarily characterised by a combination of single, double and triple open gable forms, open face red brick, front-facing gable ends with half-timber or shingled clad wall detail, bay windows, terracotta Marseilles or slate tiled hipped roofs with crested terracotta ridge capping and finials, front verandahs with timber posts and fretwork timber brackets and valance, brick chimneys – some with terracotta pots, and timber framed sash or casement windows – some with original leadlight glass;
- The relative uniformity of allotments, siting and building heights across the precinct; and
- The retention of some original and sympathetic brick, open face brick, and timber picket and palisade fencing.

Later alterations and additions to the properties are not significant.

How is it significant?

The Lambert Road Precinct is of local historical and aesthetic significance to the City of Stonnington.

Why is it significant?

The Lambert Road Precinct is historically significant as a collection of Edwardian and Federation era houses that were developed following the 1902 subdivision of Mandeville Hall, the 1907 subdivision of Mar Lodge Estate and the 1909 subdivision of Miegunyah Estate respectively, which resumed the initial 1880s land boom urban character changes that precipitated the area's shift from sparsely developed paddocks and mansion estates to a suburban upper-middle class enclave. This group of dwellings were developed during an important phase, being the economic recovery in the early twentieth century after the 1890s recession. The residential area therefore forms a tangible link to this period of development. **(Criterion A)**

The Lambert Road Precinct is aesthetically significant as a visually cohesive area characterised by single-storey Edwardian and Federation era dwellings. The buildings retain a moderate degree of integrity as a group and demonstrate stylistic cohesion through consistency in built form, materials, fenestration, detailing, heights, allotment sizes and setbacks. Its unified character is further enhanced by the retention of original and sympathetic brick and timber fences. Combined, these elements create a harmonious and attractive collection of buildings that are relatively free from modern development within the curtilage. **(Criterion E)**

12.1 7 and 9 Baxter Street, Toorak

(i) Background

7 and 9 Baxter Street, Toorak are a semi detached pair of houses and both properties are proposed to be categorised as contributory to the Lambert Road Precinct.

Figure 24 7 and 9 Baxter Street, Toorak



Source: D31

(ii) The issue

The issue is whether it is appropriate to include 7 and 9 Baxter Street in the Lambert Road Precinct (HO572) and categorise them as contributory.

(iii) Evidence and submissions

A submitter stated:

- the Heritage Review provides insufficient justification for applying the Heritage Overlay
- considerable development has occurred in and around the proposed Lambert Street Precinct which undermines the significance of the area
- the rear garage at the northern end of the street and the fire hydrant detract from the Baxter Street streetscape
- the buildings at 7 and 9 Baxter Street have been modified and do not have heritage value.

Ms Bashta said the contemporary development identified by the submitter is not relevant to the significance of the Lambert Road Precinct. While 7 and 9 Baxter Street have undergone some alterations, they retain their overall built form, materials and brickwork detailing. They are therefore still regarded as contributory to the built form attributes and significance of the proposed Lambert Road Precinct.

Ms Schmeder acknowledged there have been some unsympathetic alterations to this semi detached pair of houses, including the concrete floors to their front verandahs, which may be a change from an original tiled finish. She noted although 7 Baxter Street has lost its timber verandah posts and the brick quoining around the front window has been covered with a render surround, it would be relatively simple to restore the front verandah by copying the original posts from 9 Baxter Street (if desired). The change to the window may not be reversible.

Ms Schmeder concluded 7 Baxter Street is still clearly recognisable as an Edwardian era dwelling, and it features interesting-patterned face brickwork, roughcast gable apex, tiled roof with terracotta finial, original porch roof, original front window, and chimney with a tapered cap and chimney pots. In her opinion, its contribution to the precinct was strengthened as part of a semi detached pair.

Council agreed with the evidence of Ms Bashta and Ms Schmeder and submitted 7 and 9 Baxter Street were contributory to the precinct.

(iv) Discussion

The Panel agrees with Council and the expert evidence that 7 and 9 Baxter Street are of local heritage significance and should form part of the Lambert Road Precinct. Although the properties have been modified, there is sufficient fabric to demonstrate they are clearly Edwardian and they are consistent with the heritage values described in the Statement of Significance. It is appropriate the properties are categorised as contributory to the precinct having regard to the alternations that have been made to the dwellings.

(v) Conclusion

The Panel concludes it is appropriate to include 7 and 9 Baxter Street in the Lambert Road Precinct (HO572) and to categorise both dwellings as contributory.

12.2 1, 2, 3 and 3A Lambert Road, Toorak

(i) Background

The properties at 1, 3 and 3A adjoin each other. 1 Lambert Road is on the corner of Canterbury Road. As exhibited in the Lambert Road Precinct Statement of Significance, they are categorised as:

- 1 Lambert Road – contributory
- 3 Lambert Road – non-contributory
- 3A Lambert Road – non-contributory.

2 Lambert Road is opposite the properties at 1 – 3A Lambert Road and is categorised as contributory.

Figure 25 1, 3 and 3A Lambert Road, Toorak

Source: Panel

Figure 26 2 Lambert Road, Toorak

Source: Panel

(ii) The issue

The issue is whether it is appropriate to include 1, 2, 3 and 3A Lambert Road in the Lambert Road Precinct (HO752).

(iii) Evidence and submissions

The owner of 3 Lambert Road objected to the Heritage Overlay being applied to the property because:

- 1 Lambert Road has recently been redeveloped with a modern two storey dwelling and should be removed from the precinct
- if 1 Lambert Road is removed from the precinct then 3 and 3A Lambert Road should also be removed because they are non-contributory properties and there is no merit in including these properties in the precinct.

Ms Bashta said due to the demolition of 1 Lambert Road, the properties at 1, 3 and 3A no longer contribute to the precinct. She recommended the precinct boundary be modified to delete these properties from HO752.

Ms Bashta noted that with the removal of 1, 3 and 3A Lambert Road from HO752, 2 Lambert Road is “*an isolated siting within the precinct*” and it no longer contributes to the precinct. She recommended that 2 Lambert Road also be deleted from the precinct.

No submission was made from the owner or occupier of 2 Lambert Road, nor do any other submissions about the Lambert Road Precinct suggest that 2 Lambert Road should be removed from the precinct.

Ms Schmeder said the demolition of 1 Lambert Road meant there were three non-contributory properties at the edge of the precinct (1, 3 and 3A Lambert Road). She noted:

As this precinct only contains the most intact parts of Lambert Road, applying that same approach would dictate that 1-3A Lambert Road should be removed from the precinct.

This would have a possible negative impact on the Contributory house at 2 Lambert Road, which would be entirely separated from the rest of the precinct. That said, No. 2 contains a fine and highly intact Federation villa, so in my professional opinion there is still a strong rationale to keep it within the precinct.¹³

Consistent with its resolution of 5 June 2023, Council submitted:

- 1, 3 and 3A Lambert Road should be deleted from HO752
- 2 Lambert Road should be retained in HO752 as a contributory property.

¹³ D18, page 98

(iv) Discussion

The Panel agrees that 1 Lambert Road should be recategorised from contributory to non-contributory because since the original house was demolished, there has been no heritage fabric on the property. This means there are three non-contributory properties at the western end of Lambert Road. In these circumstances, it is appropriate to delete 1, 3 and 3A from the Lambert Road Precinct because they do not contribute to the significance of the precinct.

Although removing 1-3A Lambert Road results in some separation of 2 Lambert Road from the balance of the precinct, the Panel considers it is still visually connected to the contributory properties to the northeast in Lambert Road. On this basis, it is appropriate to retain 2 Lambert Road in the precinct.

(v) Conclusions and recommendation

The Panel concludes:

- The properties at 1, 3 and 3A Lambert Road should be deleted from HO752 because they are at the western edge and non-contributory to the Lambert Road Precinct.
- 2 Lambert Road should remain in the Lambert Road Precinct because it contributes to the significance of the precinct.

The Panel recommends:

Amend the Heritage Overlay map and the Statement of Significance for the Lambert Road Precinct (HO752) to delete 1, 3 and 3A Lambert Road.

12.3 9 Lambert Road, Toorak**(i) Background**

The property at 9 Lambert Road, Toorak forms part of a semi detached pair of houses (with 7 Lambert Road to the west) and is categorised as contributory in the Lambert Road Precinct.

On 25 November 2022 an interim Heritage Overlay was applied to the Lambert Road Precinct (HO717) by Amendment C319. On 8 February 2023, the Minister for Planning (under delegation) approved Amendment C329ston to delete HO717 from 9 Lambert Road.

Figure 27 9 Lambert Road, Toorak



Source: D31

(ii) The issue

The issue is whether it is appropriate to include 9 Lambert Road in the Lambert Road Precinct (HO752) as a contributory property.

(iii) Evidence and submissions

The owner of 9 Lambert Road stated the property should be excluded from HO752 because:

- there is an existing planning permit to demolish and redevelop the site for a new two-storey dwelling
- the Minister for Planning excluded the property from the interim Heritage Overlay (HO717) because it would be “... *undermining landowners ability to act on extant permits through introducing additional permit requirements retrospectively*”.
- it contradicts the objectives of planning for Victoria including section 4(1)(a) of the PE Act
- there are gaps and factual inaccuracies in the Hercon assessment for the precinct
- there are inconsistencies in the treatment of properties included the precinct.

Ms Bashta’s evidence was:

While a live permit exists for the subject site, at the time of writing the existing building is extant. This building currently retains the characteristics and elements that define contributory buildings to the precinct and in this context the contributory grading remains appropriate until such time that the building may be demolished under the existing permit. It is not appropriate, from a heritage perspective, to amend the grading while the building remains intact.

It is noted that even in the event that the building is demolished, the buildings to the east at 5 and 7 Lambert Road would continue to be considered contributory to the precinct and it would be appropriate to retain the subject site within the curtilage of the proposed HO precinct, albeit with a non-contributory grading.¹⁴

Ms Schmeder said the semi detached houses at 7 and 9 Lambert Road are single-fronted brick dwellings each with a half-timbered front gable, casement windows in a segmentally arched opening, and a four-panelled front door in a tiny porch alcove. They share a slate-clad hipped roof with terracotta ridge capping, each with a corbelled brick chimney. She said 7 Lambert Road is more intact, with the only alteration being overpainting of the face brick and renewal of the roof slates. The brickwork at 9 Lambert Road has been rendered (which is harder to reverse than paint) and the roughcast render to the half-timbered gable has been covered by smooth render.

Despite the alterations to 9 Lambert Road, in Ms Schmeder’s opinion, it forms part of a clearly Edwardian era semi-detached pair with many of their shared features reflected in the Statement of Significance. She said 9 Lambert Road is clearly contributory to the precinct, noting that if it was demolished then it would become non-contributory.

Council supported the application of HO752 to 9 Lambert Road. It said:

Consistent with established principle there is no existing use right to develop this property in accordance with the permit and the permit does not create an accrued right in relation to the Heritage Overlay. If the redevelopment of this site has not commenced or is not complete before the introduction of a Heritage Overlay, ... the owner is likely to require a planning permit for demolition and works under the Heritage Overlay. That application would be assessed by reference to the policy for demolition and new buildings in the Heritage Overlay.

Consistent with established principle (set out in Council’s Part B submission), the assessment of the contribution this property makes to the proposed precinct is undertaken independent of the existence of any permit and proceeds on the basis that if the permit is not acted upon, then the contribution of the property to the precinct remains and should be protected. At present, the building on the property is extant and hence contributes to the precinct.¹⁵

¹⁴ D17, paras 72-73

¹⁵ D79, para 66-67

(iv) Discussion

The Panel considers it is appropriate to include 9 Lambert Road in HO752. The Heritage Review provides a sound justification for the inclusion of the property in the precinct and this was supported by Ms Bashta and Ms Schmeder.

The proposed Lambert Road Precinct has been identified as meeting Hercon Criteria A and E as a consistent Federation/Edwardian era precinct created through a series of subdivisions in the early twentieth century. Although there are several later developments within Lambert Road, most notably the post-war apartments on the south-western side of the street and contemporary townhouse development on the north-eastern corner, these properties are excluded from the precinct curtilage and do not significantly detract from the character of the precinct.

The Panel acknowledges 9 Lambert Road has been modified, however there is sufficient fabric to demonstrate it is Edwardian and it is consistent with the heritage values described in the Statement of Significance. It is appropriate to categorise the property as contributory to the precinct having regard to the alternations that have been made to the dwelling.

The existing permit for the total demolition of the dwelling and the construction of a new dwelling is not a relevant consideration in the assessment of the heritage significance of the place. The Amendment appropriately considers the heritage significance of 9 Lambert Road independent of any existing permit for the site for the reasons explained in Chapter 3.5.

The exclusion of the property from interim heritage controls is a separate matter to the assessment of permanent heritage controls for the place.

(v) Conclusion

The Panel concludes it is appropriate to include 9 Lambert Road in the Lambert Road Precinct (HO752) and to categorise the property as contributory.

12.4 13 Lambert Road, Toorak**(i) Background**

The property at 13 Lambert Road is categorised as contributory in the Lambert Road Precinct Statement of Significance.

Figure 28 13 Lambert Road, Toorak



Source: D18

(ii) The issue

The issue is whether it is appropriate to include 13 Lambert Road in the Lambert Road Precinct (HO752) as a contributory property.

(iii) Evidence and submissions

The owner of 13 Lambert Road objected to the Heritage Overlay being applied to the property because *“the heritage value of the architecture is ... questionable”* and the area has been subject to redevelopment including flats, apartments and box dwellings such that *“the horse has already bolted a long time ago”*.

Ms Bashta said the proposed Lambert Road Precinct comprises a group of intact and consistent Edwardian and Federation style dwellings along Lambert Road, Baxter Street, Orrong Road and Mandeville Crescent. She said contemporary flat development is concentrated along the eastern end of Lambert Road and does not form part of the proposed Lambert Road Precinct. In her opinion they were not considered disruptive to the streetscape rhythm and visual congruity of the precinct overall due to their contained character and exclusion from the precinct.

Ms Schmeder said there are some very fine Federation villas scattered around the proposed precinct, such as 2, 14, 17, 19 and 20 Lambert Road, as well as cohesive groups of largely intact small and medium houses on Baxter Street, Mandeville Crescent and the east side of Orrong Road.

Ms Schmeder concluded that the high quality of the larger houses scattered throughout the precinct provides a strong rationale for the precinct’s local significance, with the inclusion of their simpler (and often less intact) neighbours. She noted the proposed precinct boundary, which leaves out properties at the north-east and south-west ends of the street, acknowledges the presence of later development much of which is three-storeys in height and out of scale with the single-storey contributory houses.

Council agreed with the evidence of Ms Bashta and Ms Schmeder and submitted 13 Lambert Road was contributory to the precinct.

(iv) Discussion

The Panel agrees with the evidence of Ms Bashta and Ms Schmeder and considers 13 Lambert Road is of local heritage significance and should form part of the Lambert Road Precinct. It is appropriate the property is categorised as contributory to the precinct having regard to the alternations that have been made to the dwelling.

Although the area surrounding the Lambert Road Precinct has been subject to redevelopment, the boundary to the precinct excludes contemporary development which ensures these properties do not significantly detract from the character of the identified precinct. Subject to the modifications recommended in other parts to this chapter, the precinct is sufficiently cohesive to be understood as an area characterised by single storey Edwardian and Federation era dwellings.

(v) Conclusion

The Panel concludes it is appropriate to include 13 Lambert Road in the Lambert Road Precinct (HO752) and to categorise the property as contributory.

12.5 23, 25 and 27 Lambert Road, Toorak**(i) Background**

As exhibited in the Lambert Road Precinct Statement of Significance:

- 23 Lambert Road is categorised as non-contributory

- 25 and 27 Lambert Road are categorised as contributory.

Figure 29 23 Lambert Road, Toorak



Source: D18

Figure 30 27 Lambert Road, Toorak



Source: D18

(ii) The issue

The issue is whether it is appropriate to include 23, 25 and 27 Lambert Road in the Lambert Road Precinct (HO752).

(iii) Evidence and submissions

The owner of 27 Lambert Road considered:

- the house at 27 Lambert Road was built in 1924 during the inter-war era and has incorrectly been identified in the citation as having been constructed during the Federation era
- the house was designed as an Arts and Crafts bungalow and corroborates its construction date
- the house at 25 Lambert Road was also constructed in the inter-war era
- the dwelling at 22 Lambert Road (directly opposite 27 Lambert Road) has been correctly identified as an inter-war era building in the citation and is categorised as non-contributory
- the property at 27 Lambert Road should be categorised as non-contributory or removed from the Lambert Road Precinct because it is on the periphery of the precinct.

Another submitter noted that 23 Lambert Road was assessed in the Heritage Review as non-contributory and said the post war dwelling (built in 1984) should be excluded from the precinct.

Ms Bashta said 25 and 27 Lambert Road should be removed from the Lambert Road Precinct because they are inter-war dwellings on the periphery of the precinct. As a result, she agreed 23 Lambert Road should also be deleted from the precinct.

Ms Schmeder researched the Sands and MacDougall directories and confirmed 25 and 27 Lambert Road were constructed in 1923-1924 and agreed they were inter-war houses. She concluded:

... there is no rationale to retain a contributory grade for 27 Lambert Road (or for No. 25), as Interwar dwellings are purposefully considered non-contributory.

As they are at the edge of the precinct ... in my professional opinion it would then be logical to remove the row of non-contributory properties 23, 25 and 27 Lambert Road from the precinct.¹⁶

Council agreed to delete 23, 25 and 27 Lambert Road from HO752 based on the evidence of Ms Bashta and Ms Schmeder, consistent with the Council resolution on 5 June 2023.

¹⁶ D18, page103

(iv) Discussion

The Panel agrees 25 and 27 Lambert Road do not contain Edwardian or Federation houses. They are inter-war dwellings, which fall outside the era of relevance identified in the Statement of Significance. If retained in the Lambert Road Precinct, both properties should be recategorised as non-contributory. However, if 25 and 27 Lambert are retained in the precinct it would create a series of three non-contributory properties on the eastern edge of the precinct. The Panel considers this is inappropriate because they do not contribute to the significance of the precinct. The Panel agrees 23, 25 and 27 Lambert Road should be deleted from the Lambert Road Precinct.

(v) Conclusion and recommendation

The Panel concludes that 23, 25 and 27 Lambert Road should be deleted from the Lambert Road Precinct (HO752) because they are at the eastern edge and non-contributory to the precinct.

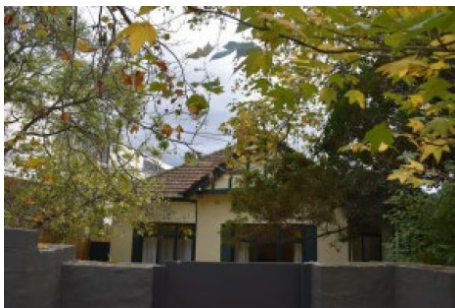
The Panel recommends:

Amend the Heritage Overlay map and the Statement of Significance for the Lambert Road Precinct (HO752) to delete 23, 25 and 27 Lambert Road.

12.6 627 and 629 Orrong Road, Toorak**(i) Background**

The properties at 627 and 629 Orrong Road, Toorak are categorised as contributory in the Lambert Road Precinct Statement of Significance.

Figure 31 627 Orrong Road, Toorak



Source: D18

Figure 32 629 Orrong Road, Toorak



Source: D18

(ii) The issue

The issue is whether it is appropriate to include 627 and 629 Orrong Road in the Lambert Road Precinct (HO752) as contributory properties.

(iii) Evidence and submissions

Submitters considered:

- the properties at 627 and 629 Orrong Road have not been properly assessed in the Heritage Review
- 621, 623, 625, 627 and 629 Orrong Road should not be considered as part of a collection of Edwardian and Federation era houses because they are a “*mishmash of modern architecture and non-Edwardian/Federation style dwellings*”

- removal of the properties from the Lambert Road Precinct would not impact upon the remainder of the precinct because they are on the boundary
- the properties are located near a strategic activity centre and areas identified for housing growth and increased diversity, including student housing
- the precinct does not display a uniformity of building height due to the two storey contemporary building at 625 Orrong Road
- 627 and 629 Orrong Road have had significant alterations, exhibit very few features listed in the Statement of Significance and are not of aesthetic significance
- houses in the precinct fronting Orrong Road are obscured from view by high walls constructed to reduce traffic noise
- the house at 627 Orrong Road is similar to the modern bungalow at 25 Lambert Street, which is proposed to be excluded from the precinct.

Ms Bashta said the consistent development to Orrong Road (and Mandeville Road) provides a 'gateway connection' to Lambert Road and reflects the character and development history of the precinct. She said:

... there are limited examples of intact precincts dating from this era of development within Toorak. While there are individual examples of Federation era housing dotted throughout the suburb, the consolidation of early twentieth century suburban development, which is an important historical theme in the development of the City of Stonnington, is less evident. At the Lambert Road Precinct, the remnant buildings associated with the early twentieth century subdivisions of Victorian mansion estates, demonstrate this important period of development within the municipality within the Toorak context.¹⁷

Ms Bashta's evidence identified elements of 627 Orrong Road that are consistent with the character elements that contribute to the precinct's aesthetic value, including:

- prominent open gable forms
- front facing gable ends with half timbering
- wall shingling
- a bay window with timber framing, triple casement windows
- terracotta tiled roofs
- brick chimneys with chimney pots.

Ms Bashta acknowledged 627 Orrong Road has undergone some alterations, including the overpainting of the original face brick, however considered the alterations did not detract from its contributory character elements.

Ms Schmeder said the house at 627 Orrong Road:

- is clearly an Edwardian era house and was constructed prior to 1915, as confirmed by the Sands and MacDougall directories
- retains its original hipped roof form with brick chimney, and a characteristic plan with a projecting half-timbered gabled bay
- while the brick has been painted, this can be removed should the current or a future owner desire
- the level of external intactness is entirely acceptable for a contributory house.

Ms Bashta acknowledged 629 Orrong Road was altered, however she considered it:

¹⁷ D17, para 33

... retains its legibility as a Federation era property and shares similarities to the other Precinct properties owing to the retention of original built form and some materials as visible from the public domain, including its prominent front facing gable, intersecting gable and hipped roof forms clad with slate tiling and front verandah. As per the citation, these are all character elements that have been noted as contributing to the significance of the proposed Lambert Road Precinct.¹⁸

Ms Bashta considered contributory features included the consistency of its siting and building heights to the remaining properties in the proposed Lambert Road Precinct.

Ms Schmeder said, although the house at 629 Orrong Road had been altered, the intactness of the roof form and northern elevation demonstrates a typical Edwardian form and contributes to the significance of the precinct.

Ms Schmeder agreed the house at 25 Lambert Road shared some features with other Edwardian houses such as a hipped roof and projecting gable, however she said it was built during the inter-war era and has different proportions, finishes and details to the Edwardian houses. She said the house at 25 Lambert has been excluded from the precinct because the inter-war era is not recognised as contributing to the significance of the precinct.

More generally, she said the houses at 627 and 629 Orrong Road were key links between Lambert Road and the east side of Orrong Road which include a long row of Edwardian houses (most by a single designer). In her opinion, there was a strong rationale to retain 627 and 629 Orrong Road in the precinct (and the properties to their south).

(iv) Discussion

The analysis in the Heritage Review and the evidence from Ms Bashta and Ms Schmeder confirm that 627 and 629 Orrong Road are of local heritage significance.

Although the properties have been altered, the key character elements of the precinct, as described in the Statement of Significance, are clearly evident. It is not necessary for every character element to be present on every house in the precinct. The Panel is satisfied there is sufficient fabric on the houses at 627 and 629 Orrong Road to identify them as Edwardian and Federation era houses.

Internal changes to the properties are not relevant to the assessment of the heritage significance of these places. No internal controls are proposed.

As discussed in Chapter 3.2, whether an area has been identified for housing growth or other strategic policy matters are not relevant to the consideration of heritage significance.

With respect to the other properties on the west side of Orrong Road:

- 621 Orrong Road falls outside of the precinct boundary and is therefore not relevant to the consideration of the heritage value of the place
- 623 Orrong Road is a substantially intact Edwardian/Federation era house that demonstrates the key architectural features associated with the Federation era and is appropriately categorised as contributory
- 625 Orrong Road is the only non-contributory property in the precinct that is located on Orrong Road

¹⁸ D17, para 42

- no submissions were made by the owners of 623 or 625 Orrong Road regarding the Amendment.

The Panel considers it is appropriate to include the properties at 623 and 625 Orrong Road in the Lambert Road Precinct. It agrees with the analysis by Ms Bashta and Ms Schmeder that the properties on Orrong Road are important links to the Edwardian and Federation houses in Lambert Road. Removal of 623 to 629 Orrong Road would diminish understanding of the overall precinct.

The Panel does not accept there is any relevant comparison between the house at 629 Orrong Road and the house at 25 Lambert Road. The exclusion of 25 Lambert Road from the precinct is based on further research that established the house was constructed in the inter-war era and therefore was not within the Edwardian or Federation era identified in the Statement of Significance.

(v) Conclusion

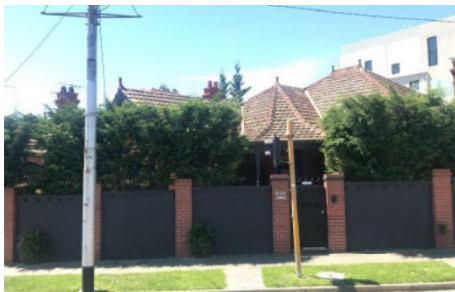
The Panel concludes it is appropriate to include 627 and 629 Orrong Road in the Lambert Road Precinct (HO752) and to categorise the properties as contributory.

12.7 636 Orrong Road, Toorak

(i) Background

The property at 636 Orrong Road is located on the corner of Malvern Road and is categorised as contributory in the Lambert Road Precinct Statement of Significance.

Figure 33 636 Orrong Road, Toorak



Source: D18

(ii) The issue

The issue is whether it is appropriate to designate an area of non-contributory fabric for 636 Orrong Road, Toorak in the Statement of Significance.

(iii) Evidence and submissions

The owner did not object to the Heritage Overlay being applied to 636 Orrong Road, however wanted clarification regarding the designation of:

- the extent of the building that is non-contributory
- Orrong Road as the primary frontage
- the 'primary building volume'.

They submitted:

- it is not fair and orderly planning to leave ambiguity in relation to what about a property is contributory or otherwise
- the 'primary building volume' of the house as described in the Heritage Design Guidelines does not fit the standard measures and requires clarification to avoid future misrepresentation and confusion
- the Statement of Significance does not comment on the non-contributory rear additions and risks imposing controls over the dwelling that may unreasonably restrict the development of the site, even though the development of the rear of the property would not compromise the sites contribution to the significance of the precinct.

Mr Briggs gave evidence for the submitter and said the Heritage Design Guidelines do not address residential heritage places graded contributory on corner sites and the site is potentially exposed by the lack of clarity regarding how the policy will be applied. He said the Statement of Significance for the precinct should designate the contributory fabric of the property is the primary building volume presenting to Orrong Road.

Mr Briggs said:

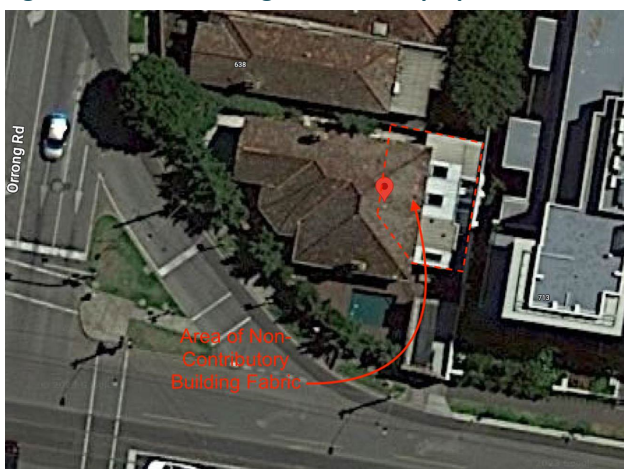
The question to be resolved, in the course of assessment of the contribution made by the house, is whether the eastern rear roof slope and the vacant air space over and existing additions, equivalent to the rear of the properties with frontage solely to Orrong Road, should be considered contributory to heritage significance place, thereby necessitating the preservation of this volume in event of any development.

...

Responsible, fair and orderly planning requires that this question of what is, and is not, contributory to the heritage significance of the house, streetscape and precinct should be clearly expressed at this point of assessment of significance. It would be irresponsible to kick the anomaly of this unusually configured site, with dominating adjoining neighbour, down the road and to leave the judgement what parts of this house are contributory or otherwise to planning officers or neighbours who may have other interests or to require further expenditure to revisit these issues in a VCAT hearing.¹⁹

Mr Briggs said, in his opinion, the area shown in Figure 34 (within the red-dashed line) should be designated as non-contributory.

Figure 34 636 Orrong Road, Toorak proposed area of non-contributory building fabric



Source: D25

¹⁹ D25, paras 31 and 35

Mr Briggs concluded:

It is my recommendation that Council declare that in this special case the area of fabric shown above is not contributory and is behind the primary building volume. This would clearly define the heritage value of the dwelling and contribution to the heritage precinct, ensuring that potential development of the site is not unfairly impacted by heritage controls on the site. The rear and Malvern Road frontage, abutting the neighbouring four storey, presents as a secondary frontage and isolated on Malvern Road with no immediate heritage context. Any rear introductions to the subject dwelling viewed from Malvern Road are not expected to impact the heritage values of the Lambert Road Precinct and there should be an allowance in the Statement of Significance that recognises this to avoid improper application of heritage controls on the place. Any permit application to add or alter the rear of the dwelling should be assessed from the Orrong Road frontage where the heritage values of the subject dwelling can be appreciation and understood as contributing to the proposed heritage precinct.²⁰

Ms Bashta's opinion was:

636 Orrong Road, Toorak exemplifies the key characteristics associated with a Federation era house, including intersecting gable and hipped roof forms clad with terracotta, face red brick, terracotta ridge cappings and finials, timber joinery, profiled chimneys with chimney pots, triple timber framed casement windows, and a front facing gable end with roughcast and half-timbering ... As per the citation, these are all character elements that have been noted as contributing to the significance of the proposed Lambert Road Precinct.²¹

Ms Bashta did not support the identification of the building fabric proposed by Mr Briggs in the Statement of Significance because:

- this detail is not typically included in a heritage citation for a precinct
- it is standard that the Heritage Overlay curtilage accords with the property boundary unless particular considerations apply (for example, a large rural parcel)
- redevelopment opportunities of the subject site would be appropriately considered at application stage in accordance with the relevant local policy and decision guidelines of Clause 43.01
- the Statement of Significance provides clear guidance as to what elements are contributory to the proposed precinct.

In response to Mr Briggs' recommended approach to the designation of non-contributory fabric in the Statement of Significance, Ms Schmeder said:

- the Statement of Significance lists 'terracotta Marseilles or slate tiled hipped roofs' as important character elements
- the entire tiled hipped roof section is therefore contributory
- the non-contributory building fabric at 636 Orrong Road is limited to the non-original rear lean-tos of the house (identifiable by their light metal roofs)
- in her professional experience she had never seen a heritage assessment of the 'vacant air space' over a building and she did not consider it accepted practice, nor something that should 'be resolved in the course of assessment' of a property's contribution to a precinct
- it is more accurate to consider the impacts of the partial demolition of the roof (and possibly walls) to allow new built form in this 'air space', however these are considerations for the planning permit stage

²⁰ D25, para 36

²¹ D17, para 65

- the extent of contributory fabric of 636 Orrong Road is expressed in a standard way in the Statement of Significance, in accordance with the recommendations of PPN01
- the Statement of Significance provides sufficient guidance to understand potential heritage impacts of partial demolition (at the rear of the roof or elsewhere) when assessing a future planning application.

Ms Schmeder observed that further detail could be considered for corner properties in the Stonnington Heritage Guidelines in due course.

In Council's submission, Mr Briggs presented a fundamentally mistaken approach to the Burra Charter process, when he blurred the distinction between a planning scheme amendment identifying the significance of a heritage place and a planning permit application managing the significance of a heritage place. In blurring that distinction, Council submitted Mr Briggs wrongly:

- suggested that the curtilage of a property in a precinct should be confined to the identified contributory fabric, rather than the totality of the lot
- suggested that contributory fabric should be defined by reference to that which is 'viewed from the public domain'
- sought to use 'primary building volume' as a tool for the identification of significance rather than a tool for the management of a significant place.

Council said the citation for the precinct does not state that all building fabric is significant unless it is listed as non-contributory. Rather, it identifies the character elements that contribute to the significance of the precinct (including roof forms) and identifies that later alterations and additions are not significant. It said this was sufficient and appropriate for a precinct Heritage Overlay.

(iv) Discussion

The Statement of Significance for the precinct specifies that "*later alterations and additions to the precinct are not significant*". This approach is typical for heritage places, particularly precincts of this type. The Panel considers this is appropriate for the Lambert Road Precinct.

Although there are instances where Statements of Significance identify specific parts of a heritage place that are non-contributory, this is usually expressed in words and are confined to individually significant places or large complexes such as institutions with multiple buildings.

Mr Briggs suggestion to identify a specific area that is non-contributory for a single property in the precinct is unnecessary and inappropriate. The area he identified as 'non-contributory fabric' includes a portion of the house that has character elements identified in the Statement of Significance.

The assessment process associated with a planning permit application for the development of the site is the appropriate time to consider what parts of the dwelling may be demolished or redeveloped and matters such the primary frontage of the lot. That assessment has regard to the Statement of Significance and a range of policies in the Planning Scheme. It is premature at the planning scheme amendment stage to identify the possible removal of heritage fabric from a heritage place.

The Panel accepts the Heritage Design Guidelines provide limited guidance to the development of corner lots. That is a matter for Council to address, if it chooses to do so. It is not a matter for this Panel. In any event, the Heritage Design Guidelines are a Background Document in the Planning Scheme.

It is acknowledged that 636 Orrong Road has an unusual lot shape. Although there are many corner lots in Stonnington where a Heritage Overlay applies, the triangular shape of the lot is relatively rare. Proposals to develop the site will need to take into consideration the special characteristics of the place and to respond to the identified heritage elements. This is no different to any other lot and is consistent with the approach for all places in the Amendment. The Panel considers there is no compelling reason for 636 Orrong Road to be treated differently.

(v) Conclusion

The Panel concludes it is not appropriate to designate an area of non-contributory fabric for 636 Orrong Road, Toorak in the Statement of Significance.

13 Horsburgh Grove and Murray Street Precinct (HO757)

Exhibited Statement of Significance



What is significant?

The Horsburgh Grove Precinct, comprising a group Victorian, Edwardian and Federation Queen Anne style dwellings on Horsburgh Grove, Murray Street and Erskine Street, Armadale, is locally significant.

Character elements that contribute to the significance of the precinct include:

- The pattern of the late 19th century subdivision and subsequent development created by groups of Victorian, Edwardian and Federation era buildings;
- A high degree of intactness arising from the similar construction period and absence of modern infill;
- The regularity and harmony of the single-storey, freestanding Victorian era dwellings characterised by bullnosed verandahs with cast iron lacework, hipped slate roofs and projecting bays, polychrome open face brickwork, bracketed eaves and corbelled chimneys;
- The regularity and harmony of the single-storey Edwardian style dwellings primarily characterised by asymmetrical double fronted façades, front facing gables, traditional front verandahs, open face brickwork, slate and terracotta tiled roofs, timber fretwork, brackets and half-timbered battens;
- The regularity and harmony of the single-storey Queen Anne Federation dwellings characterised by complex roof forms with terracotta tiling and ridging capping, double fronted façades, traditional verandahs, half-timbered gables, exposed eaves, and timber fretwork;
- The uniformity of building heights across the precinct; and

- Predominance of traditional timber picket fences along Murray Street.

Later alterations and additions to the properties are not significant.

How is it significant?

The Horsburgh Grove Precinct is of local historical and aesthetic significance to the City of Stonnington.

Why is it significant?

The Horsburgh Grove Precinct is historically significant as an area in Armadale that developed during the late 19th and early 20th century as an outcome of the 1886 subdivision of Brocklesby Estate, which precipitated the area's shift from sparsely developed paddocks to a suburban upper-middle class enclave. The dwellings were developed in two distinct and legible phases, being the land boom of the 1880s that saw a period of land speculation and rapid subdivision, and the economic recovery in the early 20th century after the 1890s recession. The residential area therefore forms a tangible link to these two periods of development. **(Criterion A)**

The Horsburgh Grove Precinct is aesthetically significant as an intact and visually cohesive heritage area characterised by single-storey Victorian, Edwardian and Queen Anne Federation era dwellings. The buildings retain a high level of integrity as a group and demonstrate stylistic cohesion through consistency in height, roof forms, materials and fenestration, as well as setbacks, allotment sizes and specific decorative detailing amongst groups of buildings. The unified character is further enhanced by the predominance of traditional picket and open face brick fences. Combined, these elements create a harmonious and attractive collection of buildings that are almost completely free from modern development within the curtilage. **(Criterion E)**

13.1 Precinct-wide issues

(i) Background

The Horsburgh Grove and Murray Street Precinct (HO757) is a new precinct.

(ii) The issues

The issues are whether:

- the Heritage Overlay should apply to the Horsburgh Grove and Murray Street Precinct
- the Neighbourhood Residential Zone is sufficient to manage future development in the area
- picket fences should be recognised as significant to the precinct.

(iii) Submissions and evidence

Several submitters questioned the rationale for the new Horsburgh Grove and Murray Street Precinct given the extent of contemporary development in its vicinity and the extensive areas of Armadale already included in the Heritage Overlay.

In Ms Bashta's opinion, the Horsburgh Grove and Murray Street Precinct represents a consistent developmental history and a visual cohesiveness from an architectural perspective. The precinct is comprised of contributory properties dating back to the Victorian and Edwardian/Federation eras, with only one non-contributory property.

Ms Schmeder's evidence was:

- there are two properties (16 Horsburgh Grove and 2A Erskine Street) at the junction of the two streetscapes that have been redeveloped and left out of the precinct

- despite this break, the precinct comprises three very cohesive rows of early houses (east side of Murray Street, north and south sides of Horsburgh Grove), giving it an overall intactness comparable to other heritage precincts in Stonnington.

Several submitters stated the existing Neighbourhood Residential Zone adequately manages development in Murray Street.

Ms Bashta agreed with the Council 's Officer Report Assessment of 5 June 2023 that:

- zones do not conserve places of recognised heritage significance
- the purpose of the Heritage Overlay is to conserve and enhance heritage places and ensure development does not adversely affect the significant of heritage places
- the Heritage Overlay provides a clear mechanism in the planning system to consider changes to heritage places to ensure heritage significance is maintained
- other planning tools do not offer this same level of protection or control.

Ms Schmeder acknowledged the Neighbourhood Residential Zone slows development pressure and is likely to have contributed to the retention of historic housing stock on Murray Street. However, the zone does not prevent the demolition of heritage buildings which form the basis for the heritage precinct. If a substantial number were replaced with new dwellings, the precinct would lose its heritage significance.

Submitter 48 disagreed that there is a predominance of traditional picket fences in the precinct.

Ms Basta agreed there were several properties without picket fences in the precinct, however, was satisfied the Statement of Significance still accurately describes the contribution of traditional picket fences to the overall precinct, as evidenced by picket fencing at 2, 6, 8, 12 and 14 Murray Street, and 6 Horsburgh Grove. She also considered the fences at 1 Horsburgh Grove and 4 Murray Street to be sympathetic in terms of their height and transparent appearance.

Ms Schmeder recommended the reference to picket and brick fences be removed from the Statement of Significance. While she accepted fences were generally sympathetic to the design of houses, none were original or early.

(iv) Discussion

Buildings in the Horsburgh Grove and Murray Street Precinct contribute to visually cohesive streetscapes that provide a tangible link to important periods of development in Stonnington. The contributory buildings are unified by their consistent height, roof forms, materials, fenestration, setbacks and allotment styles. The precinct boundaries have been appropriately informed by buildings which exhibit these characteristics.

The Neighbourhood Residential Zone is not a substitute for the Heritage Overlay. PPN01 states the Heritage Overlay should be applied to *“places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay”*. The policy objectives to retain, protect and conserve heritage places at Clause 15.03-1S (Heritage conservation) and Clause 15.03-1L (Heritage) will not be achieved without the Heritage Overlay, principally because there will be no mechanism to stop the demolition of heritage places.

The Panel agrees the picket and brick fencing contributes to the visual cohesion of the precinct, however, agrees with Ms Schmeder that fencing is unlikely to be original. For this reason, it should not be recognised in Statement of Significance.

(v) Conclusion and recommendation

The Panel concludes:

- The Heritage Overlay should be applied to the Horsburgh Grove and Murray Street Precinct because it meets the threshold for local heritage significance.
- The Neighbourhood Residential Zone is not an appropriate tool to manage places of local heritage significance.
- Sympathetically designed picket and brick fences are not original and should not be recognised in the Statement of Significance.

The Panel recommends:

Amend the Statement of Significance for the Horsburgh Grove and Murray Street Precinct (HO757) as shown in the Panel preferred version in Appendix H4 to:

- Under ‘What is significant?’ delete “Predominance of traditional timber picket fences along Murray Street”.**
- Under ‘Why is it significant?’ delete “The unified character is further enhanced by the predominance of traditional picket and open face brick fences.”**

13.2 18 Erskine Street, Armadale**(i) Background**

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

Figure 35 18 Erskine Street, Armadale



Source: D18

(ii) The issue

The issue is whether it is appropriate to include 8 Erskine Street, Armadale in the Horsburgh Grove and Murray Street Precinct (HO757) as a contributory property.

(iii) Evidence and submissions

The owner of 18 Erskine Street stated the justification for including the property in the Horsburgh Grove and Murray Street Precinct was not clear because the building was altered and requires extensive additional work to meet contemporary standards.

Council submitted the categorisation of the site as contributory was appropriate.

Ms Bashta considered the alterations to the dwelling at 18 Erskine Street to be generally minor. The property retains most of its external original features and detailing, including its red face brick

finish, intersecting hipped roofs clad with terracotta tiling and finials, and prominent brick chimneys with terracotta pots.

Ms Schmeder agreed that the front facade and the south side elevation facing Horsburgh Grove appeared to be highly intact. She considered it was possible that the small dormer window on the south side was a later alteration (which is recorded in the citation with the wrong address). In addition, the current metal front fence is not original. Even with these one or two external alterations, Ms Schmeder's opinion was the house is within the normal bounds of intactness for a contributory building in a precinct.

(iv) Discussion

The property at 18 Erskine Street is part of a cohesive row of intact buildings on the north side of Horsburgh Grove, except for the property at 5 Horsburgh Grove. While at the edge of the precinct, 18 Erskine Street is visually connected to, and is experienced as part of the precinct.

The Panel agrees with Ms Bashta and Ms Schmeder that the alternations to the building have not impacted its intactness below the threshold for inclusion in this precinct.

(v) Conclusion

The Panel concludes it is appropriate to include 8 Erskine Street, Armadale in the Horsburgh Grove and Murray Street Precinct (HO757) and to categorise the property as contributory.

13.3 7 Horsburgh Grove, Armadale

(i) Background

The property at 7 Horsburgh Grove is categorised as contributory in the Statement of Significance.

Figure 36 7 Horsburgh Grove, Armadale



Source: C31

(ii) The issue

The issue is whether it is appropriate to include 7 Horsburgh Grove, Armadale in the Horsburgh Grove and Murray Street Precinct as a contributory property..

(iii) Evidence and submissions

Submitter 47 objected to the Horsburgh Grove and Murray Street Precinct generally, and specifically noted the contemporary dwelling at 5 Horsburgh Grove "dwarfs" adjoining buildings.

Council submitted that it is appropriate to include 7 Horsburgh Grove in the Horsburgh Grove and Murray Street Precinct and to categorise it as a contributory place.

Ms Bashta considered the demolition and redevelopment of 5 Horsburgh Grove did not impact the contributory status of 7 Horsburgh Grove. Ms Schmeder agreed, noting:

The previous, Non-contributory, two-storey house at 5 Horsburgh Street was already out of scale with the rest of the precinct, though well set back at the front. I agree that a larger form, particularly with a smaller front and side setbacks may be intrusive in this streetscape of single-storey, detached dwellings. Even so, as the remainder of the precinct has very cohesive Victorian and Edwardian housing stock, in my expert opinion the precinct is still of local significance.

(iv) Discussion

The Panel agrees that the Heritage Overlay (HO757) should apply to 7 Horsburgh Grove. The building meets the threshold to be categorised as contributory in the Statement of Significance. The redevelopment of 5 Horsburgh Grove will reduce the cohesiveness of the streetscape but will not undermine its overall integrity below the threshold for local significance.

(v) Conclusion

The Panel concludes it is appropriate to include 7 Horsburgh Grove in the Horsburgh Grove and Murray Street Precinct as a contributory property.

13.4 2, 4 and 6 Murray Street, Armadale

(i) Background

The properties at 2, 4 and 6 Murray Street, Armadale are categorised as contributory in the Statement of Significance.

Figure 37 2 Murray Street, Armadale



Source: D18

Figure 38 6 Murray Street, Armadale 2023 view



Source: D18

Figure 39 4 Murray Street, Armadale 2023 view



Source: D18

Figure 40 4 Murray Street, Armadale 2005 view



Source: D18

(ii) The issue

The issue is whether it is appropriate to include 2, 4 and 6 Murray Street, Armadale in the Horsburgh Grove and Murray Street Precinct as contributory properties.

(iii) Evidence and submissions

One submitter opposed applying the Heritage Overlay to 2 and 4 Murray Street, Armadale. Council did not support the submitter.

Another submitter objected to inclusion of Murray Street, particularly 6 Murray Street, in the Horsburgh Grove and Murray Street Precinct. Council submitted the identification of 6 Murray Street as contributory to the Horsburgh Grove and Murray Street Precinct is appropriate.

Ms Bashta supported the Heritage Overlay, and noted the precinct is highly intact with only one non-contributory property.

Ms Schmeder's evidence was:

At the Edwardian house at 2 Murray Street, the window in a front bay has been removed and French doors created in its place with associated steps. The highlights of the window and the decorative hood above it were retained, making this a relatively easy alteration to reverse if a future owner desired. The face brickwork has been overpainted (also reversible). This is a double-fronted house with a return verandah and sunburst pattern in the front gable, as well as other original decorative features. In my expert opinion this house is definitely intact enough to be contributory.

Next door, at 4 Murray Street, the front verandah has been infilled, a metal hood added to the new front entry, and there is a two-storey rear addition. The addition is set behind the original roof form, so it is minimally intrusive. Comparison of a 2005 real estate photo... with the current appearance of the house indicates that a front window was replaced with the current front door. The front verandah has been infilled with windows, and the timber post retained, making the enclosure reversible. It is quite possible, however, that the front windows beneath this verandah have been removed as well as an associated part of the front wall... However, the original verandah form is still legible, and the prominent front gable (with half timbering, windows and hood) is still intact. Overall, the house is still readily understandable as a Federation house, and thus clearly contributes to the significance of the precinct as a whole.

(iv) Discussion

The building at 2 Murray Street is largely intact when viewed from the street, except for where the front window has been replaced with French doors on the west elevation. As noted by Ms Schmeder, the impact of this alternation has been minimised through the retention of the decorative hood above the new door. Overall, the building has good integrity and meets the threshold to be categorised as contributory to the precinct.

At 4 Murray Street, relocation of the entry door, addition of the metal hood and glazing of the verandah are highly visible alterations that impact the integrity of the building. However, the Panel agrees with Ms Schmeder that the building is readily understood as a Federation house, largely because the roof form, gable and below window is intact. The building meets the threshold for contributory, but only just.

The Panel agrees that 6 Murray Street is a contributory building within a visually cohesive streetscape.

(v) Conclusion

The Panel concludes:

- It is appropriate to include 2, 4 and 6 Murray Street, Armadale in the Horsburgh Grove and Murray Street Precinct as contributory properties.
- While altered, the buildings at 2 and 4 Murray Street meet the threshold to be categorised as contributory to the Horsburgh Grove and Murray Street Precinct.

14 Egerton Road Precinct (H0758)

Exhibited Statement of Significance



What is significant?

The Egerton Road Precinct, comprising a group of Victorian, Edwardian and Federation style dwellings on Egerton Road, Armadale, is locally significant.

The precinct is wholly characterised by contributory graded buildings.

Character elements that contribute to the significance of the precinct include:

- The distinctive pattern of the late 19th century subdivisions and subsequent development created by groups of Victorian, Edwardian and Federation era buildings;
- A high degree of intactness arising from the similar construction period and absence of modern infill;
- The regularity and harmony of the single-storey, freestanding modest Victorian era cottages characterised by hipped roofs, traditional front verandahs with decorative cast iron and timber fretwork, decorative timber eaves, double hung timber framed windows and profiled brick chimneys- some rendered;
- The regularity and harmony of the single-storey Edwardian and Federation era houses primarily characterised by hipped roofs with some retaining their original terracotta and slate tiles, profiled face brick chimneys, front-facing gables, traditional front verandahs with bullnose roofs and decorative cast iron and timber fretwork, finials, awnings supported by timber brackets;
- The uniformity of allotments, siting and building heights across the precinct; and
- Predominance of traditional timber picket fences.

Later alterations and additions to the properties are not significant.

How is it significant?

The Egerton Road Precinct is of local historical and aesthetic significance to the City of Stonnington.

Why is it significant?

The Egerton Road Precinct is historically significant as an area in Armadale that rapidly developed during the late 19th and early 20th century as an outcome of two 1880s subdivisions, which precipitated the area's shift from sparsely developed paddocks to a suburban upper-middle class enclave. The dwellings were developed in two distinct and legible phases, being the land boom of the 1880s that saw a period of land speculation and rapid subdivision, and the recovery in the early twentieth century after the 1890s recession. The residential area thus forms a tangible link to these two periods of development. **(Criterion A)**

The Egerton Road Precinct is aesthetically significant as an intact and visually cohesive heritage area characterised by single-storey Victorian, Edwardian and Federation era dwellings. The buildings retain a high level of integrity as a group and demonstrate stylistic cohesion through consistency in built form, materials, fenestration, allotment sizes and heights as well as setbacks in some groups of buildings. Its unified character is further enhanced by the predominance of traditional picket fences. Combined, these elements create a harmonious and attractive collection of buildings that are free from modern development within the curtilage. **(Criterion E)**

14.1 12 and 20 Egerton Road, Armadale

(i) Background

The properties at 12 and 20 Egerton Road, Armadale form part of the Egerton Road Precinct (HO758). This is a proposed new precinct and both properties are categorised as contributory to the precinct.

Figure 41 12 Egerton Road, Armadale



Source: D31

Figure 42 20 Egerton Road, Armadale 2023 view



Source: D31

(ii) The issue

The issue is whether it is appropriate to include 12 and 20 Egerton Road in the Egerton Road Precinct.

(iii) Evidence and submissions

Submitters for 12 and 20 Egerton Road objected to the Heritage Overlay being applied to the properties on the basis that:

- large historical properties fronting the corners of Wattletree and Egerton Roads were demolished and replaced with contemporary apartment buildings and townhouses
- modern medium and high density development (including some still under construction) now dominate the surrounding streetscapes

- the character of the area has already significantly changed and the inclusion of any of the homes on Egerton Road in the proposed Heritage Overlay is both unjust and unwarranted
- Egerton Road is no different to dozens of other streets in the Armadale area with mixed development that are not listed for a Heritage Overlay.

The submitters for 12 Egerton Road were not opposed to *“sensible development that is sympathetic to the streetscape and is practical for contemporary living and recognises issues like the impact of available parking”*.

Ms Bashta gave evidence that:

- the streetscape within the proposed Heritage Overlay area comprises an intact and cohesive collection of period houses that are uninterrupted by contemporary development
- although the area outside of the proposed Egerton Road Precinct, particularly towards the northern and southern end of Egerton Road, has been subject to contemporary infill, these areas fall outside of the proposed precinct boundary and are therefore not adverse to the heritage character of the area
- the Heritage Overlay does not prohibit change and future development
- the issue of parking is not a relevant matter when considering the application of the Heritage Overlay to a place
- the proposed Egerton Road Precinct is satisfactorily justified in the Heritage Review and is appropriate
- no changes to the Statement of Significance are required.

Council agreed with the Ms Bashta and supported the inclusion of 12 and 20 Egerton Road in the Egerton Road Precinct.

(iv) Discussion

The Panel accepts the Egerton Road Precinct is based on sound research and agrees the boundaries of the precinct are appropriate. The Heritage Overlay will protect the identified heritage values of the area.

The properties included in the precinct are a cohesive group of single storey Victorian, Edwardian and Federation era dwellings. There are no non-contributory buildings within the precinct and all the dwellings are categorised as contributory. This demonstrates the appropriate application of the Heritage Overlay to only properties with identified heritage significance.

The dwellings at 12 and 20 Egerton Road are relatively central in the precinct and are surrounded by other contributory dwellings to the north and south. The dwelling at 12 Egerton Road is also opposite four contributory dwellings on the west side of Egerton Road.

The Panel accepts the buildings in the precinct retain a high level of integrity as a group and demonstrate stylistic cohesion through consistency in built form, materials, fenestration, allotment sizes and heights as well as setbacks in some groups of buildings. It would be inappropriate to exclude 12 and 20 Egerton Road from the precinct.

It is not relevant that properties outside of the Egerton Road Precinct have been redeveloped with contemporary dwellings, including medium density development. The Panel has confined its assessment to the proposed properties within the precinct.

The provision of adequate car parking is also not relevant when considering whether to apply the Heritage Overlay. This is a matter for any future planning permit application proposing to develop land.

(v) Conclusions

The Panel concludes:

- The Egerton Road Precinct (HO758) is of local heritage significance and the boundaries of the precinct are appropriate.
- It is appropriate to include 12 and 20 Egerton Road within the Egerton Road Precinct.

15 Lansell Road Precinct (HO764)

Exhibited Statement of Significance



What is significant?

The Lansell Road Precinct, comprising properties on Toorak Road and Lansell Road, as well as the mature oak (*Quercus*) and elm (*Ulmus*) street trees on Lansell Road, and the two 20th century eucalyptus (*Eucalyptus*) trees at 579 Toorak Road, is locally significant.

Significant buildings include:

- 577 Toorak Road, Toorak (highly intact and fine example of an Interwar Streamline Moderne residence).
- Langi at 579 Toorak Road, Toorak (highly intact and fine example of an Interwar Prairie style building designed by noted architect Walter Burley Griffin).
- Halstead at 12 Lansell Road, Toorak (highly intact and fine example of an Interwar Arts and Crafts building with Dutch Colonial influences, designed by noted architect Walter Butler).
- The remainder of the precinct is largely characterised by contributory buildings, with only one non-contributory site. Refer to grading maps for designations.

Character elements that contribute to the significance of the precinct include:

- The generous allotments, subdivision pattern and unique bend in the road established by the 1874 subdivision of Toorak Estate, creating the feel of a garden suburb;
- The presence of a group of significant dwellings of varying Interwar styles, including Streamline Moderne, Art Deco, Arts and Crafts, Georgian Revival and Prairie style, some associated with prominent architects;
- The high integrity of contributory interwar era buildings when viewed from the street.

Most dwellings typically survive with their presentation to the street largely unaltered, retaining elements such as roof forms, chimneys, brick detailing, timber joinery and fenestration;

- The regularity and harmony of the interwar era building stock;
- Building designs reflecting the growing popularity of interwar high density flat development;
- Landscape setting established by the wide roads and mature oak (*Quercus*) and elm (*Ulmus*) street trees; and
- Retention of two 20th century eucalyptus (*Eucalyptus*) trees at 579 Toorak Road.

How is it significant?

The Lansell Road Precinct is of local historical, representative and aesthetic significance to the City of Stonnington.

Why is it significant?

The Lansell Road Precinct is historically significant as an 1874 subdivision of the Toorak Estate which saw the formation of a wide, elegantly winding street that was aimed at wealthy pastoralists, merchants and professionals. The rise of residential development during the interwar period subsequently resulted in further subdivisions in this area, paving the way for the erection of several substantial interwar buildings. The precinct forms a tangible link to the interwar subdivision story of Toorak. **(Criterion A)**

The Lansell Road Precinct contains a fine and representative collection of interwar era dwellings of various styles, including Streamline Moderne, Art Deco, Prairie, Georgian Revival and Arts and Crafts styles. **(Criterion D)**

The Lansell Road Precinct is aesthetically significant as an intact and visually cohesive group of interwar buildings in the City of Stonnington. As a group, the heritage buildings display cohesion through form, materials, and heights, presenting as a harmonious and attractive streetscape. The unique bend in the wide road and mature oak (*Quercus*) and elm (*Ulmus*) street trees also create a landscape setting which adds to its aesthetic appeal. **(Criterion E)**

15.1 569-571 Toorak Road, Toorak

(i) Background

As noted in Chapter 5, the new Lansell Road Precinct (HO764) is part of the former Montalto Precinct (HO143). The properties at 569 and 571 Toorak Road were not included in the new Lansell Road Precinct located east of Orrong Road and north of Toorak Road.

Figure 43 569 Toorak Road, Toorak



Source: Submission 75

Figure 44 571 Toorak Road prior to demolition



Source: Submission 75

(ii) The issue

The issue is whether there is sufficient justification for removing properties at 569 and 571 Toorak Road from the Heritage Overlay.

(iii) Evidence and submissions

Submitter 75 objected to the removal of 569 and 571 Toorak Road from the Heritage Overlay because:

- there are no proper strategic reasons to support the change
- without the Heritage Overlay the properties will become sites with potential for more intensive development
- the values of the area would be threatened by more intensive development
- the original Montalto Precinct includes ‘less grand’ mid-century residential buildings that contribute to a sense of place and support individual significant places, including St John’s Church
- the new Lansell Road Precinct contains a disparate group of buildings like the original Montalto Precinct
- there is insufficient information to the citation to confirm if all buildings in the new Lansell Road Precinct are from the inter-war era, particularly 573 Toorak Road
- consideration should be given to including 569 and 571 in the Lansell Road Precinct, along with 567 Toorak Road.

Council referred to its 5 June 2023 Officer Report which explained:

- the 1993 Montalto Avenue Precinct (HO143) was highly disjointed and the re-delineation of HO143 was undertaken to ensure precinct cohesiveness
- properties at 569 and 571 Toorak Road were proposed for removal from the Heritage Overlay due to the demolition of 571 Toorak Road, which weakened the integrity of the new precinct
- while 569 Toorak Road shares similarities in setbacks, building heights and materials to the neighbouring properties to the east along Toorak Road, historical research indicates it was not developed in the inter-war era which is the focus of the Lansell Road Precinct
- while the Lansell Road Precinct and Montalto Avenue Precinct (HO143) both have inter-war housing, the areas are physically disjointed, and the latter is distinguished by its enclosed streetscapes and distinct loop road formation established by the 1927 Montalto Estate subdivision.

Ms Bashta noted the contributory elements to the Lansell Road Precinct are defined as ‘inter-war era buildings’. The property at 569 Toorak Road was proposed to be removed from the precinct because the original building had been demolished. The building at 571 Toorak Road was proposed for removal due to its post-war date of construction.

Ms Schmeder said there was a continuum between inter-war and post-war houses in terms of massing, roof form and materiality. She was not clear why a strict interwar cut-off date had been applied to the new Lansell Road Precinct, even though it contains several late inter-war buildings of a similar form and materiality to 569 Toorak Road. In her opinion:

The newly defined Lansell Road Precinct has ... tightly drawn a line around the core of buildings constructed during the interwar era. While this is a neater solution, particularly compared to the sprawling HO143 in its final form (combining the ‘Toorak Area’ with several others), it does represent a loss of complexity in representing the multilayered development of this area from the nineteenth century to the early post-war era.²²

²² D18, para 302

Despite her reservations, Ms Schmeder considered this approach taken for the new precinct to be well within the boundaries of standard heritage practice and did not recommend any change to the extent of the precinct.

Ms Schmeder researched street directories and aerial photographs to determine the construction date of buildings in the new precinct. She was satisfied the new Statement of Significance only refers to inter-war buildings.

Ms Schmeder considered the four-storey flats at 567 Toorak Road were of a notably different character to the two storey buildings with generous setbacks in the Lansell Road Precinct. She considered 567 Toorak Road should not be added to the precinct.

Saul and Beata Berman supported the Amendment. They submitted the termination of the Lansell Road Precinct along the eastern boundary of 571 Toorak Road is *“appropriate having regard to accepted modern practice that precinct HOs should apply to an identified and consistent built form”*.

Mr Gard’ner, called by Saul and Beata Berman, supported removal of 569 Toorak Road from the Montalto Precinct for the reasons outlined by Council. Mr Gard’ner also supported the new Lansell Road Precinct and described it as a *“much more historically and visually consistent heritage precinct”* than the original Montalto Precinct. He agreed that all significant and contributory buildings in the new precinct were constructed before 1945. He was satisfied the buildings were stylistically consistent and none appear to be of the preceding Edwardian or Victorian eras.

Mr Gard’ner acknowledged the building at 569 Toorak Road has similar setbacks, buildings heights and materials to its neighbours to the east. He considered these similarities do not warrant its categorisation as contributory to the Lansell Road Precinct because the house does not form part of a visually cohesive streetscape of properties with shared histories or heritage values.

Mr Gard’ner agreed with Council that removing the Heritage Overlay from 569 and 571 Toorak Road would not impact the context, setting or legibility of the nearby individually listed places or precincts.

(iv) Discussion

The Panel agrees with the experts that:

- disaggregating the original Montalto Precinct is appropriate
- the buildings in the new Lansell Road Precinct were all constructed in the inter-war era
- removing the Heritage Overlay from 569 and 571 Toorak Road from the Heritage Overlay will not impact the context, setting or legibility of the nearby individually listed places or precincts.

The main unresolved issue in dispute was whether the new Lansell Road Precinct should be confined to inter-war buildings. As with all precincts, parameters must be set to determine the boundaries of the precinct and the grading of buildings within it. These parameters are informed through a range of investigations, and judgements are made about the relative strengthening or weakening of the precinct by broadening or narrowing these parameters. Council has opted to confine the Lansell Road Precinct to inter-war buildings.

The Panel supports this approach. The new precinct contains buildings that are stylistically consistent and contribute to a visually cohesive streetscape. The buildings share a common history as the product of inter-war era. While there are similarities between inter-war and early

post-war buildings, the precinct does not represent a mix of these buildings. Broadening the precinct to include post-war buildings would be a token addition that compromises the unity of the remaining properties.

(v) Conclusion

The Panel concludes that it is appropriate to remove the Heritage Overlay from 569 and 571 Toorak Road from the Heritage Overlay because they do not share a common history with the inter-war buildings in the new Lansell Road Precinct.

16 Toorak Post-War Modern Group (HO747)

Exhibited Statement of Significance



Photograph of 2 Tyalla Crescent (source: Extent Heritage Pty Ltd, 2021).



Photograph of 39 Lansell Road (source: Extent Heritage Pty Ltd, 2021).



Photograph of 4 Nola Court (source: Extent Heritage Pty Ltd, 2021).



Photograph of 1 Lansell Court (source: Extent Heritage Pty Ltd, 2021).

What is significant?

The Toorak Post-war Modern Group, comprising properties at 2 Tyalla Crescent, Toorak, 39 Lansell Road, Toorak, 4 Nola Court, Toorak and 1 Lansell Court, Toorak, is locally significant. Specifically, the overall form, scale, fenestration, detailing and materiality of the four post-war modern residences are of local significance, along with the slate retaining wall at 39 Lansell Road, Toorak.

The group is wholly characterised by contributory buildings.

Particular characteristics across the properties that contribute to the significance of the group include:

- Projecting and recessed rectilinear forms;
- Flat roofs;
- Street front facing floor to ceiling windows;
- External elements that demonstrate the integration between interior and exterior spaces;
- Bespoke ornamental fittings including stonework and decorative metal detailing; and
- Siting and setbacks that demonstrate a responsiveness to site topography.

Later alterations and additions to the property, including the front boundary wall at 1 Lansell Court, are not significant.

How is it significant?

The Toorak Post-war Modern Group is of local historic, and representative significance to the City of Stonnington. It also has associative significance, comprising of designs by several noted European émigré architects, including Ernest Fooks, John and Helen Holgar of Holgar & Holgar, and Bernard Slawik and/or designed for noted European émigré clients.

Why is it significant?

The Toorak Post-war Modern Group is historically significant as a collection of post-war modern residences that were erected during and after the post-war development of residential enclaves in Toorak, seeing the creation of cul-de-sacs along generous residential roads, and thus forms a tangible link to this period of planning and development in Toorak. As houses designed by European émigré architects for European émigré clients the post-war period, the group is also historically significant in demonstrating the significant design contributions these architects and their progressively-minded clients made to residential development within the municipality. Together, they not only exemplify the innovative residential design trends taking place in Toorak by the 1960s, but also provide insight into the ways these trends were shaped by both architects and clients of the European diaspora. **(Criterion A)**

The Toorak Post-war Modern Group is of representative significance as a collection of substantially intact and clearly discernible post-war modern residences that exhibit the key European Modernist design principles that were popularised by architects and clients of the European diaspora during the post-war period. Influenced by International Style modernism, key characteristics shared across the properties that demonstrate this representative value include rectilinear massing—often floating on pilasters to create an open undercroft—emphasised by strong horizontal and vertical lines, flat roofs, and street front facing floor to ceiling windows which provide a visual connection between the interior and exterior spaces. **(Criterion D)**

The Toorak Post-war Modern Group is of associative significance as a group of houses either designed by influential European émigré architects, including Ernest Fooks, John and Helen Holgar of Holgar & Holgar, and Bernard Slawik, and/or for noted European émigré clients including Robert Fetter of the noted industrialist Fetter family, and influential and philanthropic couple Moshe Mordechai Bursztyn and Esther Bursztyn. As embodied in this group, this wave of émigré architects and progressively-minded clients pioneered new approaches to residential Modernism that fundamentally enriched and transformed the Anglocentric Modernism that was being practiced within the municipality. **(Criterion H)**

16.1 Criterion A

(i) Background

The Toorak Post-War Modern Group is a serial listing comprising properties in Toorak at 1 Lansell Court, 39 Lansell Road, 4 Nola Court and 2 Tyalla Crescent, Toorak (Figure 45).

The Statement of Significance states:

The Toorak Post-war Modern Group is historically significant as a collection of post-war modern residences that were erected during and after the post-war development of residential enclaves in Toorak, seeing the creation of cul-de-sacs along generous residential roads, and thus forms a tangible link to this period of planning and development in Toorak. As houses designed by European émigré architects for European émigré clients the post-war period, the group is also historically significant in demonstrating the significant design contributions these architects and their progressively-minded clients made to residential development within the municipality. Together, they not only exemplify the innovative residential design trends taking place in Toorak by the 1960s, but also provide insight into the ways these trends were shaped by both architects and clients of the European diaspora. **(Criterion A)**

Figure 45 Locality Plan Toorak Post-war Modern Group



Source: Heritage Citation – Group Listing HO747

The Heritage Review assigns the group of post-war Modern residences to the theme of ‘Functional, eccentric and theatrical – experimentation and innovation in architecture’. The thematic history summarises this theme as:

The strong culture of patronage also led to some clients encouraging their architects to step outside the dictates of fashion and explore ideas and innovation in design and construction. Other architects (or in some cases, creative designer-builders) explored stylistic innovations that pushed the boundaries beyond the restrained detailing found on most contemporary houses.

...

In some cases, the designs are in fact the earliest or purest form of particular architectural styles that were later diluted or even changed outright when they gained wider acceptance and usage.

The Heritage Review summarises the relationship between European émigré architects and Modernism in Toorak as:

Combining luxury in architecture with Modernist design, post-war residential modernism in Toorak existed at the nexus of local émigré consumption cultures and the emergent practices of European émigré architects. While Toorak’s strong tradition of patronage by wealthy residents allowed for architectural experimentation in the Modernist idiom amongst prominent architects like Roy Grounds and Robin Boyd from the late 1930s (Context 2009, 138), the arrival of both émigré architects and clients following the rise of 1930s anti-Semitism and World War II created a distinct modern design aesthetic that built upon and yet diversified existing trends.

In Toorak, this tended towards a combination of luxurious high-end eclecticism and European Modernist design principles by the 1960s (Reeves 2016, 571). This was most readily evident in the works of Polish-born duo Holgar & Holgar. Their Toorak-based Modernist designs were grand in scale and typified by palatial fittings and finishes. Designs

like Naliandrah (1969) at 3 Glendye Court evoked an image of post-war opulence and grandeur in its luxuriant curves, terrazzo floors, and imported furnishing (Goad 1999, 14). Although arguably toned-down, this tendency towards luxury is also evident in local works by figures such as Czech-born Ernest Fooks and Russian-born Anatol Kagan, who made use of lavish inbuilt European-influenced furnishings while extolling functionalism and minimalist forms, with Fooks arguing for variety, flexibility, and good craftsmanship in interiors as opposed to uniformity and formality. While many of these elements were rooted in European approaches to modernism, such high-end Modernist eclecticism was undoubtedly influenced by the post-war aspirations of wealthy, often Jewish, diasporic clients who had settled in the elite suburb of Toorak. Taken together, this wave of post-war émigré architects and clients alike pioneered new approaches to residential modernism that fundamentally enriched and transformed the Anglocentric modernism that was being practiced within the municipality (Edquist 2019, 31).

(ii) Issues

The issues are whether:

- the themes of ‘émigré architect designed post-war Modern houses for émigré clients’ and ‘development in cul de sacs’ are strategically justified
- the themes are demonstrated by the group of buildings in the serial listing.

(iii) Evidence and submissions

Council confirmed the strategic basis for the Amendment is the Heritage Review. Council submitted the thematic history and summary in the Heritage Review should be read with the detailed citations for all post-war places proposed for the Heritage Overlay. To the extent the thematic history is not explicit about the influence of émigré architects and clients in post-war Toorak, that is a specific recommendation identified by the Heritage Review to be addressed. Council noted it had adopted the findings of the Heritage Review to support the Amendment, and it can be taken to have adopted this recommendation, without the need for an express resolution to that effect.

Council submitted the influence of émigré architects on architecture in Australia is discussed in noted texts, including the *Encyclopedia of Australian Architecture, 2012*²³. This states:

Modernism in Australian architecture gained special influence from the experience and buildings of the many émigré European architects who arrived in Australia from the 1930s to the 1950s... Their aesthetic and intellectual contributions were not uniform, and they themselves often brought with them an already mediated, or at the very least, different form of modernism to Australia.

The various experts described select buildings in the group as follows:

- Ms Lardner and Ms Gray described the building at 39 Lansell Road as a modest example of the Modernist style, by Australian architect Edward Billson. Ms Lardner noted the building was designed by Billson for his client Robert Fetter, who came to Australia from Russia in 1924 and his Australian born wife.
- Ms Baker and Ms Gray described the building at 1 Lansell Court as a double story dwelling in the post-war Modernist style by Polish born architect Bernard Slawick.

Ms Bashta was satisfied the Heritage Review and thematic history demonstrates the influence of post-war European émigré populations in Toorak and supports application of Criterion A. She considered the buildings were tied together by their historical association with a particular stage of

²³ D46

planning and development in Toorak which saw the development of residential enclaves and the emergence and role of émigré architects and their clients. Ms Bashta stated:

The proposed serial listing has been judiciously applied to capture the best contributory examples of this era of development and their contribution to the thematic listing. The serial listing is not an attempt to capture every example of post-war modernism in the study area regardless of their level of heritage value.

Ms Bashta explained consideration was given to expanding the serial listing to cover all the post-war émigré examples identified as part of the Heritage Review, including three Holgar and Holgar examples assessed as individually significant. The Heritage Review rejected this approach because the significant buildings are particularly distinctive examples of their elaborate and opulent design expression. This contrasts with 4 Nola Court, which is more typical of the standard principles of European Modernism.

Ms Schmeder considered a group of four scattered dwellings, which are not the sole examples of post-war development in Toorak, do not illustrate this historic period on their own, and thus do not meet the local threshold for Criterion A.

Ms Lardner was not satisfied development within a defined period of growth was sufficient to meet Criterion A because *“any development of that period regardless of its heritage values would be considered significant”*. It was not apparent to Ms Lardner how the four residences, which are separated from each other, would show this historical theme better than other examples of post-war development in Stonnington.

In Ms Gray’s opinion, all buildings share a historical association with a particular stage of development in which they were constructed. She considered this *“unremarkable”* and not something that would itself be considered to meet the threshold of historical significance at a local level.

Ms Gray did not support attribution of historical significance based on theme of ‘post-war period of development’, ‘émigré architecture’ or ‘émigré architecture for émigré clients’. In her opinion:

- it is not clear how the group of four individual houses can singly or collectively demonstrate this (loosely defined) phase of development or be characterised as important as a tangible link to the period
- there is limited information provided in the Heritage Review to support the proposition that émigré architecture is an important historical or developmental theme in Stonnington
- it is possible that more research and investigation could confirm émigré architecture and clients is a theme of historical importance (whether to Toorak or more broadly to Stonnington) but at present, this has not been established based on the evidence provided.

Ms Baker disagreed that the group satisfied Criterion A. She observed the case for meeting Criterion A seems to rest on the ‘significant design contributions’ and ‘innovative residential design trends’ the European émigré architects and/or their European émigré clients made to residential development within the municipality in the post-war period. In her opinion *“no meaningful discussion of these significant design contributions and how they are of importance to the course of Stonnington’s history at a local level is provided”*.

Further, Ms Baker stated:

Modernist approaches to residential design were not new in the 1950s and 1960s, and Modernism itself was fundamentally international in nature. If émigré architects and their

clients pioneered new approaches to residential Modernism that fundamentally enriched and transformed Anglocentric Modernism, this is not explored in any depth in the citation.²⁴

The 1 Lansell Court owners submitted:

- the serial listing is too broad to meet Criterion A
- the thematic history recognises the contribution made by European Modernist architects to the design and development of flats and apartments, but not houses
- the claim of historical significance relies heavily on the theme of ‘European émigré architecture’, yet 39 Lansell Road was designed by an Australian architect
- the proposed theme is not supported by a municipal wide assessment and does not provide a sufficient strategic basis to justify the application of the Heritage Overlay to protect post-war houses developed by European emigrant architects and/or clients in Toorak
- further study and evidence are required to establish the theme’s importance to the City of Stonnington
- beyond the common period of construction, it is not clear how the group of four houses can singly or collectively be characterised as being important to that loosely defined phase of development
- even if the theme was established, it is not clearly demonstrated by the group.

They submitted the Heritage Review observes the following in relation to European émigré architects and Modernism in Toorak:

- (a) The luxury in architecture that existed at the nexus of local émigré consumption culture and emergent practices of European émigré architects;
- (b) Toorak presented the combination of luxurious high-end eclecticism and European Modernist design principles by the 1960s, most readily observed in the works of Holgar & Holgar whose designs were grand in scale and typified by palatial fittings and finishes;
- (c) 3 Glendye Court evokes an image of post-war opulence and grandeur in its luxuriant curves, terrazzo floors and imported furnishings;
- (d) The tendency towards luxury is also evidenced in works by Ernest Fooks and Anatol Kagan;
- (e) Such high-end Modernist eclecticism was undoubtedly influenced by the post-war aspirations of wealthy, often Jewish, diasporic clients who had settled in the elite suburb of Toorak;
- (f) Together, this wave of post-war émigré architects and clients alike pioneered new approaches to residential modernism that fundamentally enriched and transformed the Anglocentric modernism that was being practiced within the municipality.²⁵

They submitted this assessment “*turns on descriptions of opulence and grandeur*”. The description does not consider the matters of built form described in the Statement of Significance, which are:

- projecting and recessed rectilinear forms
- flat roofs
- street front facing floor to ceiling windows
- external elements that demonstrate the integration between interior and exterior spaces
- bespoke ornamental fittings including stonework and decorative metal detailing
- siting and setbacks that demonstrate a responsiveness to site topography.

²⁴ D26, para 76

²⁵ D37, para 25

1 Lansell Court owners acknowledged the listed characteristics include ‘bespoke ornamental fittings including stonework and decorative metal detailing’ but submitted these are not described as lavish, luxurious or by any means high-end. They concluded:

Put simply, the characteristics that Extent Heritage describe as capturing ‘European émigré architects and modernism in Toorak’ are not present in the properties comprising the Group and are not reflected in the Statement of Significance.²⁶

The 39 Lansell Road owners considered:

- the group does not meet the necessary threshold for Criterion A, consistent with the evidence of Ms Schmeder, Ms Gray and Ms Lardner
- the dwelling at 39 Lansell Road does not individually ‘exemplify the innovative design trends taking place in Toorak by the 1960s’, rather it is a modest, undistinguished example of a ‘design trend’
- there is no evidence that this ‘trend’ was in any way shaped, or influenced by this house, or by the owner, Mr Fetter
- the serial listing lacked an appropriate strategic basis because Modernism expressed by European immigrant architects and/or clients is not a theme in the thematic history
- while the Heritage Review recognises the thematic history should be updated, Council has not resolved to do so
- strategic justification for an amendment cannot be derived from a future proposal to create a document that provides that strategic support.

They stated:

In order to justify a serial listing for these houses, a highly artificial and contrived connection is suggested. The proposition is that they are connected because three of the houses were designed by immigrant architects, and one by an Australian architect for an immigrant client. In truth, this “connection” is a coincidence at best, and not a particularly remarkable one at that.

(iv) Discussion

There are two sub-themes recognised in the Statement of Significance:

- the creation of cul de sacs
- the design contribution of European émigré architects and clients to residential development in the municipality.

The Statement of Significance asserts that fabric associated with the two sub-themes together exemplify the innovative residential design trends taking place in Toorak by the 1960s and provide insight into the ways these trends were shaped by both architects and clients of the European diaspora.

The creation of cul de sacs is not a sub-theme in the thematic history. It is identified as an event under the theme of ‘twentieth century improvements and the rise of motorised transport’ where the creation of cul-de-sacs is discussed as a method employed in the inter-war period to discourage through traffic. The sub-theme is not discussed further in the Heritage Review.

The Panel does not accept the Heritage Review demonstrates a meaningful interplay between the creation of cul de sacs and European Modernist design that is of historical importance to

²⁶ D37, para 30

Stonnington. A sample of four buildings in a particular architectural style is insufficient to demonstrate such a relationship. This should not be relied on if the Amendment progresses.

The design contribution of European émigré architects and clients to post-war Modernist design is also not a sub-theme in the thematic history. While it is acknowledged that Council intends to amend its thematic history to include it in the future, it would have been preferable for this to be actioned as part of the Amendment. This is best practice and would have ensured all themes of importance to Stonnington are recorded in a single document. Notwithstanding, the fact that the thematic history has not proposed to be updated by the Amendment is not immediately fatal to its strategic justification. The Panel has considered the thematic history alongside the Heritage Review (and its associated reference documents).

This material provides a weak justification for the proposed sub-theme of European émigré architects and Modernism in Toorak. While the Panel accepts there are reputable sources that substantiate the influence of European émigré on Modernist architecture, including the *Encyclopedia of Australian Architecture, 2012*, these are not specific to Stonnington. A municipal wide thematic assessment of inter-war and post-war Modern development would assist in substantiating the strength of this sub-theme locally. The Panel is cognisant that the thematic history already records the important influence of European Modernism on apartment development in Stonnington, and it is probable this influence extends to domestic architecture. Again, this could be confirmed by a municipal assessment.

The Criterion A assessment turns on the ‘significant design contribution’ émigré architects and clients made to residential development within the municipality. The Panel must rely on the Heritage Review in the absence of any expert articulating the specific characteristics and composition of Modernist design that can be attributed to émigré architects. This states European émigré influenced Modernist architecture in Toorak was:

- luxurious
- distinct
- tending towards high end eclecticism
- grand in scale
- typified by palatial fittings and finishes
- comprising lavish inbuilt European-influenced furnishings.

This contrasts with the characteristics of the group described in the Statement of Significance, which the experts agreed were typical for Modernist buildings. The Panel observes these characteristics are evident in all the Modernist buildings assessed in the Heritage Review designed by local or émigré architects alike.

The description of grand and luxurious buildings also contrasts with the actual composition of the four buildings in the group. Of note:

- the Heritage Review does not describe any of the four buildings in the serial listing in terms of luxury or grandeur and specifically describes 4 Nola Court as an example of Holgar and Holgar’s earlier restrained work within the Modernist idiom and “*more emblematic of the orthodox Modernism popularised amongst European émigré clients by the 1960s*”
- the Heritage Review rejected the buildings from a broader serial listing of émigré architect Modernist buildings because they were not elaborate and opulent in their design

- Ms Gray and Ms Lardner both described 39 Lansell Road as a modest example of the Modernist style.

This exposes a significant disconnect between the material relied on to support to the historical significance of the serial listing, and the buildings proposed to be included in the group.

(v) Conclusions

The Panel concludes that Criterion A is not satisfied because:

- The group of four houses does not demonstrate a historically significant relationship between European émigré designed post-war Modern houses for émigré clients and development of cul de sacs.
- A municipal wide thematic assessment of post-war Modern development is needed to substantiate the strength of the theme of European émigré architects and Modernism in Toorak.
- The Heritage Review describes the significant design contribution of émigré architects and clients in terms of luxury and grandeur. These qualities are not reflected in the four modest dwellings selected as part of the group.
- The dwelling at 39 Lansell Road was not designed by a European émigré architect or for an émigré client and does not match the assessment of historical significance provided in the Statement of Significance.

16.2 Criterion D

(i) Background

The Statement of Significance assessment of Criterion D states:

The Toorak Post-war Modern Group is of representative significance as a collection of substantially intact and clearly discernible post-war modern residences that exhibit the key European Modernist design principles that were popularised by architects and clients of the European diaspora during the post-war period. Influenced by International Style modernism, key characteristics shared across the properties that demonstrate this representative value include rectilinear massing—often floating on pilasters to create an open undercroft—emphasised by strong horizontal and vertical lines, flat roofs, and street front facing floor to ceiling windows which provide a visual connection between the interior and exterior spaces.

(ii) Issues

The key issues are whether:

- the characteristics of European Modernist design popularised by architects and clients of the European diaspora during the post-war period have been properly identified
- the group shares the defined characteristics and are recognisable as a group
- individual buildings meet the threshold to be categorised as contributory to the group.

(iii) Evidence and submissions

Council submitted clear characteristics distinguish the group from other periods of historical importance and other styles of historical importance within Toorak.

Ms Bashta described the class of place for the serial listing as “*residences designed by émigré architect or for émigré clients*”. Ms Bashta was satisfied the buildings demonstrate the

characteristics of European Modernist architectural principles applied within the Australian context, which include:

- rectilinear massing, often floating on pilasters to create an open undercroft, emphasised by strong horizontal and vertical lines
- flat roofs
- street front facing floor to ceiling windows which provide a visual connection between the interior and exterior spaces.

Ms Schmeder considered the buildings to be of representative significance as a *“collection of post-war modern residences that were erected during and after the post-war development of residential enclaves in Toorak”*. In her opinion, three of the four properties strongly illustrate the same architectural type, as expressed in Criterion D, as well as being the work of émigré architects. The *“outlier”*, being 39 Lansell Road, weakens this significance.

In Ms Gray’s opinion, representative significance of the group has not been established. Ms Gray observed the place type in the Statement of Significance was narrow, as *“substantially intact and clearly discernible post-war modern residences that exhibit the key European Modernist design principles that were popularised by architects and clients of the European diaspora during the post-war period”*.

Ms Gray accepted all four houses are recognisable post-war Modern houses but considered that was insufficient to warrant a serial listing. While three of the four buildings were designed by noted European-trained architects working in Melbourne and had some common characteristics, the buildings varied in their specific designs, and the thematic and stylistic links between the four were not particularly strong. Of note, the building at 39 Lansell Road was stylistically different from the other three examples.

Ms Gray considered these physical characteristics are not specific to post-war Modernist buildings or buildings designed by Jewish émigré architects. She observed:

What exactly distinguishes the ‘European expression of Modernism in particular’ from the Australian expression of Modernism is not discussed or defined, even though this is the one aspect of the serial listing that would provide it with the very well-defined characteristics previous planning panels have determined as being fundamental to the legitimacy of a serial listing. To my mind, this is a threshold issue with respect to the serial listing. If this aspect of the serial listing cannot be substantiated, then the serial listing is not valid.²⁷

Ms Gray agreed that a rectilinear glazed principal level floating above an undercroft is a design characteristic seen in many post-war Modernist residential works by émigré architects, including others in the Amendment.

Ms Baker disagreed the group satisfies Criterion D. In her evidence, she explained:

As all historical places are representative of ‘a type’, the concept of representativeness in itself cannot be considered a core definer of historic heritage value. Rather, any heritage value in a representative sample is dependent upon whether the ‘type’ itself is significant. If the ‘type’ is of no heritage value, then it follows even an outstanding example of such a type cannot be of value either.

For the Toorak Post-war Modern Group to meet Criterion D at a local level, it would be necessary to establish that the key European Modernist design principles popularised by architects and clients of the European diaspora during the post-war period is important as a representative type to the course of Stonnington’s history.

²⁷ D28, para 6

Ms Baker said the citation failed to demonstrate how post-war Modernism by and for European émigré in Stonnington differed from, or further developed, the International Style Modernism that had been practised in Melbourne by leading practitioners since the 1930s. However, even if this was adequately established, she considered two fundamental questions remained unanswered. They were:

- how are these characteristics ‘very well defined’ across such geographically disparate sites?
- what distinguishes the four buildings in the Toorak Post-war Modern Group from other Post-war Modernist buildings throughout Stonnington?

A submitter considered the group does not rise to collective importance as representative examples of International Modernism made for or designed by European migrants. The Amendment provides no clear explanation as to what, precisely, is the asserted difference if any between Modernist houses designed by immigrant architects, and those which were designed by Australian born architects. Further, there is no explanation that has been provided for how it is said that these houses represent with “enriched” or “transformed” examples of residential Modernism when compared to examples of “Anglocentric Modernism” being practiced in the municipality at the same time. No features of the houses have been identified that are said to be different to features associated with “Anglocentric Modernism”.

1 Lansell Court

Ms Bashta acknowledged 1 Lansell Court was altered, however considered the building retains the physical characteristics of importance to the serial listing, most notably the horizontal massing, floor to ceiling windows and flat roof. In this context, the building is appropriately identified as a contributory building to the serial listing.

Ms Schmeder observed the changes to the dwellings relate to the utilitarian undercroft of the house and to its setting. She considered the principal part of the front facade still ‘floats’ above the undercroft and retains high integrity.

Ms Baker detailed the alterations to the building since its construction, as follows:

- the original double garage at ground floor level has been extended and converted into a habitable room with new aluminium framed toughened glass sliding doors
- the front door has been altered and this change has effectively internalised the undercover external canopy entry
- all but one of the original front timber framed windows have been replaced with aluminium windows and doors
- an additional rail has been added to the front balustrade
- the natural stained timber battens to the eaves have been overpainted white
- the original low brick front fence has been replaced with a solid fence that rises to a maximum height of 3.45 metres high at the eastern end of the site
- a swimming pool was constructed in the front setback in 2004
- the location of the driveway has been changed, the original pavers have been replaced and the extent of paving extended.

Figure 46 1 Lansell Court, Toorak 2003 view



Source: D26

Figure 47 1 Lansell Court, Toorak 2022 view



Source: D27

In Ms Baker's opinion, the cumulative effect of the changes undermines the design intent and character of the original dwelling. For example:

- changes to the ground floor level have diminished the drama of the cantilevered balcony and sense of the building extending upward and out over its elevated position
- changes to the ground floor also obscure and disrupt the perception of a floating volume above a shadowed undercroft
- the overpainted facade effectively obscures the richness of the original material palette of natural stained timber.

Ms Baker considered the building's setting has undergone unsympathetic modification. The original landscaping, including driveway, low front fence, steps under the cantilevering balcony, rockery and plantings, have all been removed and replaced with landscaping that undermines the sense of the building extending out over its elevated position.

Ms Gray agreed with Ms Baker that *"the extent of external change to the house itself is relatively modest, but the cumulative effect has been to compromise the legibility of some aspects of the original design"*. She was satisfied the overall massing of the building is still clear including the original arrangement of a 'floating' cantilevered predominantly glazed upper level over a recessed lower floor sitting back. She was equally satisfied that the replacement of the garage doors with glazing and a minor extension to the west did not prevent the original design from being read. She considered the alterations to the original entry sequence on the west was a relatively minor change in terms of the external presentation of the building, particularly as viewed from the street.

Ms Gray agreed with Ms Baker that the overpainting of the timber battens to the soffit at the upper level is visually significant, noting these originally had a natural stained timber finish of linseed and weatherboard oils. She also agreed with Ms Baker that the setting of the building had been transformed by the removal of the original low brick fence and central driveway and the introduction of a high and visually very imposing masonry wall. Ms Gray acknowledged many heritage buildings do have altered settings including high front fences and many are obscured in part or in full when viewed from the street.

Ms Gray noted other post-war places were assessed but not recommended for applying the Heritage Overlay. Of these, the Witten residence at 4 Theodore Court, Toorak might have also been included in the serial listing but was discounted due to the degree of alternations. Ms Gray observed the Heritage Review did not articulate how the changes at 4 Theodore Court compare with those at 1 Lansell Court.

Drawing from the evidence of Ms Gray and Ms Baker, the 1 Lansell Court owners explained that the building has multiple changes, particularly to the front elevation. Cumulatively the changes undermine the design intent and legibility of the original dwelling. They submitted:

While this level of alteration may not ordinarily have been sufficient to prevent the listing of a contributory building in a precinct, where it is flanked by contiguous significant or contributory fabric, it makes a small, dispersed and disparate collection of loosely-defined buildings very difficult to appreciate as a cohesive group.²⁸

39 Lansell Road

Council invited the Panel to recommend on whether 39 Lansell Road should be considered for an individual Heritage Overlay if it is to be excluded from the serial listing.

The 39 Lansell Road owners submitted the building fails to satisfy the relevant criteria under PPN01 as an individual place because:

- It is a pedestrian example of Modernist design; and
- The citation fails to identify the Fetters' importance in the history of the municipality, or why this associated residence should warrant heritage protection.²⁹

In Ms Schmeder's opinion, 39 Lansell Road differs in its form to the other three dwellings in the group. The others display the post-war typology of reverse living, with heavily glazed living spaces "floating" over a recessive and utilitarian undercroft. The house at 39 Lansell Road has a lower garage below the back patio, accessed through McMaster Court, "*but is not really an example of this typology*".

Ms Schmeder recommended the property be removed from the group and that it be assessed for potential individual heritage significance as part of future heritage work. She advised she did not carry out the comparative analysis necessary to determine its level of significance.

Ms Lardner described 39 Lansell Road as a modest, low-interest example of the "International Modernist style", which is simple in design with some restrained Modernist decorative features. Ms Lardner accepted the house does have some of the key characteristics of the International Modern style as listed in the citation, including:

- rectilinear massing, a flat roof
- siting that is responsive to its sloping block
- some integration between the street and the house with the lack of front fences and the openness of the rear patio to the street.

However, Ms Lardner considered 39 Lansell Road does not have:

- an undercroft garage as an undercroft is usually an open or deeply recessive structure
- two pipe columns support the porch, not thin pilasters
- windows extending to the floor level
- full length doors (but they do have a highlight window above them).

Ms Lardner concluded the property does not align well with the other three components of the group. She stated:

It does not belong in the Toorak Post-war Modern Group proposed as HO747. It is a substantially different example from the other three properties.

²⁸ D37, para 59

²⁹ D41, para 11

Ms Lardner compared the 1954 plans of the building with its present state. This revealed:

- a metal handrail has been added to the front stairs
- a pergola and two pipe column supports over the rear patio may have never been built
- the stone entry path and porch treatment may be an early, but not original feature
- a sunroom (originally labelled as a chair store) was extended in 1961
- some window and door configurations vary from the original drawings
- two additional windows at the lower level east of the garage indicate that a room has been added in this location.

She considered the house to be substantially intact with some minor changes which were likely to have occurred within a decade of construction.

Figure 48 39 Lansell Road, Toorak - East elevation



Source: D23

Figure 49 39 Lansell Road, Toorak - North elevation



Source: D23

Ms Lardner noted the Heritage Review states:

By comparison to examples that have been afforded heritage protection on an individual basis, the residences within the Toorak Post-war Modern Group are not individually the most visually striking examples of the idiom, and each may not meet the threshold for local heritage significance as an individual place in its own right.

In her opinion it was clear that 39 Lansell Road would not meet the threshold for local significance as an individual place.

In Ms Gray's opinion, 39 Lansell Road presents as externally intact and retains its original external finishes, including the sliding garage doors, windows and entry treatments. There are some differences between the original plans and the current building, but further investigation and inspection of the interiors would be required to confirm these.

Ms Gray provided a high level individual assessment of 39 Lansell Road against the Hercon criteria. She determined the building did not meet any of the criteria. Regarding Criterion D, Ms Gray stated:

Lansell Road is a modest well-executed example of an architect designed Modernist residence of the post-WWII period (1954-55). It demonstrates typical attributes such as rectilinear plan form, low horizontally-oriented form with flat roof and wide overhanging eaves, large expanses of glazing and enhanced indoor/ outdoor connection. It is externally largely intact.

While its origins are clear, this is not an example that would warrant elevation for reasons of distinctive design or strong representation of a type. This is having regard for other places recommended for individual HOs in the present study.

The house is associated with an architect (Edward Billson) who is of significance but is better known and recognised for his earlier body of work. In the latter phase of his career at the time, Billson was not part of the group of architects producing ground-breaking and innovative residential designs in the 1950s and 1960s.

In conclusion, the house is of marginal interest as a representative example of its type and on balance, is not considered to warrant the application of the HO in its own right.

4 Nola Court

Figure 50 4 Nola Court, Toorak



Source: D22

Ms Bashta and Ms Schmeder did not provide evidence on the integrity of the building. Ms Gray described the building as “*relatively intact externally*”. Alterations are largely to the landscaping.

The owners of 4 Nola Court did not make a submission regarding the Amendment.

2 Tyalla Crescent

Figure 51 2 Tyalla Crescent, Toorak 1970 view



Source: D22

Figure 52 2 Tyalla Crescent, Toorak 2023 view



Source: D22

A submitter disputed that access to a contemporary garage structure at 2 Tyalla Crescent is available from Wannan Court. Council agreed with the submitter and proposed to update the citation to correct the error.

Ms Bashta and Ms Schmeder did not provide evidence on the integrity of the building.

Ms Gray described the building as “*significantly altered*”. Alterations include:

- second storey in the location of the original upper level open balcony/terrace which comes forward to obscure much of the stone clad western wall to the upper level
- overpainting of timberwork
- undercroft carport converted to a garage
- alteration of main facade windows and changes to hard landscaping.

Ms Gray considered the combined changes compromise the presentation of the building and legibility of its original design.

(iv) Discussion

The Panel disagrees the group is representative of the ‘European Modernist design principles that were popularised by architects and clients of the European diaspora during the post-war period’. As discussed for Criteria A, the Heritage Review describes the attributes of émigré Modernist

design in Toorak as luxurious and grand. This is not reflected in the four modest dwellings selected as part of the group. On this basis, Criterion D is not met.

If it was accepted that the Statement of Significance properly describes the characteristics of this class of place (contrary to the primary position of the Panel), it would be necessary to determine if these characteristics are evident in the four buildings so that they are recognisable as a group. Given their physical separation, the Panel considers the buildings must have more than the listed characteristics to be recognised as group. There must also be a common composition of these characteristics.

The Panel is satisfied there is a common composition between the original designs of buildings at 1 Lansell Court, 4 Nola Court and 2 Tyalla Crescent. Each is comprised of a rectilinear principal level cantilevered over a lower level. The principal level is mostly glazed and connects internal and external living spaces. The three buildings, as designed, form a recognisable group. Consistent with the evidence of Ms Schmeder, 39 Lansell Road is the 'outlier' to the group. This building sits within, rather than above or over its setting. It is read as a split level building with a mix of blank walls and restrained glazing. The building is not recognisable as part of the group.

The issue that follows is whether alterations and additions to three buildings forming a recognisable group are sufficiently intact and of sufficient integrity to warrant inclusion in the group. This is discussed below. Also discussed is the potential categorisation of 39 Lansell Road as individually significant.

1 Lansell Court

Alterations and additions to 1 Lansell Court largely affect the ground floor and landscape setting. The changes are located behind a high solid fence and are not visible from the street. However, the alterations impact the key elements of the building design that tie the building to others within the group, particularly because the cantilever of the first floor over the ground floor is no longer in its original form. The Panel considers the building is not sufficiently intact to be classified as contributory to the group.

39 Lansell Road

39 Lansell Road is not recognisable as part of the Toorak Post-war Modern Group.

It is premature for the Panel to reach any substantive conclusion on whether 39 Lansell Road meets the threshold as an individual heritage place. This should be informed by a municipal wide assessment of inter-war and post-war Modern development, including thorough comparative analysis. Only after the completion of this work could a determination be made on the local significance of the building.

4 Nola Court

The Panel agrees 4 Nola Court is intact and recognisable as a post-war Modern building.

A serial listing must have a minimum of two properties. This is the only building the Panel considers has sufficient integrity to be included in the proposed group. For this reason (in addition to others discussed for Criteria D), the proposed serial listing must fail.

2 Tyalla Crescent

Alterations and additions to 2 Tyalla Crescent impact the key elements of the building design that tie it to others within the group. The changes have resulted in the loss of the upper floor balcony

and terrace and the ground floor undercroft. These changes impact the integrity of the building below the threshold for inclusion in the group.

(v) Conclusions

The Panel concludes that Criterion D is not satisfied because:

- There is no information confirming the characteristics described in Criterion D are the key European Modernist design principles pioneered in Toorak by émigré architects and clients.
- The Heritage Review describes the characteristics of European émigré influence Modern architects as high end, grand and luxurious, which are not the characteristics listed in the Statement of Significance.
- The characteristics listed in the Statement of Significance are generic characteristics evident in Modernist buildings by local and European architects alike.
- Even if the characteristics of European émigré influenced Modern design were as described in the Statement of Significance, the group does not share these characteristics in a way that makes them recognisable as a group.

If the above is not accepted, the Panel further concludes:

- 1 Lansell Court and 2 Tyalla Crescent do not have sufficient integrity to be included in the Toorak Post-war Modern Group.
- 39 Lansell Road is stylistically different and is not recognisable as part of the Toorak Post-war Modern Group.
- While 4 Nola Court has sufficient integrity to be included in the Toorak Post-war Modern Group, a serial listing requires more than one property.
- A municipal wide assessment of inter-war and post-war Modern development would assist in determining the heritage value of proposed individual heritage places, including 1 Lansell Road.

16.3 Criterion H

(i) Background

The Statement of Significance assessment against Criteria H states:

The Toorak Post-war Modern Group is of associative significance as a group of houses either designed by influential European émigré architects, including Ernest Fooks, John and Helen Holgar of Holgar & Holgar, and Bernard Slawik, and/or for noted European émigré clients including Robert Fetter of the noted industrialist Fetter family, and influential and philanthropic couple Moshe Mordechai Bursztyn and Esther Bursztyn. As embodied in this group, this wave of émigré architects and progressively-minded clients pioneered new approaches to residential Modernism that fundamentally enriched and transformed the Anglocentric Modernism that was being practiced within the municipality. **(Criterion H)**

(ii) Issue

The key issue is whether there is a special association between the Toorak Post-war Modern Group, émigré architects and émigré clients.

(iii) Evidence and submissions

The experts agreed only three of the four properties were designed by émigré architects. The building at 39 Lansell Road was designed as a later stage career work by Melbourne architect Edward Billson.

Ms Bashta was satisfied the association of the serial places with European émigré designers and residents is demonstrated through the use of the progressive Modernist designs employed for these buildings.

Ms Schmeder considered the proposed group demonstrates the relationship between émigré architects and émigré clients during the post-war period and meets the threshold of local significance for this criterion, although conceded this is not wholly applicable to 39 Lansell Road.

Ms Gray did not dispute the assumed preference of émigré clients to engage émigré architects, however, disagreed this warrants recognition for heritage reasons. In her view, the association was too general to provide meaningful information of the presence or activities of these groups in this development period. She suggested there would be other examples of place types that more meaningfully reflect the group, including synagogues and schools.

Ms Baker stated a sound reason had not been provided to justify why the association between these buildings and their respective architects is a special one. She observed there was nothing intrinsic to the group of buildings that would elevate the association over other works by these architects or others.

Ms Lardner disagreed 39 Lansell Road could be claimed as a building for a European émigré client. She advised Robert Fetter, the building client, arrived in Australia as a 17 year old in 1924. He lived and worked in Melbourne for three decades before 39 Lansell Road was built for him.

Ms Lardner opined Criterion H required an individual to be important in history and the place needs to provide evidence of the association that can be appreciated better than most other places. The property at 39 Lansell Road does not meet this test because:

- while Robert Fetter may have been part of the noted industrialist family established by his father, he does not, in his own right, appear to be a notable person in Stonnington's history
- Robert Fetter only resided at 39 Lansell Road from c1955 to c1967, which is a short period 30 years after his residence elsewhere in Melbourne
- even if Robert Fetter was of sufficient historical importance, other places such as the Fetter Mills sites may better allow the association with the Fetter family to be understood.

Ms Lardner dismissed any associative significance between Robert Billson and 39 Lansell Road because:

- Billson was not renowned for his post-war Modernist domestic work
- while the plans came from the Billson architectural office, there is no stylistic evidence that Billson designed the house
- there are other places both in Stonnington and elsewhere that better represent the direct association with Billson, an architect of historical importance in Victoria.

The 1 Lansell Court owners considered there is no evidence that the properties in the group have a special association with the life or works of emigrant architects or clients to elevate them over other works by these architects.

(iv) Discussion

For the reasons outlined by Ms Lardner, the Panel agrees 39 Lansell Road is not a building designed by an émigré architect or for émigré clients and must be excluded from the group for this reason.

The Statement of Significance asserts the “special” association demonstrated because European émigré architects and clients “*pioneered new approaches to residential Modernism that fundamentally enriched and transformed the practice of Anglocentric Modernism in Toorak*”. The Panel disagrees the Heritage Review has substantiated this proposition for the reasons discussed in Criterion A and D. The Heritage Review only describes the new approaches to Modernism in Toorak in terms of high end, luxurious design. This is not evident in the group.

(v) Conclusions

The Panel concludes that Criterion H is not satisfied because:

- The Heritage Review describes the new approaches to residential Modernism practiced in Toorak as high end, grand and luxurious.
- The basis of the special association described in the Statement of Significance is not demonstrated by the Toorak Post-war Modern Group.

16.4 Serial listing**(i) Background**

PPN01 states:

Places that share a common history and/or significance, but which do not adjoin each other or form a geographical grouping may be considered for treatment as a single heritage place. Each place that forms part of the group might share a common statement of significance; a single entry in the Heritage Overlay schedule and a single Heritage Overlay number.

(ii) Issue

The issue is whether the serial listing is strategically justified.

(iii) Evidence and submissions

Several experts noted previous Panels had established principles for the application of serial listings. The most fulsome list of principles was drawn from the Melbourne C258 Panel Report. These were:

- (a) the group proposed for serial listing must be defined by a common basis of heritage significance, which may include common architectural forms, histories or association with a particular type of...ownership – past or present;
- (b) these characteristics must be very well defined to be able to be recognised as a group;
- (c) generic use (eg. factories), period of construction or a common developer are insufficient to identify a group as having a particular characteristic;
- (d) a common statement of significance must be capable of guiding planning decisions which may be difficult or impossible where the buildings proposed to be included in a serial listing are stylistically different or altered to varying degrees;
- (e) serial listing is not a fall-back position where individual and precinct overlays fail to be strategically justified; and
- (f) a building within a serial listing must contribute to the group in a similar fashion as a building in a precinct overlay contributes to the overall precinct.

Council submitted the previous Panel reports confirm:

- (a) a 10 to 15 year period of development is acceptable period for buildings within serial listing;
- (b) use, period, style and/or materials provide a proper basis of serial listing;
- (c) serial listings should not be confined to atypical typologies (eg kilns); and
- (d) the characteristics must properly be very well defined to be recognisable as group.³⁰

Council submitted post-war Modernist dwellings were not developed in precincts in a contiguous manner. If contributory post-war Modernist dwellings in Toorak are to be the subject of heritage protection, it will have to be by way of a serial listing.

Ms Bashta noted there are limited places of individual significance from either the post-war era or which adopt Modernist ideals (some of which pre date World War II) included in the Planning Scheme. This reflects:

- the relatively limited development that occurred in this era
- a lack of interest in these places in previous heritage studies.

Ms Bashta stated the Amendment proposes to list several post-war/Modern places as individual heritage places. This will add to the limited places of individual significance already in the Planning Scheme designed by Australian architects. While the proposed introduction of additional individual controls goes some way to address the gap in the current controls as related to Modernist and post-war development in the City of Stonnington, this only protects the best and most intact examples of this era and does not afford consideration of more modest examples that have the representative characteristics of this class of place and contribute to the built environment.

Ms Gray described the justification for the serial listing as “questionable” because it relates to four houses with some thematic links and shared design attributes but without the particular and well defined characteristics that would set them aside from other examples and make them recognisable as a group. Ms Gray explained:

The dispersed nature of the serial listing concept has been seen by the panel for Moreland Amendment C149 as prompting specific consideration of these factors. In other words, as the places within a serial listing are not physically proximate to one another and cannot be read in combination, the well-defined characteristics need to be sufficiently strong to make them a recognisable group regardless of their isolation. I do not consider that to be the case for the proposed Toorak Post-war Modern Group.

The 39 Lansell Road owners said other examples of serial listings supported by Panels are distinct collections which share a common significance and purpose. This includes:

- electricity substations in Melbourne that represented the new provision of reticulated electricity to the Southbank area
- chicory kilns on Phillip Island
- Victorian houses originating from the same early housing estate
- collection of Moderne apartment buildings on Lygon Street, Brunswick East.

This contrast with the present example. Liling He submitted:

It is inappropriate to apply a serial listing to a collection of buildings that merely share some common features. Whilst those features might prove unusual or interesting, heritage

³⁰ D79, para 79

protection is only warranted where those features are well-defined and of demonstrable importance.

Liling He submitted the buildings are not important examples of Modernist architecture either individually or collectively. Their assumed collective importance as a group is contrary to the conclusions of the Moreland C149 Panel, which stated a serial listing should not be viewed as a fall-back position when individual and precinct listings cannot be strategically justified. It is also inappropriate to view a serial listing as a catch all to protect ordinary examples of a typology that cannot meet the level of individual protection.

Finally, Liling He stated the group was expressly selected as typical or ordinary examples of Modernist houses, only connected thematically by the broad concept of European immigration. The methodology used to identify and select properties for the serial listing was adopted to protect modest examples of such buildings that did not warrant individual protection. This is not the correct approach to a preparing a serial listing.

The 1 Lansell Court owners submitted the proposed serial listing raised an important issue of planning policy because the group:

- are not considered to be individually significant
- are geographically distant
- do not represent a theme established as being of importance to Stonnington
- do not have very well defined characteristics that make them recognisable as a group
- have undergone varying degrees of alterations making it difficult to reflect their integrity and intactness in the Statement of Significance.

The 1 Lansell Court owners submitted accepting the serial listing in these circumstances would reduce the threshold for heritage significance significantly and the capacity to include buildings in the Heritage Overlay expands dramatically.

(iv) Discussion

Previous Panels have established guidance for serial listings which is applicable to the present case. For the serial listing to be strategically justified, it must:

- have a common basis of heritage significance and be capable of being managed by a single Statement of Significance
- have well defined characteristics
- comprise buildings that are recognisable as a group
- comprise contributory buildings at a minimum.

Each of these matters has been addressed in detail in the Panel's previous discussions on Criterion A, D and H. The Panel considers:

- a common basis of heritage significance for the four modest, Modernist residential dwellings has not been demonstrated
- the common characteristics of Modernist residential design listed in the Statement of Significant are inconsistent with the characteristics of European émigré architect influenced Modernism in Toorak, which are described in the Heritage Review as high end, grand and luxurious
- even if the characteristics of European émigré influenced Modern design were as described in the Statement of Significance, the group does not share these characteristics in a way that makes them recognisable as a group

- three of the four buildings selected as part of the group do not meet the threshold to be categorised as contributory.

(v) Conclusion and recommendation

The Panel concludes the heritage assessment does not demonstrate the Toorak Post-war Modern Group (HO747) is strategically justified.

The Panel recommends:

Delete the Heritage Overlay (HO747) from properties proposed for the Toorak Post-war Modern Group.

17 Individual heritage places

17.1 10 Chastleton Avenue, Toorak (HO18)

Exhibited Statement of Significance



What is significant?

The property at 10 Chastleton Avenue, Toorak (otherwise known as Arundel) is significant. The scale, form, detailing and siting of the substantial Arts and Crafts Georgian Revival house, as well as the Interwar era garage, are of local significance. The plantings and front fence are not significant.

How is it significant?

Arundel is of local historical and aesthetic significance to the City of Stonnington, and is associated with the famed Australian architect, Harold Desbrowe-Anneer.

Why is it significant?

Arundel is historically significant as demonstrating the development of early 20th century mansions and houses within Toorak. The 1939 garage is historically important as demonstrating early 20th century parking facilities, during a time when the motor car was gaining popularity amongst the wealthy. **(Criterion A)**

Arundel is aesthetically significant as a highly intact and distinct Arts and Crafts Georgian Revival house. It is also important in exhibiting the principal aesthetic characteristics attributed to the later works of Harold Desbrowe-Anneer. These characteristics include: a rectilinear form; shallow-pitched gable roof; decorative floral plasterwork; a pillared portico or porch; and decorative elliptical windows. In the early 20th century and towards the end of Harold Desbrowe-Anneer's career, the aesthetic characteristics represented at Arundel became emblematic of Desbrowe-Anneer's Arts and Crafts Georgian Revival style. The garage was constructed in 1939 to the designs of another architect, and though not original to the site, still possesses aesthetic significance as a sympathetically designed outbuilding. **(Criterion E)**

Arundel has associative significance as a house designed by the famed Australian architect, Harold Desbrowe-Anneer. Arundel also has associative significance as the home of Chief Assistant Government Astronomer, Charles James Merfield for whose family the house was built. **(Criterion H)**

(i) Background

The property at 10 Chastleton Avenue, Toorak is categorised as significant for its historical (Criterion A), aesthetic (Criterion E) and associative (Criterion H) significance. The Heritage Overlay current applies to the property (HO18). The Amendment proposes to change the name of the place to 'Arundel' in the Heritage Overlay Schedule and incorporate a Statement of Significance for the place into the Planning Scheme.

(ii) The issue

The issue is whether the Statement of Significant accurately describes alterations and additions to the heritage place.

(iii) Evidence and submissions

The property owner identified several factual errors in the citation prepared for the property. The submitter stated:

- original downpipes were replaced in 1970
- the white timber front gate and gate posts are original.

Council submitted the Statement of Significance should be amended to correct these errors. Ms Bashta supported changes proposed by Council set out in the Officer Report of 5 June 2023.

(iv) Discussion

The Panel agrees with Council and Ms Bashta that the exhibited Statement of Significance should be amended to accurately describe alterations and additions to the original building fabric.

As no submissions or evidence disputed the associative significance of the place, the Panel makes no comment on this issue. The Panel's general commentary on Criterion H in Chapter 3.6 is relevant to this proposed heritage place.

(v) Conclusion and recommendation

The Panel concludes the exhibited Statement of Significance for 10 Chastleton Avenue, Toorak should be amended to accurately describe alterations and additions to the original building fabric.

The Panel recommends:

Amend the Statement of Significance for 10 Chastleton Avenue, Toorak (HO18) in accordance with the Panel preferred version shown at Appendix H5.

17.2 'Moonbria Flats' 68 Mathoura Road, Toorak (HO81)

Exhibited Statement of Significance



What is significant?

The property at 68 Mathoura Road, Toorak (otherwise known as Moonbria Flats), is significant. Specifically, the scale, form and detailing of the Modernist apartment block is of State significance. The garden edging, wall and plantings are not significant.

How is it significant?

Moonbria Flats are of local historical, aesthetic and associative significance to the City of Stonnington. As an intact structure designed by the pre-eminent Modernist architect Roy Grounds, it also has for associative significance at the state level.

Why is it significant?

Moonbria Flats are of historical importance in demonstrating the development of early 20th century high rise apartment buildings within the suburb of Toorak, during a time when some existing residents protested against the erection of flats within a suburb that was previously known for its affluent freestanding homes. Moonbria Flats also have historical significance as a block of flats that was completed in the World War II period and subsequently occupied by servicemen and women. **(Criterion A)**

Moonbria Flats are aesthetically significant as an intact and visually distinct example of an early 20th century Modernist apartment block. Key characteristics contributing towards its aesthetic value include the scale and form, glazing, cupola, rear courtyard, entrance treatment, and concrete balconies. **(Criterion E)**

Moonbria Flats have associative significance as a unique and visually distinct apartment block designed by the well-reputed Australian architect, Roy Grounds. **(Criterion H)**

(i) Background

'Moonbria Flats' at 68 Mathoura Road, Toorak is currently an individual Heritage Overlay (HO81) in the Planning Scheme and is categorised as significant. No change to this classification is proposed

by the Amendment. The Amendment proposes to incorporate a Statement of Significance for the place.

The Heritage Review noted Moonbria Flats are of local historical, aesthetic and associative significance to the City of Stonnington. It also said the scale, form and detailing of the Modernist apartment block is of State significance and as an intact structure designed by the pre-eminent Modernist architect Roy Grounds, it also has associative significance at the State level. The garden edging, wall and plantings are not significant.

The Heritage Review recommended 68 Mathoura Road for nomination to the Victorian Heritage Register (VHR).

(ii) The issues

The issues are whether the:

- Heritage Overlay (HO81) should apply to 68 Mathoura Road
- Statement of Significance is appropriate.

(iii) Evidence and submissions

An owner objected to applying the Heritage Overlay, inclusion on the VHR and was concerned about the impacts of heritage controls on the property.

Council submitted the property has not been nominated for the VHR as part of the Amendment. At its meeting on 2 May 2022, Council resolved to nominate 68 Mathoura Road to the VHR in accordance with the recommendations of the Heritage Review. Heritage Victoria subsequently advised Council that it was nominated in 2013 by another party and is awaiting assessment, and an additional nomination from Council was unnecessary. Affected property owners will be consulted about the proposal to add the place to the VHR if Heritage Victoria seek to progress the nomination.

Ms Bashta noted the inclusion of the property on the VHR was beyond the scope of the Amendment. She did not provide an assessment of the place against the Hercon criteria.

(iv) Discussion

The Panel accepts that 68 Mathoura Road is of local heritage significance. The Heritage Review provides sufficient justification with respect to Criteria A (historical significance) and E (aesthetic significance) and on this basis, it is appropriate to apply a Heritage Overlay on the property.

The Panel does not consider there is sufficient justification to apply Criterion H. As discussed in Chapter 3.6, associative significance requires a special association with the life or works of a person, or group of persons, of importance in our history. Although it is accepted that Roy Grounds is an important person in architectural history, a special association between Roy Grounds and the Moonbria Flats has not been adequately demonstrated.

The threshold for associative significance should be more than just that Moonbria Flats was a work of Roy Grounds. A *special* association between the Moonbria Flats and the life or works of Roy Grounds has not been explained in the Heritage Review or the citation. The Statement of Significance simply states:

Moonbria Flats have associative significance as a unique and visually distinct apartment block designed by the well-reputed Australian architect, Roy Grounds.

For Criterion H to be supported, the Statement of Significance should explain the special association between the architect and the property beyond the fact that the flats are 'unique and visually distinct' and that Roy Grounds was a 'well-reputed Australian architect'. The Panel considers that further work is needed to justify the application of Criterion H to Moonbria Flats.

The Amendment does not propose to include Moonbria Flats on the VHR, and any assessment of State significance is subject to a separate process.

Under the headings 'What is significant?' and 'Why is it significant?' the Statement of Significance refers to the building as having State significance. The Panel considers these references are premature. Although the Heritage Review concluded the building is of State significance, a full assessment of State significance has not been completed. A more detailed analysis of the property in accordance with the VHR Criteria and Threshold Guidelines is required before a definitive conclusion can be reached. At best, it can be said the building may have State significance.

The Panel considers the Statement of Significance should be modified to state:

What is significant?

The property at 68 Mathoura Road, Toorak (otherwise known as Moonbria Flats), is significant. Specifically, the scale, form and detailing of the Modernist apartment block is of **State** significance. The garden edging, wall and plantings are not significant.

How is it significant?

Moonbria Flats are of local historical **and** aesthetic **and associative** significance to the City of Stonnington. ~~As an intact structure designed by the pre-eminent Modernist architect Roy Grounds, it also has for associative significance at the state level.~~

All references to Criterion H (associative significance) under the heading 'Why is it significant?' should be deleted from the Statement of Significance.

(v) Conclusions and recommendation

The Panel concludes:

- Moonbria Flats at 68 Mathoura Road, Toorak is of local heritage significance, and it is appropriate to apply a Heritage Overlay to the property.
- There is insufficient justification at this stage to apply Criterion H (associative significance) to the property.
- It is beyond the scope of the Amendment to conclude the property is of State significance and to include the property on the VHR.
- Further assessment is required to determine whether the building is of State significance.
- The Statement of Significance should be modified to delete reference to Criterion H (associative significance) and the building having State significance.

The Panel recommends:

Amend the Statement of Significance for 'Moonbria Flats', 68 Mathoura Road, Toorak (HO81) in accordance with the Panel preferred version at Appendix H6 to:

a) Under the heading 'What is significant?' state:

- **The property at 68 Mathoura Road, Toorak (otherwise known as Moonbria Flats), is significant. Specifically, the scale, form and detailing of the Modernist apartment block is of significance. The garden edging, wall and plantings are not significant.**

b) Under the heading 'How is it significant?' state:

- **The Moonbria Flats are of local historical and aesthetic significance to the City of Stonnington.**
- c) **Under the heading 'Why is it significant?':**
- **Delete Criterion H.**

17.3 29 Lansell Road, Toorak (HO727)

Exhibited Statement of Significance



What is significant?

The property at 29 Lansell Road, Toorak is significant. Specifically, the form, scale, setback and detailing of the English Domestic Revival residence is of local significance, along with the front boundary wall and gates. The landscaping and later alterations and additions to the property are not significant.

How is it significant?

29 Lansell Road is of local aesthetic significance to the City of Stonnington.

Why is it significant?

29 Lansell Road is aesthetically significant as a highly unique and substantially intact example of an English Domestic Revival style residence with an original front fence. Unlike more conventional examples of this style, it is unusual in its mixed use of circular and rectilinear built and roof forms, which combine to create a visually striking and picturesque structure. Other key architectural features contributing towards its aesthetic value include the three tall face brick chimneys, slate tile roof, brick corbel detailing below the roof eaves, a deep setback from the street on a descending gradient from street level which emphasises the unusual roof form, and an original face brick fence with wrought iron gates. The residence is further enhanced by the landscape setting at the front of the building which includes curved brick retaining walls and gardens, and curved brick driveway. **(Criterion E)**

(i) Background

The property at 29 Lansell Road (also known as Duart) is identified as significant within the Heritage Review and is recommended for an individual Heritage Overlay (HO727) based on its aesthetic (Criterion E) significance. This is a proposed new Heritage Overlay.

The Heritage Overlay Schedule proposes to 'turn on' the column that provides 'Outbuildings or fences not exempt under Clause 43.01'.

(ii) The issues

The issues are:

- whether the property is of heritage significance
- whether the Statement of Significance is appropriate
- whether the Heritage Overlay Schedule should not exempt outbuildings or fences in Clause 43.01.

(iii) Evidence and submissions

The owner stated:

- the proposed significance of the site is not appropriately supported in the Heritage Review
- the aesthetic significance of the site is not sufficiently strong to reach the threshold at a local level
- the Amendment does not provide clarity regarding the fabric on the site that is important
- the Heritage Review does not properly assess and use the historical drawings for the building to understand alterations to the built fabric
- the front boundary fence is not original and does not warrant fence controls
- there are items in the documentation that require correction, further discussion and clarification, including that some of the citation is overstated, unsupported by facts and fails to properly identify sources.

A supplementary submission provided a tracked-change version of the citation with a number of proposed changes suggested by the submitter (D7).

Ms Bashta considered 29 Lansell Road warrants application of the Heritage Overlay for its aesthetic significance as a visually striking and intact example of an English Domestic style residence, including its:

- picturesque asymmetry
- articulated mixture of circular and rectilinear lines
- bold roof forms and chimneys
- complementary front fence.

Ms Bashta noted alterations to the building include:

- a two storey rear extension to the western elevation, inclusive of an upper storey deck, balcony and associated timber clad balustrade (1981)
- like-for-like replacement of windows along the northern elevations (1981)
- like-for-like replacement of brick chimney along west elevation (1981)
- demolition of the 1981 extensions and new rear extension to the western elevation (2013)
- freestanding garage addition and subsequent extensions to garage in 2002 and 2003.

Ms Bashta said these alterations and additions are generally sympathetic or are not visible from the street front. As such, they do not adversely impact the heritage significance of 29 Lansell Road, Toorak.

Ms Bashta generally agreed with the changes proposed by the submitter with respect to the citation except for the material related to the front fence. She acknowledged the front fence has been altered with the addition of a pedestrian gate and gate pillars. A driveway gate has also been installed and the fence height increased. Again, Ms Bashta considered these alterations are

generally sympathetic, and the fence largely retains its original and/or early appearance and contribution to the site.

In this context, Ms Bashta recommended the fence should be specified as 'not exempt' under Clause 43.01-4 and the Statement of Significance (and citation) amended to note the alterations to the fence. She presented a revised version of the Statement of Significance as part of her evidence statement (D17a), including some of the changes suggested by the submitter:

What is significant?

The property at 29 Lansell Road, Toorak ([otherwise known as Duart](#)), is significant. Specifically, the form, scale, setback and detailing of the English Domestic Revival residence is of local significance, ~~along with the~~. [The front boundary wall and gates is contributory](#). The landscaping and later alterations and additions to the property are not significant.

How is it significant?

~~29 Lansell Road~~ [Duart](#) is of local aesthetic significance to the City of Stonnington.

Why is it significant?

~~29 Lansell Road~~ [Duart](#) is aesthetically significant as a highly unique and substantially intact example of an English Domestic Revival style residence ~~with an original front fence~~. Unlike more conventional examples of this style, it is unusual in its ~~mixed~~ use of circular and rectilinear built and roof forms, which combine to create a visually striking and picturesque ~~structure~~ [composition](#). Other key architectural features contributing towards its aesthetic value include the three tall face brick chimneys, ~~slate terracotta~~ [tile roof](#), brick corbel detailing below the roof eaves, ~~and~~ [a deep setback from the street on a descending gradient from street level which emphasises the unusual roof form, ~~and an original face brick fence with wrought iron gates~~. The residence is further enhanced by the ~~landscape setting at the striking clinker brick front of the building which includes curved brick retaining walls and gardens, and curved brick boundary fence and original driveway, which largely retain their original or early appearance~~. \(Criterion E\)](#)

Ms Schmeder concluded the property is a place of clear local heritage significance due to its striking design. She noted:

- while outbuildings have been added to the site in recent years, they are recessive in siting and scale in relation to the house
- the 2013 rear extension is large, but its construction involved minimal change to the original part of the house, is entirely recessive and has not undermined the local significance of the place
- the main alterations and additions to the building are appropriately explained in the citation
- the comparative analysis in the Heritage Review is appropriate.

Ms Schmeder said although the front fence has been raised in height, it has retained much of its original materials and detailing and its form. On this basis, she said it was appropriate for the Statement of Significance to refer to the fence as a contributory element, but due to the extent of alterations the Schedule to 43.01 should exempt the place from fence controls in Clause 43.01.

Council relied on the evidence of Ms Bashta and supported her changes to the Statement of Significance. It did not propose any modification to the exhibited Amendment with respect to the application of fence controls in the Clause 43.01 Schedule.

The owner accepted the changes to the Statement of Significance (and citation) prepared by Ms Bashta and agreed to by Council.

(iv) Discussion

The Panel agrees that 29 Lansell Road is of local heritage significance. This was supported by the evidence of both Ms Bashta and Ms Schmeder and ultimately accepted by Submitter 53.

The changes to the Statement of Significance recommended by Ms Bashta, and supported by Council and Submitter 53, are reasonably based on information provided by the owner and further research. In combination, the changes improve the clarity and intent of the document.

The Panel considers it is appropriate for the Heritage Overlay Schedule to not exempt outbuildings or fences in Clause 43.01. That is, the exhibited Amendment is acceptable. Although the front fence has been altered, there are large sections of the fence that retain original fabric and the Statement of Significance identifies it as a contributory element to the significance of the place.

The Panel notes that turning on (or off) the 'fence control column' in the Clause 43.01 Schedule does not alter the need for a planning permit to demolish or construct a fence. Rather, its utility is limited to consideration of whether the permit application is subject to a VicSmart process, notification and review limitations.

(v) Conclusions and recommendation

The Panel concludes:

- The property at 29 Lansell Road is of local heritage significance.
- The Statement of Significance should be modified to reflect the alterations to the front fence and other minor corrections.
- The Heritage Overlay Schedule should not exempt outbuildings or fences in Clause 43.01.

The Panel recommends:

Amend Statement of Significance for 29 Lansell Road, Toorak (HO727) to reflect the alterations to the front fence and other minor corrections in accordance with the Panel preferred version included in Appendix H7.

17.4 20 Millicent Avenue, Toorak (HO730)

Exhibited Statement of Significance



What is significant?

The property at 20 Millicent Avenue, Toorak, otherwise known as Lucknow, is significant. Specifically, the form, scale, detailing and materiality of the transitional late Victorian and Edwardian style residence, along with the front boundary fence, is of local heritage significance. The garage and later alterations and additions to the property are not significant.

How is it significant?

Lucknow is of local historic and aesthetic significance to the City of Stonnington.

Why is it significant?

Lucknow is historically significant as grand transitional late Victorian and Edwardian residence erected between c.1895-1900, following the 1888 subdivision of the Millicent Estate. Connected to the 1880s land boom, which saw urban character changes and a period of rapid subdivision of Victorian estates and development across the City of Stonnington, Lucknow forms a tangible link to the late Victorian subdivision story of Toorak, and illustrates the suburb's growing upper-middle class towards the turn of the 20th century. **(Criterion A)**

Lucknow is aesthetically significant as a highly intact and visually striking residence that seamlessly incorporates features from both the late Victorian and Edwardian styles. Key features contributing to its aesthetic value include stucco walls, original timber window and door joinery, a hipped and gabled roof form with profiled chimneys, terracotta tiles and decorative finials, a bay window with a parapet and festoon mouldings, a wraparound verandah with ground floor arched loggia and upper floor timber balustrade defined by a quatrefoil design and a turned slatted timber valance, a broken back verandah roof, and decorative gable ends with rough cast render, timber battens and moulded ornamentation. The front fence also contributes towards this aesthetic value with its profiled capping to the piers and walls, and metal palisade fence. **(Criterion E)**

(i) Background

The property at 20 Millicent Avenue, Toorak (also known as Lucknow) is identified as significant within the Heritage Review and is recommended for an individual Heritage Overlay (HO730) based on its historical and aesthetic significance. This is a proposed new Heritage Overlay.

Although the front fence is identified in the Statement of Significance as contributing to the aesthetic value of the place, the Amendment does not 'turn on' the column in the Heritage Overlay Schedule that provides 'Outbuildings or fences not exempt under Clause 43.01'.

(ii) The issues

The issues are whether the:

- property is of heritage significance
- Statement of Significance is appropriate.

(iii) Evidence and submissions

The owner objected to the Heritage Overlay being applied to 20 Millicent Avenue because the property has been significantly modified.

The submission noted a range of errors in the Physical Analysis section of the citation, including:

- the brick structure is not stucco but overpainted face red brick
- several alterations have not been addressed, including but not limited to the conversion of the house into three flats in the late 1950s/early 1960s, alterations to the windows on the western and eastern elevations of the ground floor, and enclosure of the arched loggia
- the front fence is not original
- several alterations to the internal layout, including but not limited to the removal of the internal staircase and fireplace mantels.

At the Hearing, the submitter said:

- their house is prominent within the streetscape
- the houses at 24 and 26 Millicent Avenue are already subject to a Heritage Overlay (HO632) and together with 18, 20 and 22 Millicent Avenue comprise a group of properties that collectively demonstrate the evolution that has taken place since the initial 1888 subdivision of the Millicent Estate
- without more extensive heritage controls, inappropriate development could take place that would eliminate the setting of the house by facilitating multistorey buildings on both sides of the property
- there is little point in applying a Heritage Overlay to 20 Millicent Avenue if it can be obscured by multi storey buildings on either side of it.

The submitter said that the group of five properties from 18 to 26 Millicent Avenue contribute to and form a streetscape of aesthetic significance (under Criterion E) and historical significance (under Criterion A) and that, at the least, this group of five properties should be subject to a Heritage Overlay as a precinct.

Ms Bashta described 20 Millicent Avenue as a substantial building that is prominent within the streetscape and includes interesting design details that combine to create an idiosyncratic but notable aesthetic character.

Ms Bashta agreed the extent of alterations to the property, particularly in relation to overpainting and changes to the fenestration, have compromised its integrity, however considered there remains enough significant form and fabric to support the application of the Heritage Overlay on an individual basis. She noted:

- previous alterations to the residence, including the conversion of the house into flats in the late 1950s and early 1960s, which saw the partial removal of the upper floor balustrade and the enclosure of the ground floor arched return loggia have been sympathetically reversed
- key features that have been retained include its overall form, composition, materiality, chimneys, timber joinery and festoon mouldings.

Ms Bashta supported the modified version of the Statement of Significance prepared by Extent Heritage and presented at the Council meeting on 5 June 2023. She said these changes reflected the additional information provided by the owners regarding the front fence and a range of other building details. She supported the following changes to the Statement of Significance:

What is significant?

The property at 20 Millicent Avenue, Toorak, otherwise known as Lucknow, is significant. Specifically, the form, scale, detailing and materiality of the transitional late Victorian and Edwardian style residence, ~~along with the front boundary fence~~, is of local heritage significance. The garage, front boundary fence and later alterations and additions to the property are not significant.

How is it significant?

Lucknow is of local historic and aesthetic significance to the City of Stonnington.

Why is it significant?

Lucknow is historically significant as grand transitional late Victorian and Edwardian residence erected between c.1895-1900, following the 1888 subdivision of the Millicent Estate. Connected to the 1880s land boom, which saw urban character changes and a period of rapid subdivision of Victorian estates and development across the City of Stonnington, Lucknow forms a tangible link to the late Victorian subdivision story of Toorak, and illustrates the suburb's growing upper-middle class towards the turn of the 20th century. (Criterion A)

Lucknow is aesthetically significant as a highly intact and visually striking residence that seamlessly incorporates features from both the late Victorian and Edwardian styles. Key features contributing to its aesthetic value include ~~stucco walls, original timber window and door joinery~~, a hipped and gabled roof form with profiled chimneys, terracotta tiles and decorative finials, a bay window with a parapet and festoon mouldings, a wraparound verandah with ground floor arched loggia and upper floor timber balustrade defined by a quatrefoil design and a turned slatted timber valance, ~~a broken back verandah roof~~, and decorative gable ends with rough cast render, timber battens and moulded ornamentation. ~~The front fence also contributes towards this aesthetic value with its profiled capping to the piers and walls, and metal palisade fence.~~ (Criterion E)

Ms Bashta also supported a range of other minor changes to the citation recommended by Extent Heritage and included several additional changes in her evidence statement.

Ms Schmeder said that although the house does not retain all original building fabric (that is, it is not wholly intact) there is sufficient original design form and detail (integrity) to be of heritage significance. She noted the comparative analysis in the Heritage Review demonstrated that the overall form and detail of the house compares very well to other substantial significant late Victorian/Edwardian houses in Stonnington. Ms Schmeder supported the revised Statement of Significance.

In response to the revised citation by Ms Bashta, Submitter 45 sought further changes to the citation. They sought two further changes to the Statement of Significance relating to the description of the property:

- under Criterion A - “Lucknow is historically significant as a ~~grand~~ large transitional late Victorian and Edwardian residence...”
- under Criterion E - “Lucknow is aesthetically significant as a ~~highly~~ largely intact and visually striking residence ...”.

Council supported the modified version of the Statement of Significance prepared by Extent Heritage presented at the Council meeting on 5 June 2023 and endorsed by Ms Bashta and Ms Schmeder. It noted the Heritage Review did not recommend a Heritage Overlay precinct for Millicent Avenue.

(iv) Discussion

The Panel agrees with the Heritage Review and the expert witnesses that 20 Millicent Avenue is of historical and aesthetic significance. The residence is a substantial building with form, scale, detailing and materiality that clearly represents an example of a transitional design from the Victorian to Edwardian eras. Although the building has had some modifications, there is sufficient fabric to enable it to reach the threshold for the application of an individual Heritage Overlay to the property.

There is no justification in the Heritage Review for a Heritage Overlay precinct in Millicent Avenue. The Panel does not support a Heritage Overlay precinct to 18-26 Millicent Avenue without proper rigorous analysis and strategic justification. If in the future a sound strategic justification can be made for such a precinct, then this should be subject to a separate planning scheme amendment. This would provide all property owners an opportunity to comment on a proposal to include their property in a Heritage Overlay.

The desire to have a broader heritage precinct in the street appears based on an objective to limit multi storey ‘inappropriate development’. This is not the purpose of the Heritage Overlay. The Heritage Overlay should only be applied if the place satisfies the processes and criteria outlined in PPN01.

The Panel accepts the front fence is not original and the Statement of Significance should be amended to delete reference to the fence as an element of significance. Based on the information provided by the owners and confirmed by Extent Heritage and the expert witnesses, the Panel also accepts the other modifications to the Statement of Significance with respect to the deletion of references to stucco walls, original timber window and door joinery and a broken back verandah roof.

The Panel considers the reference to the house as a “... *grand transitional late Victorian and Edwardian residence* ...” is appropriate. The house is of sufficient scale to justify the term ‘grand’.

Due to the various modifications that have been made to the property, the Panel does not consider the house is “*highly intact*”. It agrees with Ms Schmeder that the property is moderately intact but is of high integrity. In that context, the text relating to Criterion E in the Statement of Significance should be modified to delete reference to the property as highly intact. It is sufficient to say that “*Lucknow is aesthetically significant as a visually striking residence...*”

(v) Conclusions and recommendation

The Panel concludes:

- 20 Millicent Avenue is of local heritage significance and it is appropriate to apply an individual Heritage Overlay to the place.
- The Heritage Review does not provide any justification for a Heritage Overlay precinct that includes 18-26 Millicent Avenue.
- A Heritage Overlay precinct to Millicent Avenue should only be considered following a more detailed review of the heritage significance of the area and subject to a separate planning scheme amendment.
- The Statement of Significance should be modified to:
 - delete reference to the front fence as an element of significance
 - delete reference to stucco walls, original timber window and door joinery and a broken back verandah roof as key features contributing to the aesthetic value of the place
 - delete reference to the property as being highly intact.

The Panel recommends:

Amend the Statement of Significance for Lucknow, 20 Millicent Avenue, Toorak (HO730) in accordance with the Panel preferred version included in Appendix H8 to:

- a) **delete reference to the front fence as an element of significance**
- b) **delete reference to stucco walls, original timber window and door joinery and a broken back verandah roof as key features contributing to the aesthetic value of the place**
- c) **delete reference to the property as being highly intact.**

17.5 7 Trawalla Avenue, Toorak (HO739)

Exhibited Statement of Significance



What is significant?

The residence at 7 Trawalla Avenue, Toorak is significant. The built form, scale, fenestration and materiality of the post-war Modernist house is of local significance. The landscaping and later alterations and additions to the property are not significant.

How is it significant?

7 Trawalla Avenue, Toorak is of representative significance to the City of Stonnington. The site also has associative significance as a residence designed by the highly significant Modernist architectural firm Yuncken Freeman Architects.

Why is it significant?

7 Trawalla Avenue, Toorak is of representative significance as a discernible example of innovative experimentation in geometric form and materials in residential design that typified the peak of the Modernist movement in Australia. This is most evident in its built form, particularly its flat roof with exposed overhanging eaves paired with a double storey construction, stepped roof form and glazing to the upper storey, which achieves visual boldness while simultaneously remaining lightweight in massing and scale. The sheer unornamented façade provides a sense of restraint contrasted with the luxury of the covered walkway and gold leaf gilding on the front door. **(Criterion D)**

7 Trawalla Avenue, Toorak has associative significance as an intact residential design by the highly distinguished architectural firm Yuncken Freeman Bros. Griffiths and Simpson (later Yuncken Freeman Architects) who became one of Melbourne's most important architectural firms of the 20th century for their significant role in re-shaping the city from the 1960s and 1970s. They were responsible for important designs such as the Former BHP House (1972), Estates House (1976), Sidney Myer Music Bowl (1959) and La Trobe University. **(Criterion H)**

(i) Background

7 Trawalla Avenue, Toorak is identified as significant within the Heritage Review and recommended for a new individual Heritage Overlay (HO739) based on its representative (Criterion D) and associative (Criterion H) significance.

(ii) The issue

The issue is whether the Heritage Overlay (HO739) should be applied to 7 Trawalla Avenue, Toorak.

(iii) Evidence and submissions

The owner objected to the Heritage Overlay (HO739) being applied to 7 Trawalla Avenue because it does not meet any of the relevant Hercon criteria. The submitter stated:

- the building is heavily modified and not an intact example of innovative experimentation in geometric form and materials (Criterion D)
- there is not special association between the building and Yuncken Freeman Brothers (Criterion H).

Council submitted the identification of the place as significant as proposed in the Amendment is appropriate, including reliance on both Criteria D and H. Ms Bashta and Ms Schmeder both supported Council's position.

Ms Bashta's evidence was:

- alterations and additions are relatively minor and not considered adverse to the heritage significance of the place
- the condition of the building is fair and evidence of paint deterioration and dilapidated roof plumbing do not affect the building's integrity
- as a rare intact Modernist residential design by the firm Yuncken Freeman Architects—a firm otherwise recognised for state significant large scale public, religious and commercial work—7 Trawalla Avenue meets the threshold of associative value at the local level.
- post-war heritage was identified as a significant gap in the Heritage Review
- previous plans to demolish the building are not relevant to the consideration of heritage significance.

Ms Schmeder's evidence was:

- in 1958, a two storey sunroom extension to the rear (north-east corner) of the house was designed by Yuncken Freeman for the original owner with detailing to match the rest of the house
- in 1964 Yuncken Freeman designed a single storey cabana and circular swimming pool in the rear half of the site, which do not impact the house
- in 1969 a two storey addition set back behind the garage wing was added to the house (Figure 53), and, while visible from the street, this addition is well set back and in keeping with the scale and roof form of the original extent of the house and does not have a negative impact on the building's heritage significance
- in 1974 George Campbell and Associates Architects designed a small ground floor addition, containing a bedroom and storeroom, located just to the rear of the 1969 dressing room
- apart from the 1969 dressing room addition, none of the other changes to the house affect its presentation to the street and they have been sensitively designed.

Regarding the condition of the building, Ms Schmeder considered:

While uncared for, there is no evidence when viewing from the street that the house is structurally unstable or requiring rebuilding (that is, no cracking is visible in the brick walls). Its current condition does not impact upon its heritage significance.³¹

In relation to Criteria H, Ms Schmeder stated:

In this case, the “special” association has not been demonstrated, beyond the fact of Yuncken Freeman Bros’ authorship. In my expert opinion, the place does not meet Criterion H at the local level (but it does meet Criterion D).³²

Ms Schemer recommended the citation/Statement of Significance be updated to:

- remove Criterion H from the Statement of Significance and note the designer in ‘What is significant’ instead
- address the visible 1969 addition to the north-west corner of the house in the place description
- recognise the Yuncken Freeman additions of 1958 and the cabana of 1964 as contributory elements of this place.

Figure 53 7 Trawalla Avenue, Toorak with 1969 addition visible above the garage



Source: D18, page 84

(iv) Discussion

Criterion D

The Panel was referred to the Melbourne C378 Panel’s discussion on Criterion D to which is relevant to the 7 Trawalla Avenue. That Panel stated:

The question is how well each place demonstrates representativeness with a class to be considered important. While places do not need to meet superlatives such as ‘landmarks’, ‘exceptional’, ‘remarkable’ or be notable (including pivotal or influential) at the local level, they should be better than typical. Again, the level of intactness and integrity and the comparative analysis plays a key role in demonstrating this or setting an appropriate benchmark. A representative place should demonstrate most of the principal characterises of the class in a manner that is clearly evident.

³¹ D18, p86

³² D18, page 86

The absence of a municipal wide assessment of inter and post-war Modern development has made it difficult for the Panel to understand the true heritage value of some places, including 7 Trawalla Avenue. While this building is clearly recognisable as a Modernist building, it is not clear to the Panel whether the building is an important example of this class.

The comparative analysis in the citation is of little assistance in determining whether the building reaches the threshold for local significance. The first comparator, Richardson House (HO360) (Figure 54), is acknowledged in the citation as a more innovative and expressive example of Modernism.

The second comparator at 35 Larnook Street, Prahran (HO645) (Figure 55) is stylistically different as an example European Modernism. While the Panel accepts both buildings have a “*striking design*”, this is most evident in the rear elevation of 7 Trawalla Avenue, which is not mentioned as an important feature in the Statement of Significance. Likewise, the arrangement of the building around a courtyard is not noted in the Statement of Significance, though is a common characteristic of Modern design, and is a feature of other buildings recognised in the Heritage Overlay including Grounds House at 24 Hill Street (HO60).

Figure 54 Richardson House – 10 Blackfriars Close, Toorak (HO360)



Source: www.slv.vic.gov.au

Figure 55 35 Larnook Street, Prahran (HO645)



Source: www.planning.vic.gov.au/planningschemes

The citation provides two comparator properties within the Yuncken Freeman portfolio. These are also of little assistance to the Panel given 4 Grant Avenue, Toorak (HO491) is not a Modernist design and 60 Washington Street, Toorak (proposed HO742) is subject to the Amendment.

Further work is required to substantiate that 7 Trawalla Avenue meets the threshold for local significant under Criterion D. The Panel has not arrived at this position lightly, and has given extensive consideration to the materials submitted to it during the Hearing. The Panel acknowledges Modernist buildings are in a precarious position in Stonnington. It is possible that these buildings will be demolished if not protected by the Heritage Overlay. However, the Panel cannot lessen the threshold for local significance because of this risk.

In the absence of a municipal-wide assessment of Modernist development, Council should undertake a comprehensive comparative analysis for the site, drawing from examples both within and outside of Stonnington if necessary. It is a matter for Council and Minister for Planning to determine if the interim Heritage Overlay that applies to the site should be extended to allow this further work to be completed.

Criterion H

The Amendment relies on the following assessment of Criterion H:

7 Trawalla Avenue, Toorak has associative significance as an intact residential design by the highly distinguished architectural firm Yuncken Freeman Bros. Griffiths and Simpson (later Yuncken Freeman Architects) who became one of Melbourne’s most important architectural

firms of the 20th century for their significant role in re-shaping the city from the 1960s and 1970s. They were responsible for important designs such as the Former BHP House (1972), Estates House (1976), Sidney Myer Music Bowl (1959) and La Trobe University.

As discussed in Chapter 3.6, Criterion H is not met where an assessment only refers to a place being the work of a noted architect or designer because it does not demonstrate a 'special' association between an architect and a place. There is nothing in the assessment that connects Yuncken Freeman with Toorak, Stonnington or the progress of domestic architecture as exemplified in this building. The Panel agrees with Ms Schmeder that the assessment does not demonstrate 7 Trawalla Avenue meets Criterion H at the local level.

(v) Conclusions and recommendation

The Panel concludes:

- The heritage assessment does not demonstrate the building meets Criterion D (representative significance) when compared with others in its class.
- The heritage assessment does not demonstrate the building meets Criterion H (associative significance).

The Panel recommends:

Delete the Heritage Overlay (HO739) from 7 Trawalla Avenue, Toorak.

17.6 Santosa, 33 Albany Road, Toorak (HO741)

Exhibited Statement of Significance



What is significant?

The property at 33 Albany Road, Toorak (otherwise known as Santosa) is significant. The built form, materiality, siting, orientation and fenestration of the post-war Modernist flat building is of local significance, along with the brick boundary wall, pedestrian entrance path and integrated undercroft car park. Later alterations and additions to the property are not significant.

How is it significant?

Santosa is of local historical and aesthetic significance to the City of Stonnington. It also has significance as a design by the prolific post-war Modernist Australian architect, Guilford Bell.

Why is it significant?

Santosa is of historical significance as an architect designed luxury apartment building constructed in the post-war period. An outcome of the growing popularity of higher density living and population increases in the post-war era, Santosa reflects the growth of architect designed luxury apartments in Toorak between the 1940s and 1960s. While the emergence of architect designed apartments has its roots in the interwar period, whereby local opposition to flat development saw developers employing noted architects to design apartments and maisonettes that emulated interwar style mansions, the post-war period saw the incorporation of Modernism into flat design and construction amongst leading architects. Santosa therefore forms a tangible link to this period of suburban development in Toorak. **(Criterion A)**

Santosa is of aesthetic significance as an intact and fine example of post-war modernism in flat design by virtue of its monumental qualities, repetitive detailing and considered composition. Key features contributing to its aesthetic value include its large rectilinear form built in brick, balanced in scale by the use of a shallow skillion roof and undercroft, minimal use of ornamentation, recessed floor-to-ceiling glazing, tiled entrance stairs and brick boundary wall. The use of an undercroft carpark featuring thin pilasters achieves a lightness and floating effect for the upper storey, generating a design that, when setback behind mature plantings, appears both luxurious and monumental. **(Criterion E)**

Santosa is of associative significance as a flat design by the prolific post-war Modernist Australian architect, Guilford Bell. Santosa exemplifies the key elements characteristic of Bell's oeuvre, including his signature incorporation of aesthetic restraint, visual anonymity, blank walls to the street, rectilinear forms and symmetry in design. **(Criterion H)**

(i) Background

The property is 33 Albany Road, Toorak is identified as significant within the Heritage Review and recommended for a new individual Heritage Overlay (HO741) based on its historical (Criterion A), aesthetic (Criterion E) and associative (Criterion H) significance.

(ii) The issue

The issue is whether the Heritage Overlay (HO741) should be applied to 33 Albany Road, Toorak.

(iii) Evidence and submissions

Council submitted 'Santosa' is one of the only known flats designed by Guilford Bell and provides important insight into his approach towards flat design in the post-war era. There are no other examples of Bell's flat designs within the municipality, and few represented within neighbouring municipalities.

Ms Bashta and Ms Schmeder both supported the Heritage Overlay (HO741) without change. Ms Schmeder stated:

- while there are other post-war Modernist flats in Toorak, and Stonnington more widely, Santosa is one of the best examples of its type (Criterion A)
- Santosa stands out from other examples of post-war Modern flats and houses because of its luxurious and monumental features (Criteria E)
- the conclusion that Santosa is 'special' within Guilford Bell's oeuvre would be more convincing if it rested upon an explicit comparison with his other local work (Criteria H).

Submitters opposing the Heritage Overlay (HO741) stated the building is not a significant Guilford Bell development based on the Hercon criteria. They considered:

- there are many examples of post war Modernism in flat design and constructions
- there are many local examples of rectilinear form with shallow skillion roof lines and with minimal use of ornamentation
- the property is not a more prominent work of Guilford Bell and there are other more appropriate examples of his style that warrant a Heritage Overlay.

Submitter 23 supported the Heritage Overlay (HO741).

(iv) Discussion

Stonnington's thematic history describes the influence apartment development had on Stonnington's suburban and population growth in the post-World War II period. It confirms the role of architects in introducing Modernist design in apartment design. The Panel accepts that Santosa is a particularly fine example of a flat development when compared to others and Criterion A (historical significance) and Criterion E (aesthetic significance) are met. These criteria only require significance to be demonstrated across the same class of building and not in comparison to the portfolio of Guilford Bell's work.

To meet Criterion H at the local level, a 'special association' must be established within the local context. In this instance, a special association between Guilford Bell, Toorak (or Stonnington more broadly) and the proposed heritage place, is not made out in the Statement of Significance, citation or thematic history. The Hercon assessment is focussed on the composition of Bell's works, rather than the connection of this work with Stonnington. The assessment states:

Santosa is of associative significance as flats designed by the prolific Post-war Modernist Australian architect, Guilford Bell. Santosa exemplifies the key elements characteristic of Bell's oeuvre, including his signature incorporation of aesthetic restraint, visual anonymity, blank walls to the street, rectilinear forms and symmetry in design.

As discussed in Chapter 3.6, Criterion H is not met where an assessment only refers to place being the work of a noted architect or designer. This does not demonstrate a 'special' association between an architect and a place.

The Panel observes the thematic history describes noted and prominent architects as instrumental in the design of inter-war and post-war apartments that led to growth in Stonnington. It may be that this group collectively demonstrate an associative significance with apartment development that is important to Stonnington. However, this is not the basis of the Amendment and requires further analysis.

(v) Conclusions and recommendation

The Panel concludes:

- The Heritage Overlay (HO741) should be applied to 33 Albany Road, Toorak.
- The heritage assessment demonstrates Santosa meets Criterion A (historical significance) and Criterion E (aesthetic significance).
- The heritage assessment does not demonstrate Santosa meets Criterion H (associative significance).

The Panel recommend:

Amend the Statement of Significance for 33 Albany Road, Toorak (HO741) to delete Criteria H in accordance with the Panel preferred version shown at Appendix H9.

17.7 60 Washington Street, Toorak (HO742)

Exhibited Statement of Significance



What is significant?

The residence at 60 Washington Street, Toorak is significant. The built form, scale, fenestration and materiality of the Post-war Modernist house is of local significance. The landscaping and later alterations and additions to the property are not significant.

How is it significant?

60 Washington Street, Toorak is of representative significance to the City of Stonnington. The site also has associative significance as a residence designed by the highly significant Modernist architectural firm Yuncken Freeman Architects and as the personal residence of Roy Simpson, notable architect and partner in the firm.

Why is it significant?

60 Washington Street, Toorak is of representative significance as a discernible example of innovative experimentation in geometric form and materials in residential design that typified the peak of the Modernist movement in Australia. This is most evident in its built form, particularly its flat roof with exposed overhanging eaves paired with a double storey construction and glazing to the upper storey, which achieves visual boldness while simultaneously remaining lightweight in massing and scale. The emphasis of lower ground garage conveys a bunker-like weight, coupled with the sheer unornamented façade providing a sense of design restraint. **(Criterion D)**

60 Washington Street, Toorak has associative significance as an intact residential design by the highly distinguished architectural firm Yuncken Freeman Bros. Griffiths and Simpson (later Yuncken Freeman Architects) who became one of Melbourne's most important architectural firms of the 20th century for their significant role in re-shaping the city from the 1960s and 1970s. They were responsible for important designs such as the Former BHP House (1972), Estates House (1976), Sidney Myer Music Bowl (1959) and La Trobe University Masterplan (1964). What is more, the dwelling was designed and constructed as the personal residence of architect and partner in the firm, Roy Simpson. **(Criterion H)**

(i) Background

The property at 60 Washington Street, Toorak is identified as significant within the Heritage Review and recommended for a new individual Heritage Overlay (HO742) based on its representative (Criterion D) and associative (Criterion H) significance.

(ii) The issue

The issue is whether the Heritage Overlay (HO742) should be applied to 60 Washington Street, Toorak.

(iii) Evidence and submissions

The owner of 60 Washington Street stated there was insufficient justification to apply the Heritage Overlay to the property because:

- it is not a significant example of Modernism in Australia (Criterion D)
- the association with Yuncken Freeman Architects is tenuous, incidental and irrelevant to that important work (Criterion H).

Council submitted it is appropriate to identify the property as significant and to apply the Heritage Overlay as an individual place.

Ms Bashta's opinion was the property meets the threshold for local significance. She explained:

In order to meet the threshold for inclusion in the Stonnington Heritage Overlay, the place does not need to demonstrate a contribution to modernism in Australia; rather, it needs to show that it demonstrates (in regard to the criteria it was found to meet) 'importance in demonstrating the principal characteristics of a class of cultural ... place' at the local level (i.e. to a level of local significance). Accordingly, the citation does not make a claim as to the contribution of the place to modernism in Australia; rather, that is it is representative of Australian modernism to a degree that meets the threshold for local significance. This is demonstrated through an appropriate comparative analysis.

...as a rare intact Modernist residential design by the firm Yuncken Freeman Architects—a firm otherwise recognised for state significant large-scale public, religious and commercial work—and its partner Roy Simpson in particular, who designed the house as his residence, 60 Washington Street meets the threshold of associative value at the local level.³³

Ms Schmeder agreed with Ms Bashta's opinion that significance only needs to be demonstrated at the local level to meet the threshold for inclusion in the Planning Scheme. Having regard to the building's high external intactness, as viewed from the public realm, and its design as the architect's own dwelling, she considered attribution of local significance to be reasonable.

Ms Schmeder also agreed with Ms Bashta that the property meets Criteria H. She opined:

While currently Roy Simpson and Yuncken Freeman are best known for their civic and commercial architecture, such as the Toorak-South Yarra Library (HO174), and many examples in the VHR³⁴ and other municipal heritage overlays, this does not diminish the significance of their residential work, particularly if it is designed by the same skilled architects of the practice.

The importance of 60 Washington Street being the architect's own home is mentioned in the statement of significance, but perhaps not elaborated on as much as it deserves. The architect's own home is a building type generally recognised as being the purest expression of a designer's work, and thus generally an important part of his or her oeuvre. As

³³ D17, pages 113-114

³⁴ Victorian Heritage Register

Stonnington was home to a number of important architects over the centuries, including Roy Simpson, there is even a sub-theme recognising this typology in the Stonnington Thematic Environmental History (Context PL, 2006, 2009): 8.4.3 Architects and their houses, as well as in Extent's heritage review (Section 3.2 of Volume 1).

On this basis, there is a "special association" between an architect who was important in Stonnington and Australia-wide and this house. In my expert opinion it clearly meets the threshold for local significance under Criterion H.

(iv) Discussion

Criterion D

As discussed in Chapter 17.5, the absence of a municipal-wide assessment of inter-war and post-war Modern development has made it difficult for the Panel to understand the true heritage significance of some places, including 60 Washington Street. While this building is clearly recognisable as a Modernist building, it is not clear to the Panel whether the building is an important example of this class.

The comparative analysis for this property refers to Richardson House (HO360) (Figure 54, Chapter 17.5) and 35 Larnook Street, Prahran (HO645) (Figure 55, Chapter 17.5). These are not useful comparators because the former is a more innovative and expressive example of Modernist design, and the latter is in the European Modernist style. Comparators from the portfolio of Yuncken Freeman designs are also not of assistance because 4 Grant Avenue, Toorak (HO491) is not a Modernist design and 7 Trawalla Avenue, Toorak (proposed HO739) is subject to the current Amendment.

Further work is required to substantiate the building is an important example of its class.

Criterion H

As discussed in Chapter 3.6, the Panel considers two tests must be satisfied under Criterion H:

- the architect or designer (or group) must be important to the history of Stonnington
- there must be a special association between the person or group and the place.

Yuncken Freeman is recognised as one of Melbourne's most important architectural firms of the 20th century for their significant role in re-shaping the city from the 1960s and 1970s. However, the Heritage Review does not link the achievements of Yuncken Freeman to Stonnington specifically. None of the notable buildings that Yuncken Freeman were responsible for are located within the Stonnington municipality. Without this link, a special association is not demonstrated.

(v) Conclusions and recommendation

The Panel concludes:

- The heritage assessment does not demonstrate the building at 60 Washington Street, Toorak meets Criterion D (representative significance) when compared others in its class.
- The heritage assessment does not demonstrate the building at 60 Washington Street, Toorak meets Criterion H (associative significance).

The Panel recommend:

Delete the Heritage Overlay (HO742) from 60 Washington Street, Toorak.

17.8 'Kilpara' 703 Orrong Road, Toorak (HO743)

Exhibited Statement of Significance



What is significant?

The property at 703 Orrong Road, Toorak, otherwise known as the Kilpara Flats, is significant. The height, built form, scale, fenestration and materiality of the luxury post-war Modernist flats is of local significance, along with the mature Cedar (*Cedrus*) tree on the western elevation. Later alterations and additions are not significant.

How is it significant?

The Kilpara Flats are of local historical and aesthetic significance to the City of Stonnington. The flats also have associative significance as a residential apartment block designed by notable architect Barry Patten of Yuncken Freeman Architects, who resided in the building for thirty-four years.

Why is it significant?

Kilpara Flats is historically significant as an apartment building constructed during a surge in luxury, Modernist high-rise living within the municipality in the post-war years. The mature Cedar (*Cedrus*) tree is historically significant as forming part of the earlier landscaping of the Aberfeldie Estate and, later, the original landscaping of the Kilpara Flats. **(Criterion A)**

Kilpara Flats is of aesthetic significance as a discernible example of Yuncken Freeman Architects' innovative experimentation with pure geometric form and structure in residential design, an approach that typified the peak of the post-war Modernist movement in Australia. This is most evident in its bold rectilinear form and massing, and the gridded façade which was a departure from the popular sheer curtain wall method of high-rise construction of the previous decade. It has a paired back approach to detailing – simply using steel, concrete and glass – which allows the building to appear as visually stark whilst conveying a sense of refined luxury at the same time. The mature Cedar (*Cedrus*) tree, which formed part of the original landscaping, also contributes to the intended landscape setting and aesthetic of the place. **(Criterion E)**

Kilpara Flats has associative significance as an intact residential flat design by the highly distinguished architectural firm Yuncken Freeman Architects, one of Melbourne's most important architectural firms of the 20th century for their significant role in re-shaping the city from the 1960s and 1970s. They were responsible for important designs such as the Former BHP House (1972), Estates House (1976), Sidney Myer Music Bowl (1959) and La Trobe University. Kilpara Flats also has associative significance as the home of Barry Patten of Yuncken Freeman Architects, who resided in the penthouse with his family for thirty-four years. **(Criterion H)**

(i) Background

The property at 703 Orrong Road (also known as Kilpara) is identified as significant within the Heritage Review and is recommended for an individual Heritage Overlay (HO743) based on its historical, aesthetic and associative significance. This is a proposed new Heritage Overlay.

(ii) The issue

The issue is whether the Statement of Significance is appropriate.

(iii) Evidence and submissions

An owner of an apartment within the building generally supported the Heritage Overlay being applied to the property. The owner requested the citation and the Statement of Significance be updated to replace the incorrect reference to a mature Cedar (*Cedrus*) with the correct reference to a Norfolk Island Pine.

Ms Bashta reviewed the submission and said the citation should be updated where elements could be substantiated and have a bearing on the accuracy or findings of the citation. She noted several comments provided by the submitter could not be corroborated or were not considered to be germane to the citation. Ms Bashta supported modifying the Statement of Significance to refer to the tree as a 'Norfolk Island Pine (*Araucaria heterophylla*)'.

Council supported this proposed change to the Statement of Significance and agreed with the changes to the citation supported by Ms Bashta.

No submissions or evidence disputed the place was of historical, aesthetic and associative significance or that the Norfolk Island Pine was of heritage significance.

(iv) Discussion

The Panel agrees the Statement of Significance should be modified to correct the three references to the species of the tree. The correct species is Norfolk Island Pine (*Araucaria heterophylla*).

The Panel notes the Heritage Overlay Schedule 'turns on' tree controls for HO743. The column in the Heritage Overlay Schedule does not specify a particular tree, so all trees on the property are affected by the Heritage Overlay. Consistent with the Panel's recommendations in Chapter 3.7, the Clause 43.01 Schedule should specify the tree that is of heritage significance (either by species name or reference to the tree referred to in the Statement of Significance for the place) to ensure that only the Norfolk Island Pine is affected by tree controls under the Heritage Overlay.

As no submissions or evidence disputed the historical, aesthetic and associative significance of the place, the Panel makes no comment on these issues. The Panel's general commentary on Criterion H in Chapter 3.6 is relevant to this proposed heritage place.

(v) Conclusions and recommendation

The Panel concludes:

- The Statement of Significance for 'Kilpara Flats' at 703 Orrong Road (HO743) should be amended to delete reference to the 'Cedar (*Cedrus*)' tree as significant and replace the species with 'Norfolk Island Pine (*Araucaria heterophylla*)'.
- The Heritage Overlay Schedule should be amended to specify that for HO743 tree controls, only apply to Norfolk Island Pine (*Araucaria heterophylla*).

The Panel recommends:

Amend Statement of Significance for Kilpara Flats, 703 Orrong Road, Toorak (HO743) to delete reference to the significant tree as a Cedar (*Cedrus*) and replace it with Norfolk Island Pine (*Araucaria heterophylla*) in accordance with the Panel preferred version included in Appendix H10.

17.9 1-2/5 Moralla Road, Toorak (HO745)

Exhibited Statement of Significance



What is significant?

1-2/5 Moralla Road, Kooyong, is significant. The form, scale, fenestration and materiality of the post-war Modernist house and unit are of local significance, along with the original front boundary fence and rear courtyard for 2/5 Moralla Road. The landscaping for 1/5 Moralla Road and later alterations to the property are not significant.

How is it significant?

The site is of representative significance to the City of Stonnington. It also has associative significance as two structures designed by the highly significant Modernist architect Roy Grounds.

Why is it significant?

1-2/5 Moralla Road, Kooyong, is of representative significance as discernible example of innovative experimentation in geometric form in residential design that typified the beginning of the Modernist movement in Australia. This is most evident in the built form of both structures, particularly the balcony and verandah of 2/5 Moralla Road supported restrained pillars and railing overlooking a paved courtyard, the flat roof of both structures, boxed timber eaves and exposed rafters. The lack of ornamentation, paired with Grounds' window designs, are features that would come to inform future Modernist design touchstones. These features achieve visual boldness while simultaneously remaining lightweight in massing and scale. Furthermore, as with many post-war residential designs associated with the modernism idiom, the building was construction under the pressure of environmental and site constraints, specifically in relation to the dimensions of the block. **(Criterion D)**

1-2/5 Moralla Road, Kooyong is of associative significance as a house and unit designed by Roy Grounds. Roy Grounds is considered to be one of the most important architects of his generation and certainly one of Victoria's most well-known and influential modern architects. He was one of the few architects to work in the Modernist idiom before WWII and in the 1950s was a member of the Grounds Romberg and Boyd partnership, a highly significant architectural firm of its time. **(Criterion H)**

(i) Background

The properties at 1-2/5 Moralla Road, Toorak are included in the existing Kooyong Precinct (HO181) and categorised as non-contributory to the precinct. The properties were identified within the Heritage Review as a new individually significant place (HO745) based on their representative (Criterion D) and associative (Criterion H) significance.

(ii) The issue

The issue is whether 1-2/5 Moralla Road should remain in the Kooyong Precinct (HO181) or should be identified as a new individually significant place (HO745).

(iii) Evidence and submissions

The owners objected to the Heritage Overlay being applied to the property as an individual place, and submitted the existing precinct based provision should remain in place. Council did not support the submission.

The owners submitted 2/5 Moralla Road has been subject to both alterations and additions, comprising:

- a 1950 addition to the rear of the building
- a 1960 addition to the rear of the building and installation of exterior doors and windows.

The owners disputed that the five aluminium sliding windows with louvred shutters at 1/5 Moralla Road were original. He submitted the windows were not made of aluminium and were not original. The shutters were also recent additions.

The owners noted the front boundary fence is described in the Statement of Significance as original, however was replaced in the 1990s and again in 2020.

While acknowledging the buildings were the design of Roy Grounds, the owners considered they were *“certainly not one of his ground-breaking or famous designs”*. Further, insofar as the buildings have some features that typify the beginnings of the Modernist era, he considered the buildings were *“not sufficiently representative of the period as a complete example or even the best or a unique example of the work created by Grounds”*. If the buildings were compared with all of Grounds work, they might be considered contributory, but not individually significant.

Council reviewed plans provided by the owners and which document only some of the changes he described. Council submitted the changes were early, modest or at the rear of the building and do not affect the high integrity of this important place to any material degree.

Council submitted the site is an instance in which the misunderstanding of Criterion D influenced the submitter’s position opposing the individual listing of the property in the Heritage Overlay. Council stated:

Pursuant to PPN01 it is enough for a building to be *“typical”* under Criterion D, provided it is important as a typical representative. A place does not need to be the *“best”* or a *“unique”* example of a given architect’s work to satisfy this criterion. The building at 1-2/5 Moralla Road is important as a discernible example of innovative experimentation in geometric form in residential design that typified the beginning of the Modernist movement in Australia.

In relation to Criterion H, Council submitted the buildings satisfy this criterion as an example of Grounds’ early architectural work, which laid the groundwork for his continued work in the Modernist idiom into the post-war era.

Council concluded 1-2/5 Moralla Road is an “*obvious and appropriate inclusion in the individual Heritage Overlay*”.

To correct an error in the exhibited Amendment documentation, Council submitted the Statement of Significance, citation and associated Amendment documentation for the Kooyong Precinct (HO181) should be updated to remove 1-2/5 Moralla Road.

Ms Bashta’s evidence was:

- the properties were assessed in the Heritage Review to meet the threshold for individual significance as an early example of a Modernist design by noted architect Roy Grounds
- the properties fall outside the key development eras of significance for the Kooyong Precinct, which is inter-war buildings with some Federation era dwellings
- it is appropriate that the properties are removed from the Kooyong Precinct and an individual Heritage Overlay is applied to protect their identified heritage values.

Ms Schmeder was satisfied the comparative analysis prepared by Extent, combined with the external intactness of this place, demonstrates that it is of local heritage significance and should be protected in a site-specific Heritage Overlay.

(iv) Discussion

Criterion D

The Panel needs to determine how well 5 Moralla Road demonstrates representativeness of Modernist design by considering whether the principal characteristics of this class are evident in the buildings in a manner that is better than typical (consistent with the Melbourne C387 Panel) or an important example of typical (as put by Council). The Panel considers ‘better than typical’ and ‘important’ are effectively equivalent terms. Further, Criterion D only requires significance to be demonstrated across the same class of building and not in comparison to the portfolio of Roy Grounds work.

The Panel is satisfied the geometric massing, fenestration and painted brickwork of the buildings at 5 Moralla Street compare well with other multi dwelling Modernist designs referred to in the citation (Figures 48 to 51), albeit on smaller scale. The simple composition of 5 Moralla Avenue is particularly comparable to Clendon Flats and Clendon Corner Flats, both of which are categorised as significant in the Armadale Precinct (HO130). The external intactness of the buildings contributes to their importance as representative examples of early Modernist design.

Figure 56 Quamby - 3 Glover Court, Toorak (HO44, VHR H0603)



Source: www.vhd.heritagecouncil.vic.gov.au

Figure 57 Clendon Flats (HO130 Armadale Precinct)



Source: www.vhd.heritagecouncil.vic.gov.au

Figure 58 Clendon Corner Flats (HO130 Armadale Precinct)



Source: www.vhd.heritagecouncil.vic.gov.au

Figure 59 Moonbria Flats- 68 Mathoura Road, Toorak (HO81)



Source: Amendment C320ston

The Panel notes the Statement of Significance identifies the year of construction was 1942, yet the Criterion D assessment states “*as with many post-war residential designs associated with the Modernist idiom*”. The year of construction is not post-war. It is also unclear to the Panel how “*the building’s design skilfully responds to the pressure of environmental and site constraints, specifically in relation to the dimensions of the block*”. It appears the site is a regularly shaped and sized allotment comparable to others nearby. This text should be deleted from the Statement of Significance.

Criterion H

As discussed in Chapter 3.6, there must be a special association between the person or group and the place. A special association is more substantial than the normal relationship between an architect or designer and the place. The mere fact that an architect designed a place is not a ‘special association’. If the threshold was this low, then all buildings designed by Roy Grounds would be of associative significance and could be subject to a Heritage Overlay. The Panel considers this is not the intended or appropriate application of Criterion H. The Panel is not satisfied that a special association between Roy Grounds and the buildings has been established.

Heritage Precinct

The buildings were excluded from the Kooyong Precinct (HO181) for falling outside the inter-war era. The Panel accepts Modernist design is not listed as one of the specific inter-war styles important to the precinct. In addition, as the buildings were constructed during World War II they are not considered inter-war or post war.

The Panel agrees with Council that the Amendment documents for the Kooyong Precinct (HO181) should be amended to remove 1-2/5 Moralla Road.

Front fence

Based on the submissions of the owners, the Panel accepts the front fence is not original and the Statement of Significance should be updated accordingly.

(v) Conclusions and recommendations

The Panel concludes:

- The heritage assessment demonstrates 1-2/5 Moralla Road meets Criterion D (representative significance).

- The description of the buildings as ‘post-war’ in the Statement of Significance is inaccurate.
- The front fence is not original and should not be identified in Statement of Significance as an original feature.
- The heritage assessment does not demonstrate 1-2/5 Moralla Road meets Criterion H (associative significance).
- The Statement of Significance for the Kooyong Precinct (HO181) should be amended to remove 1-2/5 Moralla Road to recognise that it is to be managed as an individual heritage place.

The Panel recommends:

Amend the Statement of Significance for 1-2/5 Moralla Road, Toorak (HO745) in accordance with the Panel preferred version at Appendix H11, to:

- a) under the heading ‘What is significant?’ delete the words ‘post-war’ and ‘original front boundary fence and’.**
- b) under the heading ‘How is it significant?’ delete ‘It also has associative significance as two structures designed by the highly significant Modernist architect Roy Grounds.’**
- c) under the heading ‘Why is it significant?’ delete ‘Furthermore, as with many post-war residential designs associated with the modernism idiom, the building was construction under the pressure of environmental and site constraints, specifically in relation to the dimensions of the block.’**
- d) under the heading ‘Why is it significant?’ delete Criteria H.**

Amend the Statement of Significance for the Kooyong Precinct (HO181) to remove 1-2/5 Moralla Road, Toorak.

17.10 Orrong Hotel 711 High Street, Armadale (HO753)

Exhibited Statement of Significance



What is significant?

The property at 711 High Street, Armadale, otherwise known as The Orrong Hotel, is significant. Specifically, the form, scale, setback, fenestration and sitting of the Streamline Moderne style hotel is of local significance, along with the neon 'Fosters Lager' sign. Later alterations and additions to the property are not significant.

How is it significant?

The Orrong Hotel is of local historic and aesthetic significance to the City of Stonnington.

Why is it significant?

The Orrong Hotel is historically significant in demonstrating the major interwar era trend of rebuilding or remodelling Victorian era hotels to the Art Deco style following the introduction of the Licenses Reduction Board. As a former Victorian era hotel that was later completely rebuilt, the Orrong Hotel illustrates how liquor legislation in Victoria stemming from the lead up to World War I impacted the design and appearance of local pubs within the City of Stonnington. Moreover, as a long-running local pub, the Orrong Hotel also provides a tangible link to the way locals wined, dined, and socialised in the past. **(Criterion A)**

The Orrong Hotel is aesthetically significant as a Streamline Moderne style pub on a prominent street corner. Key attributes contributing to its aesthetic value include its emphasis on horizontal built form, curved lines and corner awning, steeped cube corner tower, geometric parapet along the western elevation, imposing scale and height, corner sitting, original upper floor fenestration, and original face brick chimneys. These elements, combined with the original neon 'Fosters Lager' sign, render the site a distinctive and visually striking local landmark within the suburb of Armadale. **(Criterion E)**

(i) Background

The building at 711 High Street, Armadale (also known as the Orrong Hotel) was identified as significant within the Heritage Review and recommended for an individual Heritage Overlay (HO753) based on its historical (Criterion A) and aesthetic (Criterion E) significance. This is a proposed new Heritage Overlay.

The Orrong Hotel is on the northeast corner of High Street and Orrong Road. It is bound by streets on three sides – Orrong Road to the west, High Street to the south and Tinsley Lane to the north.

The heritage citation notes:

The Orrong Hotel's distinctive built form, parapet, steeped cube corner tower, upper floor fenestration, along with other significant elements such as the 'Forsters Lager' [sic] neon sign remains intact. However, other elements such as original face brick and render details, balcony and ground floor tiling have been modified. The ground floor level is of low integrity and the upper floor level is of moderate integrity.

(ii) The issue

The issue is whether it is appropriate to apply the Heritage Overlay to 711 High Street, Armadale.

(iii) Evidence and submissions

Crownmore Pty Ltd (Crownmore) objected to the Heritage Overlay being applied to the Orrong Hotel because:

- although the hotel maintains its broad Streamline Moderne form and footprint, key elements have been substantially altered
- the hotel is no longer intact and its integrity has been severely compromised meaning that it does not meet the critical threshold for local significance
- what remains of the building does not rise to the level of individual heritage significance.

Ms Bashta noted the Orrong Hotel was initially constructed as a brick building with eight rooms in 1875 as a Victorian style pub (Figure 60). It was rebuilt in 1938 to designs by noted architect James H Wadrop and formed part of the major inter-war trend of remodelling or rebuilding Victorian era hotels in both the municipality and Melbourne more broadly. She said the Orrong Hotel is the only extant example of a rebuilt/remodelled Victorian era pub in the suburb of Armadale.

Figure 60 Orrong Hotel - 711 High Street, Armadale - circa 1910 **Figure 61** Orrong Hotel circa 1964



Source: D17



Source: D21

The citation notes the Orrong Hotel is within the theme of 'retailing and hospitality' and the sub-theme 'providing hospitality and entertainment' in the Thematic Environmental History. Section 7.4.2 (Providing hospitality and entertainment) of the Thematic Environmental History states:

The Liquor Licenses Amendment Act 1906 began a process of hotel de-licensing throughout Melbourne. During the period 1923 – 1933 changes in public health legislation and building requirements saw an increase in hotel license deprivation. In order to maintain their licenses, hotels upgraded in keeping with new laws. The Racecourse Hotel ... renovated in 1926 and added a second storey which was no doubt good for business as well as serving more legislative purposes. Similarly, the Malvern Hill Hotel was renovated in 1923, in accordance with plans drawn up by architect W. Drewe, extending the corner bar and substantially increasing internal bar space. The Hotel Max (formerly the Prince Maximillian) at 32 Commercial Road, South Yarra was one of the few that was completely rebuilt (and not just remodelled), in this case in the Streamlined Moderne style.

...

The places associated with the hospitality and entertainment industry provide evidence of how people in the study area and Melbourne generally have wined, dined and socialised over many years. Hotels have always been important meeting places and centres of social life and the study area is no exception. What is of particular interest in the study area is how the places associated with the hospitality industry were adapted and developed to serve the changing needs of specific groups such as the wealthy residents, migrants and, more recently, the gay and lesbian community. Toorak and South Yarra became notable centres of Melbourne's nightlife in the post-war period and many of Melbourne's earliest fine restaurants and nightclubs were within the study area.³⁵

Examples of places associated with the theme of providing hospitality and entertainment include the Orrong Hotel.

Ms Bashta noted several alterations and additions to its exterior have changed its original 1938 appearance, including:

- ground floor street facing elevations altered with:
 - new window and door openings
 - removal of original tiling
 - addition of an awning above the bistro entrance
 - addition of an awning on the southern elevation
 - conversion of a small upper floor balcony along the western elevation to an awning
 - rendered walls along the ground floor
- upper floor street facing elevations altered with:
 - infilling of balcony doors along the western elevation
 - addition of advertising signs
 - removal of the original extruded font 'ORRONG HOTEL' and 'HOTEL'
 - rendering of the walls, covering sections of face brick and linework.

Ms Bashta stated:

Upon a review of the exhibited citation, it is my view that the extent of alterations and additions at 711 High Street, Armadale has compromised its ability to meet Hercon Criteria E. I concur that the place meets Hercon Criteria A, as detailed in the exhibited citation.

I note however, that in my opinion, 711 High Street, Armadale meets Hercon Criteria D as a representative example of an Interwar hotel due to its retention of the original Streamline Modern form, composition, siting, scale, massing, fenestration and neon 'Fosters Lager' sign.³⁶

Ms Bashta said the exhibited Statement of Significance should be amended to delete reference to Criterion E and replace it with:

³⁵ D13, pages 120 and Addendum page 10

³⁶ D17, paras 154-155

The Orrong Hotel is of representative significance as an intact pub building that clearly demonstrates the style and character former Victorian pubs in the former City of Prahran that were re-modelled or re-built in the interwar period. Stylistically, the building exhibits the key features associated with the Streamline Moderne style, including an imposing scale, contrasting horizontal and vertical forms, curved lines, a geometric parapet, timber framed sash windows grouped horizontally. The building also encapsulates the key characteristics associated with a former Victorian era pub as a prominent corner building sited at the intersection of two major thoroughfares. (Criterion D)

Mr Hemmingway gave evidence for Crownmore and said photographs in 1964 showed the exterior of the hotel remained largely intact approximately 25 years after its completion apart from a balcony that had been added to the west facade (Figure 61, red circle). In 1982, however, the hotel was extensively modified internally and externally for the new owners (Carlton and United Breweries). He noted:

- the façades were fully rendered, which has resulted in the loss/obscuring of much of the original detailing such as the band of contrasting brickwork to the upper windows as well as the various rendered mouldings ('speed lines') and lettering ('Hotel' on the tower and 'Orrong Hotel' to the central band)
- the original lettering was replaced with painted alternatives - 'Orrong' sign to the tower and a band to the parapet
- the original tiling and windows to the ground floor were removed and replaced with longer, narrow fixed windows
- the balcony on the western facade was removed and the two balcony doors were converted to a double hung sash window
- the curved awning to the corner entrance was altered and the square corner underneath the awning was concealed and a new timber double door with a highlight and vent was added
- a new awning with painted lettering was added to the western façade (bistro entrance) and two awnings were added to the southern facade.

Mr Hemmingway provided the text of an article published in *The Age* newspaper on 22 March 1983 written by noted architect and critic Norman Day, who lamented the renovations to the Orrong Hotel. Mr Day said the previous version of the Hotel:

- was sensuous and beautifully built
- had walls that were fluid, pale blue rendered burgundy stripes inset and brick panels over the first floor
- was like an old Cadillac with brassy, Art Deco firewalls
- the big cream tiles rising from the footpath with glossy black columns were cool and full of character.

Day said the renovated hotel was a "*travesty of the original architecture*" and:

- the external coolness has been replaced with dung brown rendered walls and the delicate tower covered in a cream
- a superb Fosters Lager neon sign remains but other painted signwriting has wrecked the fabric of the original banding
- all the tiles are gone, the brown outside walls have altered the horizontal scale of the building so that it now appears stubby
- deep mansard devices over door porches weigh the building down even more.

Mr Hemmingway said:

The original streamlined Moderne styling of the building was defined through its strong horizontality in combination with rounded corners and contrasting vertical emphasis (tower)

at the main corner. Whilst the tower and rounded corners survive, many of the elements which contributed to the horizontal emphasis have been removed/replaced. These include the removal/loss of the original ground floor windows, tiling, contrasting brickwork (to the first floor), and speedlines (recessed and projecting). Furthermore, the original bas-relief lettering to the ground floor façade and corner tower has been removed/rendered over, the western balcony removed, and the detailing to the corner entry removed or altered.

Given its relatively large scale, it nonetheless remains a landmark building, and by virtue of its stepped corner tower and associated curved elements, it remains identifiable as an interwar period building designed in a Moderne mode. By comparison with its original 1938 appearance, it is however effectively a shadow of its former self.

The three similar examples included in the HO outlined in the comparative analysis are also mainly demonstrative of the Moderne and/or Art Deco style/s but are substantially intact. The Orrong Hotel lacks the level of intactness and integrity evident in these examples.

Whilst Criterion D might be more appropriate designation than Criterion E, given the altered state of the Orrong Hotel, the existing fabric no longer remains sufficiently representative either.³⁷

Mr Hemmingway said within the municipality, a few other Victorian era hotels were rebuilt/remodelled during the earlier part of the inter-war era, mainly the 1920s, and externally are typically indicative of a classicising mode (with one Spanish Mission example) that was popular during that decade. He provided several examples from the 1920s where the Heritage Overlay applies, including:

- Former Railway Hotel, 641 – 651 Dandenong Road, Malvern (1925)
- Racecourse Hotel, 895 Dandenong Road, Malvern East (1926)
- Former Duke of York Hotel, 213 – 215 High Street, Prahran (1927)
- Argo Hotel, Part 62 – 74 Argo Street, South Yarra (1927).

Mr Hemmingway said although there are many examples of Victorian era hotels which underwent similar alterations or renewal during the inter-war era in the municipality, it is not possible to confirm if any of these works were carried out as a direct result of the Licenses Reduction Board. He said the possible link between the redevelopment of the Orrong Hotel and the Licenses Reduction Board cannot be substantiated and noted that the extent of alterations to the building since 1939 had diminished any relationship to the construction of the hotel in this era.

Mr Hemmingway said the Orrong Hotel was the “*poor cousin*” compared to the examples in the comparative analysis section of the citation.

Ms Schmeder acknowledged the alterations that had been made to the Hotel. She said comparative analysis should determine whether the alterations meant the building did not meet the threshold of local significance. She referred to the Hotel Max and the Prahran Hotel in the citation and said while the Hotel Max is particularly intact, and the Prahran Hotel has a small stepped Art Deco corner parapet, neither of these examples has anything approaching the landmark quality of the geometrically complex corner tower of the Orrong Hotel.

Ms Schmeder said even in its current, altered state, the Orrong Hotel exhibits important aesthetic features not seen elsewhere in Stonnington and on this basis supported the application of Criterion E.

Ms Schmeder did not address Criterion A in her written statement, however at the Hearing in oral evidence said she agreed with Mr Hemmingway that there was no evidence to suggest that the

³⁷ D21, paras 126-129

remodelling of the Orrong Hotel in 1938 was associated with the Licences Reduction Board. She referred to a book that said the Licences Reduction Board had effectively wound up by about 1930 and this predated the remodelling of the Orrong Hotel in 1938:

The resultant Licensing Act 1906 ... established a Licences Reduction Board to close hotels more effectively and award compensation using fees collected from all hotels.

...

Most of the early years were concentrated in the inner city areas of Collingwood, Richmond, Fitzroy and South Melbourne. By January 1910, some 311 hotels had been closed in Victoria and over £140,000 paid in compensation. The suburbs further out, such as Prahran, South Yarra, Windsor and St Kilda had fewer hotels and were not examined until the 1920s. The Victorian Board effectively wound up around 1930, after some 477 hotels had been closed in the metropolitan area, and 1,149 in the country, with a total compensation payout of just under £1,100,000.³⁸

Ms Schmeder said the Orrong Hotel was not of historical significance and did not meet the threshold to apply Criterion A in the Statement of Significance.

In response to the evidence, Crownmore said Council's own expert witnesses differed in their opinion with respect to the significance of the place and the basis of the Hotel's heritage significance is unclear. Crownmore said to meet Criteria A, D or E, a place must be "*better than average*" and referred to the Panel report for Maribyrnong C171, which said:

An assessment for Criteria A must do more than just tell a story of the place's development; importance must be established. In other words, it must be better than average; it cannot just be an example of Criteria A, for instance. This applies to assessments of Criterion D and E.³⁹

It said the Orrong Hotel is not a "*better than average*" exemplar of its type in Criterion A, D, or E in part due to its low level of intactness.

Council submitted that it was appropriate to apply the Heritage Overlay to the Orrong Hotel based on Criteria A and E, as exhibited. It said this was consistent with the Council resolution on 5 June 2023. Council noted some minor typographical corrections should be made to the citation, including the Statement of Significance.

(iv) Discussion

Criterion A

The Panel considers there is insufficient justification to establish historical significance (Criterion A) to the Orrong Hotel for the following reasons.

First, the Hotel's 1938 renovation and rebuild occurred substantially later than the establishment of the Licences Reduction Board in 1907, after changes in public health legislation in the period between 1923 and 1933, and after the effective wind down of the Licences Reduction Board in 1930.

Second, there is no evidence that the Licences Reduction Board had any impact on the design and appearance of the Orrong Hotel in 1938.

Third, any connection between the rebuild of the hotel in 1938 and the Licences Reduction Board or other liquor legislation prior to World War I has been significantly diminished by the extensive

³⁸ D49, page 11

³⁹ Maribyrnong C172mari – West Footscray Inter-war and Post-war Heritage Precinct Study [2023] PPV 10

additions and alterations to the building, particularly during the 1980s. This has altered the building to such an extent that any historical significance has been lost.

Fourth, the Panel is not convinced the current form of the Orrong Hotel provides a “*tangible link to the way that locals wined, dined and socialised in the past*” other than perhaps that locals used to wine, dine and socialise in hotels. The interior has been extensively changed and so it provides no information as to how locals used to wine, dine and socialise. Moreover, the interior of the hotel is not sought to be protected.

The thematic history notes that:

- places associated with the hospitality and entertainment industry provide evidence of how people in Stonnington “*have wined, dined and socialised over many years*”
- hotels have always been important meeting places and centres of social life
- what is of particular interest is how the places associated with the hospitality industry were adapted and developed to serve the changing needs of specific groups such as the wealthy residents, migrants and, more recently, the gay and lesbian community.

The citation and Statement of Significance does not explain whether the changes to the Orrong Hotel were part of serving the changing needs of any specific group.

Although the Orrong Hotel is identified in the thematic history as a place where people came to socialise, this is not determinative of its value or importance. The listing of the Orrong Hotel in the thematic history is a ‘flag’ that the place may have heritage significance subject to further investigation. Presumably, if the place was of heritage significance at the time of writing the document then the Heritage Overlay would already have been applied to the site. This was not the case.

Fifth, although the Orrong Hotel is a long running local pub, this is insufficient to justify historical significance. A place needs to be of *importance* to the course or pattern of our cultural or natural history to be of historical significance. It is not enough to just be an example of the theme or phase of development. There is insufficient evidence in the citation or the Statement of Significance to suggest the Orrong Hotel is important to the course or pattern of the cultural history of Stonnington.

Criterion E

The exhibited Statement of Significance states the hotel meets Criterion E (aesthetic significance) as a Streamline Moderne style pub on a prominent street corner. The Panel considers the Orrong Hotel has a low level of intactness and this impacts its ability to meet this criterion.

Substantial renovations to the Orrong Hotel in the 1980s have removed many of the important Streamline Moderne features. As a result of the modifications to the exterior, the varied palette of materials has been lost and so has the original horizontal emphasis, a key characteristic of the Moderne style. The Panel agrees with Mr Hemmingway that the building is ‘a shadow of its former self’. Although the Orrong Hotel has some Moderne features, the alterations to the building affects the integrity of the hotel to such an extent that it is no longer aesthetically significant.

The Panel notes that the threshold for aesthetic significance for an individually significant building in Stonnington is high. This is demonstrated in the comparative analysis in the citation, which identifies three other hotels in the municipality that are substantially more intact than the Orrong

Hotel. At best, the Orrong Hotel might be considered a contributory building in a precinct (if there was a relevant precinct).

The Panel acknowledges the Orrong Hotel is a local landmark building. It has an interesting tower form at the intersection of two main roads and is a prominent building in the streetscape. This is not sufficient to justify applying the Heritage Overlay to a place that has been extensively altered and substantial parts of the Streamline Moderne aesthetic removed. The Orrong Hotel is not an intact landmark building. The Panel considers Ms Schmeder has given the landmark quality of the site more weight than is warranted in her assessment of the heritage significance of the place.

Criterion D

The Panel considers the Orrong Hotel is not of representative significance because its low level of intactness diminishes its ability to satisfy Criterion D. The Orrong Hotel maintains its broad Streamline Moderne form, but the detailing has been removed, the tiles removed, windows removed and the bricks entirely covered in render. It is a recognisable example of its era, but has been altered too much to be important.

Ms Bashta acknowledged that she had not completed any comparative analysis to substantiate her opinion that the Orrong Hotel was of representative significance. Her claim had only relied on the comparative analysis in the citation (which related to Criterion A and E). The Panel considers more appropriate and extensive comparative analysis would be needed to justify the opinion of Ms Bashta with respect to the representative significance of the Orrong Hotel.

The Panel notes that:

- the Heritage Review did not support representative significance
- the Amendment does not propose representative significance
- Ms Bashta was the only expert who said the Orrong Hotel was of representative significance after opining that the place did not have aesthetic significance
- Council did not consider the Orrong Hotel was of representative significance.

(v) Conclusions and recommendation

The Panel concludes:

- The Orrong Hotel is not of historical (Criterion A), aesthetic (Criterion E) or representative (Criterion D) significance.
- The Heritage Overlay (HO753) should not be applied to 711 High Street, Armadale because it does not meet the local threshold to be considered an individual heritage place.

The Panel recommends:

Delete the Heritage Overlay (HO753) from the Orrong Hotel, 711 High Street, Armadale.

17.11 46-50 Wattletree Road, Armadale (HO754)

Exhibited Statement of significance



What is significant?

The property at 46-50 Wattletree Road, Armadale, is significant. Specifically, the form, scale, setback, detailing and fenestration of the group of three double-storey late Victorian stores is of local significance. The landscaping, ground floor shop fronts, awning and other later alterations and additions to the property are not significant.

How is it significant?

46-50 Wattletree Road is of local historical and aesthetic significance to the City of Stonnington.

Why is it significant?

46-50 Wattletree Road is historically significant in demonstrating the development of local shops and small businesses in late 19th century Armadale, specifically during the 1880s land boom when there was a shift from sparsely developed paddocks to an upper middle-class urban area. Situated within walking distance of local residents, buildings of this nature, in which shopkeepers lived above the shop, were primarily erected to serve the everyday needs of the local community following the emergence of scattered communities within the municipality. The group of buildings therefore forms a tangible link to this period of late 19th century development. **(Criterion A)**

46-50 Wattletree Road is aesthetically significant as a substantially intact and well-presented group of late Victorian shops, comprising a store on the ground floor and a residence on the first floor. Key attributes contributing towards its aesthetic significance include its symmetry, ornamented parapet with a central projecting pediment on each shop, original brick profiled chimneys, intact timber sash windows with expressed architraves and sidelights on the facade, timber sash windows on the eastern elevation, moulded ornamentation above the façade windows and along the string course, stucco render, and original residential entries at 46 and 48 Wattletree Road. **(Criterion E)**

(i) Background

46-50 Wattletree Road, Armadale was identified as significant within the Heritage Review and recommended for an individual Heritage Overlay (HO754) based on its historical (Criterion A) and aesthetic (Criterion E) significance. This is a proposed new Heritage Overlay.

The heritage citation notes:

The shops were erected in c.1891-1895 and are depicted in a 1902 MMBW plan as three semi-detached buildings. At the time they were listed as 22-24 Wattletree Road, with asphalted rears and troughs at the south end of the property (MMBW 1902). Known occupants during this initial period include bootmaker Albert Sprague at 20 Wattletree Road and fruiter Charles Dorrington at 22 Wattletree Road (Sands & McDougall 1895). While Albert Sprague continued to occupy 20 Wattletree Road by 1900, 24 Wattletree Road was occupied by butcher A. Tivendale by this time and 22 Wattletree Road was occupied by fruiter and greengrocer Thomas Duncum (Sands & McDougall 1900). Located within walking distance of the surrounding residential buildings, these shops served the everyday needs of local community.

The 1902 MMBW plan shows the subject properties as being surrounded on all sides by residential properties. Notably they are depicted as the only commercial structures on the triangular portion of land between Wattletree Road and Dandenong Road. This pattern of development remained in place until the post-war years, when a number of residential properties were evidently demolished and the lots subdivided to create smaller residential and commercial properties.

The citation records the group of buildings in fair condition with moderate integrity.

(ii) The issue

The issue is whether it is appropriate to apply the Heritage Overlay to 46-50 Wattletree Road, Armadale.

(iii) Evidence and submissions

The owner objected to the Heritage Overlay being applied to 46-50 Wattletree Road because:

- the site is not historically significant and does not demonstrate the development of local shops and small businesses in the late 19th century
- there are better examples elsewhere in Stonnington of late 19th century local shops and businesses that demonstrate the historical significance of these types of buildings
- the buildings are not a well presented group of late Victorian shops and are not aesthetically significant
- the site does not compare well to the examples included in the comparative analysis or other examples of heritage places located in the municipality
- there is already little viability of small shops in residential areas and applying the Heritage Overlay on the property would make it unlettable, unusable and remain an eyesore.

Another submitter noted the proposed Heritage Overlay results in a monument to colonial architecture, a permanent reminder of historical oppression of indigenous people in our community and is at odds with Council's vision for reconciliation.

Ms Bashta stated the development history of 46-50 Wattletree Road was distinct from other commercial examples located on the main thoroughfares of High Street, Glenferrie Road, Toorak Road, or the historic centre of Armadale, because it is an example of shops servicing a predominantly residential area. She noted this distinction is not made in the comparative analysis in the citation and recommended that it be updated accordingly.

The citation notes the shops at 46-50 Wattletree Road are within the theme of ‘retailing and hospitality’ and the sub-theme ‘serving local communities’ in the Thematic Environmental History. Section 7.1 (Serving local communities) of the Thematic Environmental History states:

As the scattered communities developed throughout the study area, the first ‘shopping centres’ formed along the main roads (often at a crossroad), or near a hotel or key public buildings, and were usually within walking distance of customers. In the 1850s, for example, a number of shops, hotels and small business were clustered around the corner of Punt and Toorak roads – butcher, bakers, and a hay and corn store – serving the everyday needs of local residents. Shopkeepers lived above the shop, or simply set up shop in the front room of their house. In the smaller back streets, corner shops served the local neighbourhood. Malone notes a few of these shops in Fawkner, Argo, Davis and Phoenix Streets, South Yarra.

...

The coming of the railways led to groups of shops developing around railway stations. At Hawksburn, shops extended along Malvern and Williams Roads from the Bush Inn, which was established on the corner by c.1860. After the Oakleigh railway cut through Hawksburn in 1879, a small group of shops was built next to the station there. They included a butcher, dairy, grocer, greengrocer and lolly shop. Local landlord, and estate agent, E. Naylor also had his office and residence there (Malone, 2002:44, 2000:41; Wilde, 1993:135). These shops can still be seen with their iron verandahs, although their use has changed with changing shopping practices. Similar small groups of shops, and sometimes hotels, were also established around other railway stations.

As the electric tram network was developed throughout the study area, new shopping centres sprang up along the new routes. ... High Street and Glenferrie Road developed into major centres, but a number of small centres also developed, particularly at or near the terminus of routes such as in Waverley Road, Malvern East, and at the intersection of Wattletree and Burke Roads, Malvern East.

Ms Bashta said the building shares stylistic similarities with the Victorian commercial terraces that can readily be found in the commercial clusters along High Street, Commercial Road, Malvern Road, Toorak Road or adjacent to railway stations. In Armadale, these include two individually significant places in the High Street Rail and Retail Precinct (HO400):

- shops at 1098-1102 High Street, Armadale
- shop at 1010 High Street, Armadale.

However, Ms Bashta said in terms of its unusual developmental context and location within a primarily residential area, the shops at 46-50 Wattletree Road are better compared to the few remnant standalone corner shop/dairy buildings that are scattered across residential streets throughout the municipality. She provided the example of the former shop/diary at 44 Union Street, Armadale (individually significant in the Union Street Precinct, HO377).

The three properties identified by Ms Bashta were places in the citation’s comparative analysis.

Ms Bashta said this comparative analysis demonstrated that while the physical condition of 46-50 Wattletree Road is lower when compared to other similar examples, it compares well in terms of its representative values and degree of integrity and distinctiveness as peripheral commercial buildings located in a residential area.

Ms Bashta acknowledged the condition of the shops compromised their ability to meet Criteria E, however considered the precinct meets Criteria D due to the retention of original forms, composition, setbacks, materials and upper floor detailing, as well as its ability to illustrate the tentative nature of commercial development in residential areas.

Ms Bashta recommended the Statement of Significance should be modified as follows:

Why is it significant?

46-50 Wattletree Road is historically significant in demonstrating the development of local shops and small businesses in late 19th century Armadale, specifically during the 1880s land boom when there was a shift from sparsely developed paddocks to an upper middle-class urban area. Situated within walking distance of local residents and away from the main commercial thoroughfares, peripheral commercial buildings of this nature, in which shopkeepers lived above the shop, were primarily erected to serve the everyday needs of the local community in the immediate surrounds. ~~following the emergence of scattered communities within the municipality.~~ The group of buildings therefore forms a tangible link to this period of late 19th century development. (Criterion A)

46-50 Wattletree Road is ~~aesthetically significant~~ of representative significance as a substantially intact ~~and well-presented~~ group of two-storey shops that clearly demonstrate the style and character of late Victorian ~~shops, comprising a store on the ground floor and a residence on the first floor. Key attributes contributing towards its aesthetic significance include its symmetry~~ commercial development. Stylistically, the group exhibits the key features associated with the Italianate style as applied to late Victorian shops, including a symmetrical composition, ornamented parapet with ~~a central projecting pediment on each shop, original brick~~ pediments, profiled brick chimneys, ~~intact and~~ timber sash windows with expressed architraves. The buildings also encapsulate the key characteristics associated with Victorian commercial shops as two-storey terraces comprising a ground floor shop and upper floor dwelling. ~~These features are further compounded by a consistent allotment pattern and sidelights on the facade, timber sash windows on the eastern elevation, moulded ornamentation above the facade windows and along two-storey form featuring a shopkeeper's residence on the upper floor. Together, these features demonstrate the string course, stucco render, and original residential entries at 46 and 48 Wattletree Road~~ principal features associated with late Victorian commercial shops. (Criterion ED)

Ms Bashta noted the concerns of Submitter 67 relate to wider contemporary debates in heritage discourse that do not form part of the application of a Heritage Overlay.

Ms Schmeder said the threshold for site-specific heritage protection is high, particularly in Stonnington where there are many properties categorised as significant within heritage precincts as well as individual heritage places in the Heritage Overlay.

In 2011-12, Ms Schmeder completed a survey for the City of Stonnington of all commercial buildings in commercial and residential precincts affected by a Heritage Overlay. The survey of commercial buildings in residential precincts indicated that local shops were mostly located around railway stations, both as single examples and in large and small rows. These include the single shops south of Armadale Station (in HO400) and an early Edwardian row at 12-15 Luxton Street that retains original shopfronts (though two first floor windows have been altered) at Hawksburn Station. She noted there were also several shops in the residential sections of main roads, such as the Victorian row with intact shopfronts at 602-610 High Street, Prahran (categorised as significant in HO178).

In respect to Criterion A, Ms Schmeder concluded:

There is a clear theme of local shops grouped around railway stations in Armadale and surrounding suburbs, and many of these shops are already protected in the Stonnington HO. No evidence has been provided in the citation, however, that single or small groups of shops on other residential streets was a common or otherwise important typology. Furthermore, the 'residential area shop' typology cannot be adequately demonstrated if the residential area around the shop is not also protected in the Heritage Overlay.⁴⁰

⁴⁰ D18, para 340

Ms Schmeder said, in her opinion, the architectural design of the buildings at 46-50 Wattletree Road falls short of the threshold of local significance in a municipality that has so many Victorian shops both in commercial and residential precincts. She said the shops are both poorer in design and intactness than most other significant Victorian shops already in the Stonnington Heritage Overlay, indicating that they do not meet the threshold of local significance for their design or detail and therefore do not satisfy Criteria D or E. Ms Schmeder recommended the Heritage Overlay be deleted from the shops at 46-50 Wattletree Road.

Dr Paul gave evidence for Mr Shkolnik and said while the buildings continue to be recognisable as a row of three Victorian shops, the integrity of the properties is heavily compromised by the lack of any original Victorian-era shopfronts. He noted that there are many examples of intact shopfronts in Armadale, and Stonnington more broadly, and the lack of original shopfronts compromised the potential significance of the group when compared against significant individual places.

Dr Paul said the comparative analysis in the Heritage Review identified three properties (as specified by Ms Bashta above) within precincts having cohesive heritage streetscapes. He said the buildings at 46-50 Wattletree Road do not compare well to these examples and in any event alternative comparative analysis should be made with more directly comparable places, including Victorian era shop rows and shops where an individual Heritage Overlay has been applied outside of precincts. He nominated the following alternative places for comparative analysis:

- 296-298 Malvern Road, Prahran (HO163)
- 12 Commercial Road, Prahran (HO303).

Two other groups of shops with the Heritage Overlay applied as individual places in Stonnington demonstrated the high level of aesthetic and historical distinction that defines the threshold of individual significance in the municipality. These are:

- the inter-war shops at 476-478 Toorak Road (HO172)
- 535-541 Toorak Road, Toorak (HO173).

Dr Paul said the threshold of significance for individually protected shops in Stonnington is appropriately a high one, generally including places of distinctive and outstanding history and aesthetic value rather than typical ones.

Dr Paul said with respect to the historical significance of the site (Criterion A):

- in the thematic history, the main retail areas of the municipality are Chapel Street, Glenferrie Road, Toorak Village and High Street, Armadale and small groups of shops also sprang up at major intersections or around train stations
- by contrast, the shops at 46-50 Wattletree Road are not on a major intersection or adjacent to a railway station
- corner shops such as 8-12 Commercial Road or 535-541 Toorak Road better exemplify the corner shop typology
- shops such as those around Armadale Station better represent the historical themes and continue to demonstrate the integration of small-scale commercial with residential development in a way that the subject property no longer does, given the level of change on this section of Wattletree Road.

Dr Paul concluded:

The shops do not represent particularly well the historical pattern of commercial development in the area as outlined in the Thematic History in terms of their location and setting. Instead, these shops are historical outliers compared to those that are already well represented on the HO, including in Armadale. Their representative value as a Victorian

shop row is further compromised by their lack of integrity in terms of missing shopfronts and verandahs. They are therefore not significant under Criterion A to the City of Stonnington.⁴¹

Dr Paul agreed with Ms Bashta and Ms Schmeder that the buildings were not of aesthetic significance (Criterion E). He said they were also not of representative significance (Criterion D) and stated:

The shops do not represent well the type of Victorian shop row in terms of relatively modest and poor architectural detailing of the windows and pediments. The windows are more typical of those of a Victorian cottage than shop residence. Again, the lack of integrity in terms of altered shopfronts and verandahs make this a poor candidate for individual significance. These kinds of alterations are more normally seen in contributory graded buildings and streetscapes, of which there are a great many in the City of Stonnington. By comparison, the streetscape context of this very small group is poor. The shop row is therefore not significant under Criterion D to the City of Stonnington either as an individual place or potential precinct.⁴²

In response to submissions and evidence, Council said:

- Dr Paul misunderstood the historical significance pursuant to Criterion A to be '*commercial development*' generally, rather than shops serving the everyday needs of the community within walking distance of local residents and as a result his comparative examples, all located within larger shopping precincts, were of limited utility
- the Wattleree Road group relates to the historical theme of these shops servicing a predominantly residential area
- the condition of a heritage place is not determinative of its integrity and the place is of high integrity
- the condition of the place compromises its ability to meet Criterion E and on this basis the citation should be updated to reflect that the place is of representative value pursuant to Criterion D
- Dr Paul's analysis regarding Criterion D relied on terminology that is not contained within PPN01 and is not required to be established to meet the threshold of heritage significance at a local level – for example the building is not required to be '*distinctive*', '*outstanding*' or of '*outstanding architectural expression*' to judge its satisfaction of Criterion D
- ground floor alterations were not uncommon for commercial heritage places in the municipality
- Dr Paul had set the threshold for local significance too high
- the Heritage Overlay does not result in a prohibition on the future development of the place including change of use, alterations or extensions
- the combination of zone control and existing use rights provides a reasonable level of flexibility in relation to the use of the land and there would remain scope to redevelop the rear of site behind the heritage frontages
- it acknowledged that more could be done to understand Aboriginal associations with place, however that was outside the scope of the Amendment.

Council submitted the Melbourne C387 Panel report provided useful guidance with respect to the application of Criteria D. It said the Statement of Significance, citation and associated Amendment documentation should be updated to note that 46-50 Wattleree Road meets the threshold for

⁴¹ D17, para 63

⁴² D17, para 64

local significance pursuant to Criterion D rather than Criterion E, based on the evidence of Ms Bashta.

(iv) Discussion

The Panel accepts there is a theme of local shops located around railway stations and in the residential sections of main roads. This is demonstrated in several existing places where the Heritage Overlay has been applied, as described by Ms Schmeder. The Panel is not satisfied that the comparative analysis in the citation demonstrates the shops at 46-50 Wattletree Road are of historical significance as described in the Statement of Significance.

The examples at 1098-1102 and 1010 High Street, Armadale relate to shops categorised as significant within a larger commercial precinct that has a well-preserved streetscape. In addition, these shops are far superior examples of late 19th century development compared to 46-50 Wattletree Road.

Ms Bashta noted that the more appropriate comparator for Criterion A was the former dairy at 44 Union Street, Armadale, which is categorised as significant within a precinct. The building at 44 Union Road is an unusual and distinctive commercial and industrial premises. It's context within a precinct, history as a dairy and its arched loggia make the building substantially different in style and function to the shops on Wattletree Road and the Panel does not consider this is an appropriate comparator.

Comparative analysis in the citation should have included other individually significant groups of shops, particularly those outside of established commercial heritage precincts and streetscapes. The comparative analysis presented by Ms Schmeder demonstrated that 46-50 Wattletree Road is a poor example of the development of local shops and small businesses in late 19th century Armadale, compared to others already protected in Heritage Overlays. The Panel agrees with Ms Schmeder that a more compelling case would have been made for demonstration of the 'residential area shop' typology if the shops were associated with a residential area that was protected by a Heritage Overlay.

The Panel considers the shops at 46-50 Wattletree Road are not of sufficient historical significance to justify application of Criterion A.

It became common ground amongst Ms Bashta, Ms Schmeder, Dr Paul and Council that 46-50 Wattletree Road is not of aesthetic significance (Criterion E). The Panel agrees.

It is necessary to consider whether the shops are of representative significance (Criterion D). The Melbourne C387 Panel report noted:

Criterion D requires a place to be of importance in demonstrating the principal characteristic of a class of cultural or natural places or environments.

...

The Panel considers that to meet Criterion D requires more than a checklist approach of attributes so that buildings are not able to satisfy the threshold simply by possessing a handful of common characteristics. The threshold needs more than this, particularly if some of those characteristics are also common to other classes. Places need to demonstrate the principal characteristics of the class, which implies most of those characteristics.

...

The question is how well each place demonstrates representativeness with a class to be considered important. While places do not need to meet superlatives such as 'landmarks', 'exceptional', 'remarkable' or be notable (including pivotal or influential) at the local level, they should be better than typical. Again, the level of intactness and integrity and the comparative

analysis plays a key role in demonstrating this or setting an appropriate benchmark. A representative place should demonstrate most of the principal characteristics of the class in a manner that is clearly evident.⁴³

The Panel agrees with Ms Schmeder and Dr Paul that the threshold for applying the Heritage Overlay to commercial buildings as an individual heritage place in Stonnington is high. This was demonstrated in their various examples of individually significant commercial places in the Heritage Overlay in Stonnington. Many of these places were of a very high quality and included largely intact shop fronts.

It is acknowledged that many ground floor shop fronts in the Heritage Overlay have been altered, however in these circumstances it is also common that these places are categorised as contributory to a precinct.

Although PPN01 does not require a place to be 'distinctive', 'outstanding' or of 'outstanding architectural expression' to determine satisfaction of Criterion D, many individually significant commercial properties in Stonnington are generally outstanding or distinctive. This sets a high benchmark for individually significant commercial properties in Stonnington.

To meet Criterion D at the local level, a place needs to be better than typical of its class. The buildings at 46-50 Wattletree Road are not better than typical of their class. This is demonstrated in the comparative analysis completed by Ms Schmeder and Dr Paul. In addition, the citation notes the buildings are in 'fair condition' and have 'moderate integrity'. Combined, these factors clearly demonstrate that the buildings at 46-50 Wattletree Road are not of representative significance.

The Panel has not considered the viability of commercial use of the buildings, future development potential or matters regarding the oppression of indigenous people and reconciliation as these are beyond the scope of the Amendment.

(v) Conclusions and recommendation

The Panel concludes:

- 46-50 Wattletree Road is not of historical (Criterion A), aesthetic (Criterion E) or representative (Criterion D) significance.
- The Heritage Overlay (HO754) should not be applied to 46-50 Wattletree Road.

The Panel recommends:

Delete the Heritage Overlay (HO754) from 46-50 Wattletree Road, Armadale.

⁴³ Melbourne C387 (PSA) [2021] PPV 89, pages 54-55

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1^	Simon and Philippa Dickie	32	Rick Le Duex
2	Robert Collier	33	Lorraine Baker
3	Anne Wyburn	34	E Goss and N Karvela
4^	Patricia and David Swan	35	Crownmore Pty Ltd
5	Penelope Nicholls	36	Steve Stefanopoulos
6	Kaled Hassoun	37	Catherine Shkolnik
7	Tracy Scott	38	William Majtlis
8	John Wise	39	Ulysses and Malama Tripatgis
9	Morris Snider	40	Brian Qian
10	Maria Mitrik	41	Richard Smallwood
11	Vijay Rao	42	PJG Nominees Pty Ltd (
12	Victoria Baillieu	43	Mr and Mrs Karp
13	Isaac Gross	44	Lynette Korn
14	Judith and Andrew Kloester	45	Anthea Hone
15	Owner of 4 Heyington Place, Toorak	46	Saul and Beata Berman
16	Emily Townsing	47	Danica and Nathan Waterson
17	Christine Zavod	48	Leanne Zilka
18	Nada Pezzoni	49	Leanne Zilka
19	Jianlin Yu	50	David Joachim
20	Gerald Keeghan	51	Maree Olney
21	Jason Chou and Cindy Kalai	52	Joe Bounader
22	Beverley Lines	53^	Owner of 29 Lansell Road, Toorak
23	Claudio Veliz	54	Jeff Bobik
24	John Gandel	55	Lucy Simpson
25	Lindy Joubert	56^	Behdin Abed
26	Melissa and David Gillham	57	Damien Scalzo
27	Judith Carrum	58	Pia Di Mattina and Nick Harrington
28	Lucinda Wright	59	Alex Koidl
29	Gary Vogel	60	Neil Stonell
30	Terry McErvale	61	David Rickard
31	Ian and Ros Whitehead	62	Richard Mirfield

63	Fei Wu	71	Liling He
64	Mim Davidson	72	Cathy and Tony Sennitt
65	Georgina Gall	73^	Ian Mandie
66	Alexander Gall	74	Monique Pincewski
67	Joel Van Embdem	75	Jenny Moles and Chris Arup
68	Evelyn Bresner	76*	Geoffrey Ross, Ian Ross and Centa Pty Ltd
69	Marcus Jewell	77*	Guy Nixon-Luke
70	Mark Pertile and Jacqueline McBride	*	Andrew Rotstein

* late submissions

^ supplementary submissions

Appendix B Parties to the Hearing

Submitter	Represented by
Stonnington City Council	Susan Brennan SC (except for 13-15 and 17 Avalon Road) and Carly Robertson of Counsel, instructed Kristin Richardson of Maddocks Lawyers, who called expert evidence on: heritage from Michelle Bashta of Extent Heritage heritage from Natica Schmeder of Landmark Heritage
Crownmore Pty Ltd	Nick Tweedie SC and Tara Hooper of Counsel instructed by Tyrone Rath of Planning and Property Partners, who called expert evidence on: heritage from Anthony Hemmingway of RBA Consultants
David Joachim	Nick Tweedie SC and Tara Hooper of Counsel instructed by Tyrone Rath of Planning and Property Partners, who called expert evidence on: heritage from Peter Lovell of Lovell Chen landscape architecture from John Patrick of John Patrick Landscape Architects
Liling He	Nick Tweedie SC and Tara Hooper of Counsel instructed by Tyrone Rath of Planning and Property Partners, who called expert evidence on: heritage from Kate Gray of Lovell Chen heritage from Helen Lardner of HLCD Pty Ltd
Jason Chou and Cindy Kalai	Emily Porter and Kate Lyle of Counsel, instructed by Rhodie Anderson of Rigby Cooke Lawyers, who called expert evidence on: heritage from Kate Gray of Lovell Chen heritage from Carolynne Baker of Urbis
Behdin Abed	Adele Patterson of Counsel instructed by Tammie Moorhouse of Brand Partners Commercial Lawyers, who called expert evidence on: heritage from John Briggs of John Briggs Architects and Heritage Consultants
Saul and Beata Berman	Emily Marson of Best Hooper Lawyers, who called expert evidence on: heritage from Jim Gard'ner of GJM Heritage
George Shkolnik	George Shkolnik who called expert evidence on: heritage from Dr Aron Paul of Trethowan Architecture
Owner of 29 Lansell Road, Toorak	Sarah Kovatch of BSP Lawyers
Andrew Rotstein	Frank Perry of Perry Town Planning
Jianlin Yu	Kyle O'Brien of Three Thirds Group Pty Ltd
Anthea Hone	Geoffrey Hone
Nonie Rickard	David Rickard of RCO Property
Geoffrey Ross, Ian Ross and Centa Pty Ltd	Geoffrey Ross
Lucy and Natalie Simpson	Natalie Simpson

Pia Di Mattina

Damien Scalzo

Patricia (Billie) Swan

Appendix C Document list

No.	Date	Description	Provided by
1	9 June 2023	Directions hearing notice letter	Planning Panels Victoria (PPV)
2	27 June 2023	Letter from City of Stonnington referring late supplementary submissions (Submitters 1, 4, 56 and 73)	Stonnington City Council (Council)
3	27 June 2023	Council meeting minutes regarding late supplementary submissions (Submitters 1, 4, 56 and 73)	Council
4	27 June 2023	Council meeting agenda regarding late supplementary submissions (Submitters 1, 4, 56 and 73)	Council
5	3 July 2023	Panel directions and version 1 Hearing timetable	PPV
6	7 July 2023	Letter from City of Stonnington referring late supplementary submission (Submitter 53)	Council
7	7 July 2023	Late supplementary submission (Submitter 53)	Council
8	10 July 2023	Email to Parties seeking comments on late request to be heard from Andrew Rotstein	PPV
9	11 July 2023	Council comments on late request to be heard from Andrew Rotstein	Council
10	11 July 2023	Part A submission, enclosing attachments: a) proposed marked up statements of significance b) Map of submitters	Council
11	11 July 2023	Future Stonnington (Community Vision 2040 and Council Plan 2021-25)	Council
12	11 July 2023	Heritage Strategy and Action Plan 2018-2029	Council
13	11 July 2023	Stonnington Thematic Environmental History	Council
14	12 July 2023	Version 2 Hearing timetable and distribution list	PPV
15	14 July 2023	Late supplementary submission (Submitter 35)	Council
16	14 July 2023	Late supplementary submission (Submitter 50)	Council
17	17 July 2023	Expert witness statement of Michelle Bashta of Extent Heritage on heritage with Appendices B, C, and D	Council
18	17 July 2023	Expert witness statement of Natica Schmeder of Landmark Planning on heritage	Council
19	17 July 2023	Expert witness report of Dr Aron Paul of Trethowan Architecture on heritage	George Shkolnik
20	20 July 2023	Expert witness statement of Jim Gardner of GJM Heritage on heritage	Saul and Beata Berman
21	20 July 2023	Expert witness statement of Anthony Hemmingway of RBA Consultants on heritage	Crownmore Pty Ltd

No.	Date	Description	Provided by
22	20 July 2023	Expert witness statement of Kate Gray of Lovell Chen on heritage	Liling He
23	20 July 2023	Expert witness statement of Helen Lardner of HLCD Pty Ltd on heritage	Liling He
24	20 July 2023	Expert witness statement of Peter Lovell of Lovell Chen on heritage	David Joachim
25	20 July 2023	Expert witness statement of John Briggs of John Briggs Architects and Heritage Consultants on heritage	Behdin Abed
26	20 July 2023	Expert witness statement of Carolynne Baker of Urbis on heritage	Jason Chou and Cindy Kalai
27	20 July 2023	Expert witness statement of Kate Gray of Lovell Chen on heritage	Jason Chou and Cindy Kalai
28	24 July 2023	Reply to evidence of Carolynne Baker	Jason Chou and Cindy Kalai
29	24 July 2023	Presentation slideshow of Michelle Bashta	Council
30	24 July 2023	Presentation slideshow of Michelle Bashta (Hampden Road Precinct HO136)	Council
31	24 July 2023	Part B submission (part 1)	Council
32	24 July 2023	Part B submission (part 2, 13-15 and 17 Avalon Road, Armadale)	Council
33	25 July 2023	Table of further recommended changes to Amendment documentation	Council
34	25 July 2023	Expert witness statement of John Patrick of John Patrick Landscape Architects Pty Ltd on landscape design	David Joachim
35	25 July 2023	Version 3 Hearing timetable	PPV
36	25 July 2023	Submission	David Joachim
37	26 July 2023	Submission, enclosing attachments: <ul style="list-style-type: none"> a) Amendment C50 Campaspe Panel Report b) Amendment C149 Moreland Panel Report c) Amendment C173 Part 2 Yarra Panel Report d) Amendment C231 Melton Panel Report e) Amendment C387 Melbourne Panel Report f) Amendment C405 Melbourne Panel Report g) Chou v Stonnington CC [2023] VCAT 31 March 2023 h) Edquist, E. 2019. "Vienna Abroad" RMIT Design Archives Journal Vol 9, No 1 i) Reeves, S. 2016. Gold-Plated Doors If You Want Them - Holgar & Holgar and the Architecture of Opulence 	Jason Chou and Cindy Kalai

No.	Date	Description	Provided by
38	26 July 2023	Submission	Anthea Hone
39	27 July 2023	Serial listings – Yarra Ranges C89, Moreland C149, Ballarat C200	Council
40	27 July 2023	Toorak streets with heritage street signs	Council
41	27 July 2023	Submission	Liling He
42	27 July 2023	Submission	Crownmore Pty Ltd
43	31 July 2023	Images	Billie Swan
44	27 July 2023	Submission	Andrew Rotstein
45	27 July 2023	Presentation of Anthony Hemmingway	Crownmore Pty Ltd
46	28 July 2023	Extract from Encyclopedia of Australian Architecture (pp. 464-467)	Council
47	28 July 2023	Extract from Melbourne Architecture by Phillip Goad (p. 184)	Council
48	28 July 2023	Historic Electric Signage in Victoria - A Study of Historic Illuminated Signs	Council
49	28 July 2023	Last drinks in Surry Hills - The Licences Reduction Board, 1920-23	Council
50	28 July 2023	Additional sources referred to by Natica Schmeder	Council
51	28 July 2023	The Victorian Heritage Register Criteria and Threshold Guidelines	Council
52	31 July 2023	Submission	Jianlin Yu
53	31 July 2023	Submission	Behdin Abed
54	27 July 2023	Lovell Chen Memo – re review and heritage assessment of 39 Lansell Road Toorak	Council
55	27 July 2023	Lovell Chen Memo – re review and heritage assessment of 1 Lansell Court	Council
56	31 July 2023	Submission	Geoffrey Ross
57	31 July 2023	Presentation	Natalie Simpson
58	31 July 2023	Submission <ul style="list-style-type: none"> a) Annexure 1 – Heritage Impact Statement b) Annexure 2 – Council Officer report c) Annexure 3 – VCAT decision 	Saul and Beata Berman
59	31 July 2023	Presentation of Jim Gard'ner of GJM Heritage	Saul and Beata Berman
60	1 August 2023	Submission	Damien Scalzo

No.	Date	Description	Provided by
61	31 July 2023	Submission	Billie Swan
62	1 August 2023	Version 4 Hearing timetable	PPV
63	1 August 2023	Submission and presentation	George Shkolnik
64	1 August 2023	Part C Submission Part 1, enclosing attachments: <ul style="list-style-type: none"> (a) Ballarat C200 (PSA) [2016] PPV 119 Panel Report (b) Exhibited Heritage Citation report - Timber Mining Cottage Series, Sebastopol (c) Exhibited Heritage Citation Report - Late Federation Residence Series, Sebastopol (d) Federation Edwardian Houses Group Citation for HO411 - Extracted from Lilydale Historic Houses Study 2011 (e) Interwar Houses Group Citation for HO412 - Extracted from Lilydale Historic Houses Study 2011 (f) Moreland C149 (PSA) [2014] PPV 64 Panel Report (g) Victorian Heritage Database Report - Late Timber Residence Series, Sebastopol (h) Victorian Heritage Database Report - Moderne apartments (i) Victorian Pre Federation Houses Group Citation for HO410 - Extracted from Lilydale Historic Houses Study 2011, Brunswick East (j) Yarra Ranges C89 (PSA) [2011] PPV 35 Panel Report 	Council
65	1 August 2023	Track Change Amendment documents, enclosing attachments: <ul style="list-style-type: none"> (a) Heritage Overlay Maps (b) Explanatory Report (c) Instruction sheet (d) Schedule to Clause 43.01 (e) Schedule to Clause 72.04 (f) Schedule to Clause 72.08 (g) 10 Chastleton Road, Toorak Statement of Significance (h) 20 Millicent Avenue, Toorak Statement of Significance (i) 46-50 Wattletree Road, Armadale Statement of Significance (j) 703 Orrong Road, Toorak Statement of Significance (k) Canterbury Road Precinct Statement of Significance (l) Horsburgh Grove and Murray Street Precinct 	Council

No.	Date	Description	Provided by
		Statement of Significance	
		(m) Kooyong Precinct Statement of Significance	
		(n) Lansell Road Precinct Statement of Significance	
		(o) Montalto Avenue Precinct Statement of Significance	
		(p) Power Street Precinct Statement of Significance	
		(q) Williams Road Precinct Statement of Significance	
		(r) 29 Lansell Road Toorak Statement of Significance	
		(s) Lambert Road Precinct Statement of Significance	
		(t) Serial Listing Toorak Post Modern Group Statement of Significance	
		(u) The Orrong Hotel 711 High Street Armadale Statement of Significance	
66	1 August 2023	Plans for Moralla Road, Kooyong	Geoffrey Ross
67	2 August 2023	John Briggs – Recommended changes to proposed HO752 Statement of Significance	Behdin Abed
68	2 August 2023	John Briggs – Example of Statement of Significance [Mother of God Catholic Church]	Behdin Abed
69	2 August 2023	John Briggs – Example of Statement of Significance [Former Olympic Village]	Behdin Abed
70	2 August 2023	John Briggs – Example of Statement of Significance [Wombat Flats Precinct]	Behdin Abed
71	2 August 2023	John Briggs – Example of Statement of Significance [South Yarra Presbyterian Church]	Behdin Abed
72	2 August 2023	John Briggs – Example of Statement of Significance [St Martins Youth Art Centre]	Behdin Abed
73	2 August 2023	Peter Lovell – Memorandum of Heritage Advice prepared by Bryce Raworth April 2018	David Joachim
74	2 August 2023	Peter Lovell – Memorandum of Heritage Advice prepared by Bryce Raworth August 2019	David Joachim
75	2 August 2023	Helen Lardner – Presentation	Liling He
76	2 August 2023	David Rickard – Presentation	Nonie Rickard
77	31 July 2023	Submission	Geoffrey Ross
78	2 August 2023	Supplementary submission	Pia Di Mattina
79	15 August 2023	Council Part C submission Part 2, enclosing: an update for 13-15 Avalon Road, Armadale	Council
80	15 August 2023	HLCD – Preliminary Heritage Assessment (39 Lansell Road, Toorak)	Council
81	30 August 2023	Panel further directions letter	PPV

No.	Date	Description	Provided by
82	4 September 2023	Response from Council regarding Document 81	Council

Appendix D Proposed heritage places and precincts, and submissions received

Place or Precinct	Hercon Criteria*	Heritage Overlay ref	Submission no.
New individually significant places			
Residence, 29 Lansell Road, Toorak	E	HO727	53
Residence, 1 Cross Street, Toorak	A, D, E	HO728	Nil
Residence, 7 Turnbull Avenue, Toorak	D, E, H	HO729	Nil
Lucknow, 20 Millicent Avenue, Toorak	A, E	HO730	45
Residence, 23 Linlithgow Road, Toorak	A, E, H	HO731	Nil
Naliandrah, 3 Glendye Court, Toorak	A, E, H	HO732	Nil
Gelbert House, 5 Heyington Place, Toorak	A, E, H	HO733	Nil
Shere, 1 Theodore Court, Toorak	D, E, H	HO734	Nil
Heyington Gardens, 2 Theodore Court, Toorak	A, D, E, H	HO735	Nil
Hallows House, 184 Kooyong Road, Toorak	D, H	HO737	Nil
Milne House, 1 Glenbervie Road, Toorak	D, H	HO738	Nil
Residence, 7 Trawalla Avenue, Toorak	D, H	HO739	73
Santosa, 33 Albany Road, Toorak	A, E, H	HO741	23, 24, 25, 26, 27, 28, 29, 30, 31, 32
Residence, 60 Washington Street, Toorak	D, H	HO742	42
Kilpara Flats, 703 Orrong Road, Toorak	A, E, H	HO743	2
Troon, 746 Orrong Road, Toorak	A, E, H	HO744	Nil
Deodara Cedar Tree, 39 Mathoura Road, Toorak	A, E	HO746	Nil
The Orrong Hotel, 711 High Street, Armadale	A, E, H	HO753	35
Shops, 46–50 Wattletree Road, Armadale	A, D	HO754	37, 67
Dandenong Road London Plane and Canary Island Palm Trees, Armadale	A, E	HO755	Nil

Place or Precinct	Hercon Criteria*	Heritage Overlay ref	Submission no.
New precincts			
Toorak Post-war Modern Group, Toorak	A, D, H	HO747	20, 21, 65, 66, 71
Canterbury Road Precinct, Toorak	A, E	HO748	58, 60, 64
Glenferrie Road Precinct, Malvern	A, E	HO749	19
Gordon Street Precinct, Toorak	A, E	HO750	Nil
Williams Road Terraces Precinct, Toorak	A, E	HO751	17, 51
Lambert Road Precinct, Toorak	A, E	HO752	1, 4, 34, 44, 55, 56, 57, 68, 72, 77
Inverness Terraces Precinct, Armadale	A, D, E	HO756	Nil
Horsburgh Grove and Murray Street Precinct, Armadale	A, E	HO757	3, 41, 47, 48, 49
Egerton Road Precinct, Armadale	A, E	HO758	70, 74
Bailey Avenue and Valentine Grove Precinct, Armadale	A, D, E, H	HO759	18
Existing individually significant places			
Primary School No. 3016, 75 Canterbury Road, Toorak	A, D, E	HO8	Nil
Carmyle, 7 Carmyle Avenue, Toorak	A, E, H	HO9	Nil
Residence, 10 Chastleton Avenue, Toorak	A, E, H	HO18	62
Coonac, 65 Clendon Road, Toorak	A, D, E, H	HO21	Nil
Sherren House (St Catherine's School) and Elaine Haxton Mural - external eastern wall of school library, 17-21 Heyington Place, Toorak	A, E, H	HO50	Nil
Residence, 42 Heyington Place, Toorak	A, E, H	HO51	Nil
Avington, 3 Illawarra Crescent, Toorak	E, H	HO62	Nil
Residence, 55 Lansell Road, Toorak	A, D, H	HO70	Nil
Residence, 2 Lascelles Avenue, Toorak	E, H	HO71	Nil
Tsoshan Flats, 777 Malvern Road, Toorak	A, E, H	HO79	Nil
Moonbria Flats, 68 Mathoura Road, Toorak	A, E, H	HO81	69
Miegunyah, 641 Orrong Road, Toorak	A, E, H	HO88	Nil

Place or Precinct	Hercon Criteria*	Heritage Overlay ref	Submission no.
Residence, 762 Orrong Road, Toorak	A, D, E, H	HO90	Nil
Residence, 17 St Georges Road, Toorak	A, E, H	HO98	Nil
Studley, 392-400 Toorak Road and 41- 43 Tintern Avenue, Toorak	A, E, H	HO108	Nil
Uniting Church, 603 Toorak Road, Toorak	A, E, H	HO110	Nil
Whernside, 2A Whernside Avenue, Toorak	A, E, H	HO117	Nil
Grenfell House, 9 Mernda Road, Kooyong	A, D, E, H	HO244	Nil
Salter House, 16 and 16A Glyndenbourne Avenue, Toorak	A, D, F, H	HO266	Nil
Residence, 23 Douglas Street, Toorak	B, E	HO307	Nil
Residence, 7 Glenbervie Road, Toorak	D, H	HO311	Nil
Residence, 68 Hopetoun Road, Toorak	D, H	HO314	Nil
Former Oma Gateway, 170 Kooyong Road, Toorak	A, E, H	HO320	Nil
Trawalla Court, 24 Lascelles Avenue, Toorak	A, E, H	HO321	Nil
Hillcrest, 1043 Malvern Road, Toorak	A, E	HO324	Nil
Avalon, 14 Power Avenue, Toorak	A, E, H	HO332	Nil
Risdon, 11 Russell Street, Toorak	E, H	HO333	Nil
Crumpford, 2 Stonnington Place, Toorak	E, H	HO341	Nil
Revell, 9 Toorak Avenue, Toorak	D, H	HO342	Nil
Residence, 719 Toorak Road, Kooyong	E	HO344	Nil
Yateley, 3 Yar Orrong Road, Toorak	E, F, H	HO346	Nil
Stokell, 49-51 Adelaide Street, Armadale	A, D, E, H	HO1	Nil
Thurla, 1 Avalon Road, Armadale	E, H	HO4	Nil
Pensford, 528 Orrong Road, Armadale	E, H	HO27	Nil
R. C. Church Seminary & Offices, 21 Elgin Avenue, Armadale	A, E	HO36	Nil
Flete, 10 Flete Avenue, Armadale (formerly 2 Flete Street) & 24 Moorhouse Street, Armadale	A, E, H	HO38	Nil
Hampden Villa (former Duncraig), 31 Hampden Road, Armadale	A, B, E, F, H	HO48	Nil

Place or Precinct	Hercon Criteria*	Heritage Overlay ref	Submission no.
Kings Arcade, Armadale	A, E	HO57	Nil
Residence, 34 Mercer Road, Armadale	A, B, E, H	HO82	Nil
Former Sebprof House, 514 Orrong Road, Armadale	A, B, E	HO84	Nil
Larnook, 519 Orrong Road, Armadale	A, D, E	HO85	Nil
Trelowarren, 543 Orrong Road, Armadale	A, D, E, H	HO86	Nil
St Alban's Anglican Church and Hall, 583 Orrong Road, Armadale	A, B, E, H	HO87	Nil
Redcourt, 506 Orrong Road, Armadale	A, E, H	HO166	Nil
Carrington, 58 Kooyong Road, Armadale	A, E, H	HO318	Nil
Residence, 1088- 1090 Malvern Road, Armadale	E, H	HO323	Nil
Semi-detached houses, 3-5 Mercer Road, Armadale	B, E	HO327	Nil
Residence, 12 Mercer Road, Armadale	E, H	HO328	Nil
Residence, 14 Mercer Road, Armadale	E, H	HO329	Nil
Residence, 16 Mercer Road, Armadale	E, H	HO330	Nil
Residence, 5 Myamyn Street, Armadale	E, H	HO331	Nil
Existing Precincts			
Montalto Avenue Precinct, Toorak	A, D, E, H	HO143	6, 8, 11, 12, 22, 46, 52, 75
Williams Road Precinct, Toorak	A, E	HO155	16
Power Street Precinct, Toorak	A, D, E, H	HO180	5, 9, 10, 14, 33, 40, 43, 59, 63
Huntingfield Road Precinct, Toorak	A, D, E, H	HO347	Nil
St Georges Court Precinct, Toorak	A, E, H	HO348	Nil
Kooyong Precinct, Kooyong	A, D, E	HO181	7, 39, 76
Auburn Grove Precinct, Armadale	A, E	HO123	Nil
Cambridge Street Precinct, Armadale	A, D, E	HO125	Nil
Inverness Avenue Precinct, Armadale	A, D, E, H	HO179	Nil

Place or Precinct	Hercon Criteria*	Heritage Overlay ref	Submission no.
Hampden Road Precinct, Armadale	A, E, H	HO136	38, 50, 54
Union Street Precinct, Armadale	A, E	HO377	Nil
Existing places changing HO Numbers			
Umina, 3 Lansell Road, Toorak	A, E, H	HO760	Nil
Clendon, 57 Clendon Road, Toorak	D, H	HO761	Nil
Carinya, 61 Clendon Road, Toorak	E, H	HO762	Nil
St Peter's Catholic Church , 581 Toorak Road, Toorak	A, E, H	HO763	Nil
Lansell Road Precinct, Toorak	A, D, E	HO764	Nil
Toorak Road and Heyington Place Precinct, Toorak	A, E, H	HO765	15
Clendon Road Precinct, Toorak	A, E	HO766	Nil
Royal Terrace Precinct, Toorak	A, C, E	HO767	Nil
Landale Road Precinct, Toorak	A, D, E	HO768	Nil
Wentworth, 294 Williams Road, Toorak	A, E	HO769	Nil
Residence, 13 St Georges Road, Toorak	D, E, H	HO770	Nil
House and unit, 1-2/5 Moralla Road, Kooyong	D, H	HO745	76

*Model criteria specified in Planning Practice Note 1 (see Appendix F:4)

Appendix E Post exhibition changes endorsed by Council

Heritage Overlay	Submission	Change endorsed by Council on 5 June 2023
HO18	62	<p>The exhibited 10 Chastleton Avenue, Toorak Statement of Significance/citation and associated documentation be updated to:</p> <ul style="list-style-type: none"> - insert reference to the original front entrance gate and clarify that the timber paling fence is not significant under ‘what is significant’ - in relation to alterations and additions: <ul style="list-style-type: none"> - remove reference to new downpipes and white timber fence gate - insert reference to the downpipes having been replaced.
HO155	16	<p>The exhibited Williams Road Precinct Statement of Significance/citation and associated documentation be updated to show HO155 curtilage as it currently related to 78 Williams Road.</p>
HO143	12, 22	<p>The exhibited Montalto Avenue Precinct Statement of Significance/citation and associated documentation be updated to show:</p> <ul style="list-style-type: none"> - 8 Montalto Avenue as ‘non-contributory’ 26 Montalto Avenue as ‘contributory’.
HO180	5, 9, 10, 43,	<p>The exhibited Power Street Precinct Statement of Significance/citation and associated documentation be updated as follows:</p> <ul style="list-style-type: none"> - to show 45 Power Street/455 Glenferrie Road as ‘contemporary’ and ‘non-contributory’ - to show 13 Moonga Road as ‘post-war’ and ‘non-contributory’ - to show 11 Power Street as ‘non-contributory’ to the precinct - to amend documents generally in line with information provided in submission.
HO181	39	<p>The exhibited Kooyong Precinct Statement of Significance/citation and associated documentation be updated as follows:</p> <ul style="list-style-type: none"> - to show 693 and 695 Toorak Road as a ‘Duplex’ - to show 711-713 Toorak Road as ‘non-contributory’ - to correct the grading map to remove 1/5 and 2/5 Moralla Road.
HO730	45	<p>The exhibited 20 Millicent Avenue, Toorak Statement of Significance/citation and associated documentation be updated to acknowledge later alterations.</p>
HO743	2	<p>The exhibited ‘Kilpara’ Statement of Significance/citation and associated Amendment documentation to:</p> <ul style="list-style-type: none"> - correct a reference from Cedar to Norfolk Island Pine identified as significant to the property; - identify the builder as the Prentice Brothers (previously unknown) in the citation.

Heritage Overlay	Submission	Change endorsed by Council on 5 June 2023
HO747	20, 21	<p>The exhibited Toorak Post-War Modern Group Statement of Significance/citation and associated documentation be updated as follows:</p> <ul style="list-style-type: none"> - correct the spelling of the designer of 39 Lansell Road - correct the year of construction from between 1955-1965, to 1955-1966 - in relation to 2 Tyalla Crescent, remove reference to the contemporary garage located at the rear of the property - in relation to 1 Lansell Court: <ul style="list-style-type: none"> - insert reference to the extension of the ground floor double garage and subsequent conversion into a living space - identify additional alterations and additions to the property - in the site history, identify the relandscaping of the front garden and addition of a swimming pool - make other grammatical corrections.
HO748	58, 60, 64	<p>The exhibited Canterbury Road Precinct Statement of Significance/citation and associated documentation be updated to:</p> <ul style="list-style-type: none"> - correct the property address of the first image in the citation from 6 Canterbury Road to 14 Canterbury Road - in the physical analysis, include additional and corrected information relating to 4 and 6 Canterbury Road - in relation to alteration and additions to 4 Canterbury Road: <ul style="list-style-type: none"> - remove reference to the skillion roof lean extension and the carport to the rear yard - insert reference to the freestanding additions to the south-east and north-east of the property and the bathroom extension to the southern elevation - in relation to alterations and additions to 6 Canterbury Road: <ul style="list-style-type: none"> - amend reference to the palisade security cars mounted on the front façade and southern elevation windows - amend reference to two skylights added to the main roof - insert reference to screening for garage bin storage added to lean-to-extension on the south elevation - in relation to alterations and additions to 8 Canterbury Road, insert reference to the roof reclad, solar panels to north roof pitches, the rear extension in the 1980s, the extension of the driveway, the metal fence and gate to the front boundary and the timber fencer added to the side boundaries of the front garden.
HO752	34, 68	<p>The exhibited Lambert Road Precinct Statement of Significance/citation and associated documentation be updated to remove 1, 3, 3A, 23, 25, and 27 Lambert Road.</p>
HO754	37	<p>The 46-50 Wattletree Road Statement of Significance/citation and associated documentation be updated to show the place meets Criterion D instead of Criterion E.</p>

Heritage Overlay	Submission	Change endorsed by Council on 5 June 2023
HO757	48, 49	The exhibited Horsburgh Grove and Murray Street Precinct Statement of Significance/citation and associated documentation be updated to show 5 Horsburgh Grove as 'non- contributory'.
HO757	N/A	Updating Horsburgh Grove and Murray Street Precinct (HO757) Statement of Significance map to remove 1A Murray Street, Armadale in line with citation and other Amendment documentation.
HO764	7	The exhibited Lansell Road Precinct Statement of Significance/citation and associated documentation be updated to clarify that 569 and 571 Toorak Road are post-war properties that do not contribute to the heritage values of the precinct.
Map 4HO		Update the exhibited Planning Scheme Map 4HO to reflect the removal of 9 Aberdeen Road, Prahran from the Williams Road Precinct (HO155).
Map 5HO		Update Planning Scheme Map 5HO to identify the proposed extensions only to Hampden Road Precinct (HO136) and Auburn Grove Precinct (HO123)
Clause 72.08 Schedule (Background Documents)		Amend to include the Toorak, Kooyong and Armadale Heritage Review (Extent Heritage, March 2022) and subsequent changes to the exhibited Explanatory Report and Instruction Sheet.
Explanatory Report		Amend to reference the proposed change to Clause 72.08 Schedule.

Appendix F Planning context

F:1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* (the Act) 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
- balance the present and future interests of all Victorians.

Municipal Planning Strategy

The Amendment responds to Clause 02.02-4 (Built environment and heritage) of the Municipal Planning Strategy. This recognises:

A key challenge is upholding and restoring the City's distinctive built form and landscape character, protecting heritage buildings, key landmarks, important vistas and riverside environs while encouraging appropriate high quality new development.

Council seeks to:

- Protect and reinforce Stonnington's distinctive character, in particular the following attributes:
 - Places and precincts of heritage significance.
 - The distinctive low rise scale of the established residential areas.

Planning Policy Framework

The Amendment supports:

- **Clause 15.01-5S** (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - 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 and the maintenance of ecological processes and biological diversity.
 - 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.

F:2 Other relevant planning strategies and policies

i) 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
 - **Policy 4.4.4:** Protect Melbourne’s heritage through telling its stories.

ii) Stonnington Thematic Environmental History

The Stonnington Thematic Environmental History comprises Volume 1 of the *Stonnington Heritage Study*, 2005 and was adopted by Council in 2006. An update was adopted in 2009.

The thematic environment history provides a detailed explanation of the key historic themes and activities that have been important in shaping the present-day City of Stonnington.

The themes identified in the thematic environment history reflect the historic developmental influences on the municipality and provide a critical framework for the future heritage assessment of places within Stonnington.

iii) Heritage Strategy and Action Plan 2018-2029

Stonnington’s Heritage Strategy and Action Plan 2018-2029 was adopted on 3 December 2018. One of the key actions with a committed timeframe is that a ‘gaps’ review was to commence in 2019.

Other relevant actions are:

- Protect places of potential significance not currently protected by the Heritage Overlay.
- Protect significant gardens and trees in the Heritage Overlay of the Stonnington Planning Scheme by:
 - ensuring all trees from previous heritage studies are included in the Heritage Overlay;
 - considering the National Trust Register of Significant Trees; and
 - protecting significant trees and their canopies and gardens.
- Ensure local heritage documentation is publicly accessible.

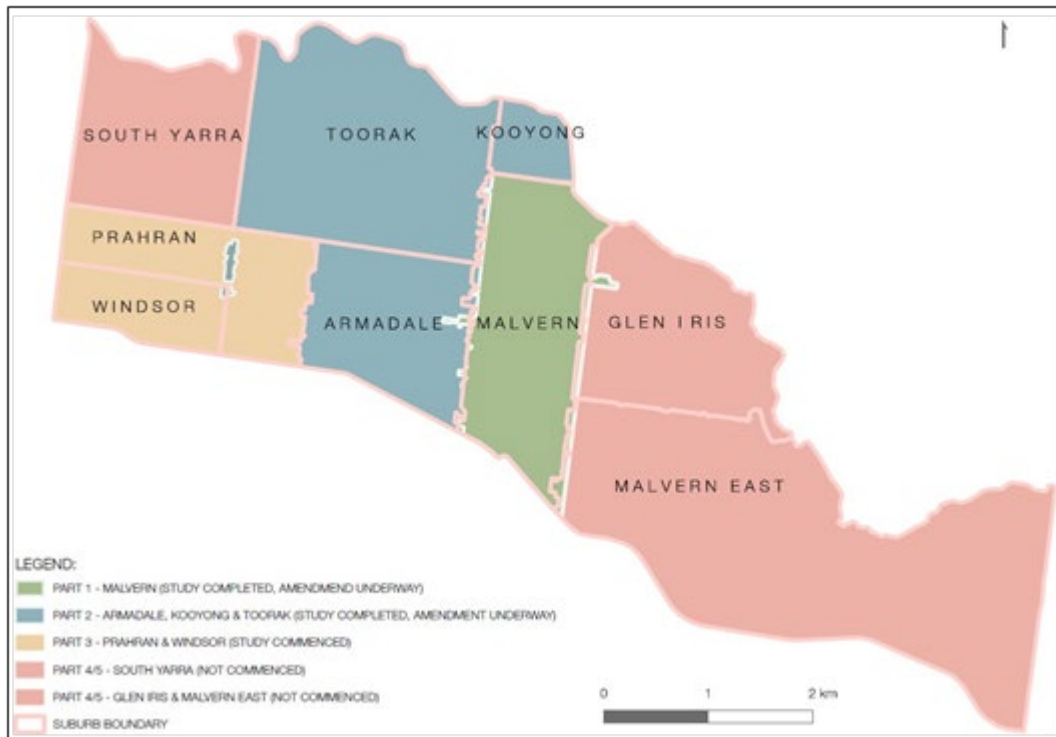
Approximately half of all individual and precinct citations within the City of Stonnington are not consistent with the guidance provided by the current PPN01 (having, for example, been prepared prior to Amendment VC148 and the most recent PPN01) as they do not address the established Hercon criteria, and do not include a Statement of Significance for each heritage place.

iv) Stonnington Heritage Review

On 2 December 2019, Council resolved to endorse a comprehensive approach to heritage protection by undertaking suburb-by-suburb heritage reviews. This collective process of successive heritage reviews is referred to as ‘the Stonnington Heritage Review’. The Toorak, Kooyong and Armadale Heritage Review is the second suburb review to be completed after the Malvern Heritage Review (Amendment C316ston was adopted by Council in November 2022).

The current timeline of heritage studies is depicted below in Figure 1.

Figure 62 Stonnington Heritage Review timelines



v) Toorak, Kooyong and Armadale Heritage Review

Extent Heritage Pty Ltd (Extent Heritage) was commissioned by the City of Stonnington to prepare a heritage review of the suburbs of Toorak, Kooyong and Armadale.

The reviews were split into two parts; a review of existing individual places and precincts within the Heritage Overlay, and a heritage gap study of potential new places and precincts, resulting in the *Toorak and Kooyong Heritage Review, 2022* and the *Armadale Heritage Review, 2022*.

F:3 Planning scheme provisions

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.

F:4 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial direction 9 (Metropolitan Planning Strategy)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

Planning Practice Note 1: Applying the Heritage Overlay, August 2018 (updated 13 June 2023)

PPN1 provides guidance about using 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.

Planning Practice Note 1 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).

Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes Version 1.5, April 2022 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the VPP in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

Appendix G Council agreed changes to citations

Heritage Overlay	Place	Change agreed by Council
HO18	10 Chastleton Road, Toorak	As shown in the track change version of the citation on pages 199-207 in Attachment 2 to the Council Officer Report of 5 June 2023.
HO155	20 Millicent Avenue, Toorak	As shown in the track change version of the Citation on pages 209-218 in Attachment 2 to the Council Officer Report of 5 June 2023, coupled with: <ul style="list-style-type: none"> (i) the changes shown in Appendix B to Ms Bashta's evidence report to update details regarding examples used in the comparative analysis; and (ii) as the Extent citation has been revised to note that the house is not rendered, but actually (overpainted) face brick, the comment when comparing it to 390 Glenferrie Road should also be revised accordingly.
HO754	46-50 Wattletree Road, Armadale	As shown in the track change version of the Citation on pages 221-230 in Attachment 2 to the Council Officer Report of 5 June 2023.
HO743	703 Orrong Road, Toorak	As shown in the track change version of the Citation on pages 233-243 in Attachment 2 to the Council Officer Report of 5 June 2023.
HO748	Canterbury Road Precinct	As shown in the track change version of the Citation on pages 246-259 in Attachment 2 to the Council Officer Report of 5 June 2023, but with the additional changes shown in Appendix B to Ms Bashta's evidence report to note removal of the northern chimney at 6 Canterbury Road.
HO757	Horsburgh Grove and Murray Street Precinct	As shown in the track change version of the Citation on pages 263-278 in Attachment 2 to the Council Officer Report of 5 June 2023, but with the following further changes: <ul style="list-style-type: none"> (i) correction of the references in citation that the recently demolished house was built in 1929 (ii) review of the information in the History and Description about this property (iii) correction of the address of 18 Erskine Street in the 'Alterations and Additions' section of the precinct description (as it currently reads "13" Erskine Street).
HO181	Kooyong Precinct	As shown in the track change version of the Citation on pages 288-309 in Attachment 2 to the Council Officer Report of 5 June 2023.
HO752	Lambert Road Precinct	As shown in the track change version of the Citation on pages 314-336 in Attachment 2 to the Council Officer Report of 5 June 2023 (including the retention of 2 Lambert Road as exhibited).
HO764	Lansell Road Precinct	As shown in the track change version of the Citation on pages 340-351 in Attachment 2 to the Council Officer Report of 5 June 2023.
HO143	Montalto Avenue Precinct	As shown in the track change version of the Citation on pages 357-375 in Attachment 2 to the Council Officer Report of 5 June 2023.

Appendix H Panel preferred version of the Statements of Significance

Panel notes

Panel recommended additions to the exhibited statements of significance as marked in [blue](#).

Panel recommended deletions to the exhibited statements of significance as marked in ~~red~~.

The Panel recommended versions do not contain images from the exhibited statements of significance. These should be included in the final version of the statements of significance prior to adoption of the Amendment.

The precinct grading tables in the Panel recommended versions only show changes recommended by the Panel. The full list of properties should be included in the final version of the statements of significance before adopting the Amendment.

H:1 Hampden Road Precinct (HO136) Statement of Significance

Statement of Significance: Hampden Road Precinct, Armadale (~~March 2022~~ September 2023)

Heritage place: Hampden Road Precinct
Armadale

PS ref no.: HO136



What is significant?

The Hampden Road Precinct, comprising properties on Hampden Road, Avalon Road and Dandenong Road, is locally significant. The mature oak (*Quercus*) street trees on Hampden Road are also locally significant.

Significant properties include:

- Former Moorlim, 373-375 Dandenong Road, Armadale (Victorian Italianate mansion, now a school)
- Namarong, 52 Hampden Road, Armadale (Victorian Italianate mansion)

The remainder of the precinct is predominantly characterised by contributory graded buildings, with a small number of non-contributory infill developments. Refer to the grading map for designations.

Character elements that contribute to the significance of the precinct include:

- The generous allotments established by the 1919 subdivision of Namarong Estate and 1929 subdivision of Avalon Estate;

- The presence of intact remnant late Victorian Italianate mansion estate buildings, that were erected prior to the interwar era subdivision;
- The presence of a large group of contributory dwellings of varying Interwar styles, including Old English, Georgian Revival (with Mediterranean influences), American Bungalow, Mediterranean and Streamline Moderne. Some of these buildings are associated with notable architects;
- The relatively high integrity of contributory buildings when viewed from the street. Dwellings typically survive with their presentation to the street largely unaltered, retaining elements such as verandahs, porticos, roof forms, chimneys, windows and door openings, brick detailing and timber joinery;
- The overall consistency of form, scale (one to two storeys), siting (regular front and side setbacks) and external materials and detailing (brick or render with hip or gable tiled roofs and chimneys) of the groups of inter-war houses, apartments and maisonettes;
- Building designs reflecting the growing popularity of interwar high density flat development;
- Building designs responding to the rise in popularity of the motor car;
- The absence of vehicle accommodation or other buildings in front or side setback areas; and
- A garden estate character established by the well-maintained garden settings, low front fences and street trees, particularly the mature oak (*Quercus*) trees.

Later alterations and additions to the properties are not significant.

How is it significant?

The Hampden Road Precinct is of local historical and aesthetic significance to the City of Stonnington. ~~The precinct also has associative significance, featuring examples of domestic architecture by notable architects.~~

Why is it significant?

The Hampden Road Precinct is historically significant as interwar subdivisions of the Namarong Estate and Avalon Estate respectively, which saw the formation of a wide street with generous allotments within Armadale. Both the remnant late Victorian dwellings and diversity of interwar houses and flats erected following the subdivision demonstrates urban character changes that occurred between the late 19th and early to mid 20th century in the City of Stonnington. It is also significant as an illustration of the increasing popularity of apartment living during the inter-war period and, in particular, demonstrates the emergence of maisonettes as an acceptable form of apartment development for middle class families. The precinct forms a tangible link to the interwar subdivision and development story of Armadale. (Criterion A)

The Hampden Road Precinct is aesthetically significant ~~for demonstrating as an intact and~~ visually cohesive interwar era streetscapes in the City of Stonnington. The streetscapes consists of a large number of fine, well-detailed and cohesive freestanding dwellings, apartment buildings and maisonettes from the interwar eras, designed the Old English, Georgian Revival (with Mediterranean influences), American Bungalow, Mediterranean and Streamline Moderne styles. As a group they display cohesion through form, materials, siting, setbacks and one to two story heights. The grand Victorian Italianate mansions add further to the aesthetic significance of the

place, owing to their grand scale, detailing and façade articulation. The precinct has a strong garden estate character established by well-maintained gardens, low front fences and street trees, particularly the mature oak (Quercus) trees. (Criterion E)

~~The Hampden Road Precinct has associative significance, featuring examples of the domestic interwar work of noted architects Robert Hamilton (32 Hampden Road), IG Anderson (35 Hampden Road), Eric Beedham (371 Dandenong Road) and Arnaud E. Wright (13-15 Avalon Road). (Criterion H)~~

Grades

Place address	Proposed Grading
<i>Panel note: only changes to place address and gradings shown</i>	
13-15 Avalon Road	Contributory
17 Avalon Road	Non-contributory

Refer to Heritage Victoria’s Model brief for consultants (p.6) for explanation of designations.

Primary source:

Hampden Road Precinct, Armadale, Citation Report, Extent Heritage Pty Ltd, ~~November 2021~~ as updated

H:2 Power Street Precinct (HO180) Statement of Significance

Statement of Significance: Power Street Precinct, Toorak (~~March 2022~~ September 2023)

Heritage place: Power Street Precinct Toorak	PS ref no.: HO180
--	-------------------

Panel note: precinct map to be inserted

What is significant?

The Power Street Precinct, comprising properties on Evans Court, Glenbervie Road, Glen Road, Glenferrie Road, Glyndebourne Avenue, Kooyong Road, Kyeamba Grove, Merriwee Crescent, Monomeath Avenue, Moonga Road, Myriong Crescent, Power Avenue, Toorak Avenue, Toorak Road and Warra Street, Toorak, is locally significant.

Significant properties include:

- 1 Evans Court, Toorak (highly intact and fine example of an Interwar Old English building, designed by Joseph Plottel)
- 8 Evans Court, Toorak (highly intact and fine example of an Interwar Old English building)
- 11 Glenbervie Road, Toorak (an intact and notable example of an Interwar Georgian Revival building ~~and fence~~ with Mediterranean design influences, designed by Arthur Barnes)
- 'Wyndarring' at 2 Glyndebourne Avenue, Toorak (highly intact and visually distinct example of an Interwar residence with Arts and Crafts influences)
- 1 Merriwee Crescent, Toorak ~~Toorak~~ (highly intact and fine example of an Interwar Old English building)
- 12 and 12A Monomeath Avenue, Toorak (highly intact and fine example of an Interwar Old English maisonette with Tudor influences)
- 3 Myriong Crescent, Toorak (a high quality and intact example of an Interwar Old English / English Domestic Revival residence, designed by Arnaud E. Wright)
- 8 Power Avenue, Toorak (a high quality example of Harold Debrowe-Annear's interwar domestic designs)
- 19 Power Avenue, Toorak (highly intact and fine example of an Interwar Old English building, designed by Arnaud E. Wright)
- 21 Power Avenue, Toorak (highly intact and fine example of an Interwar Old English building, designed by Arnaud E. Wright)
- 1-5/625 Toorak Road, Toorak (highly intact and fine example of an Interwar Old English apartment building, designed and altered by Joseph Plottel)

The remainder of the precinct is largely characterised by contributory buildings, with a series of non-contributory infill developments. Refer to the gradings map for designations.

Character elements that contribute to the significance of the precinct include:

- The distinctive pattern of subdivision and development created by groups of Interwar housing amongst some Victorian and Federation era dwellings and shops;
- The presence of a large group of individually significant dwellings and apartment buildings of varying Interwar styles, including Old English and Georgian Revival, some associated with prominent architects;

- The relatively high integrity of the contributory buildings when viewed from the street. Dwellings typically survive with their presentation to the street largely unaltered, retaining elements such as verandahs, porticos, roof forms and parapets, chimneys, window and door openings, brick detailing and timber joinery;
- Consistency in front setbacks on each individual street;
- Buildings characterised by brick, render, tile and timber joinery, as well as hipped and gabled roofs;
- Building designs responding to the rise in popularity of the motor car; and
- Some original or period appropriate front fences.

Later alterations and additions to the properties are not significant.

How is it significant?

The Power Street Precinct is of local historical, representative and aesthetic significance to the City of Stonnington. ~~The precinct also has associative significance with a range of notable architects.~~

Why is it significant?

The Power Street Precinct is historically significant as a substantial representation of residential development of the interwar period that took place following the subdivision of the large estates of the previous century. These developments combine with other remnant commercial and residential buildings of the first wave of limited development during the 19th and early 20th centuries to form a tangible link to two distinct periods of development and change in Toorak. The area covers four former estates, and a series of subdivision land parcels named Glyn, Glyndebourne, Mayfield and Grong Grong, Metford/Kyeamba, Myrong and Moonga from which street names have been derived. (Criterion A)

The Power Street Precinct contains a good representative collection of interwar era dwellings of various styles, including Old English, Georgian Revival, Art Deco and Tudor Revival. (Criterion D)

Owing to the higher level of integrity, Glenferrie Road, Kyeamba Grove, Moonga Road and Toorak Road in particular are aesthetically significant as an intact and visually cohesive group of streetscapes in the City of Stonnington for this period of development. The streetscape consists of a large number of fine, well-detailed and cohesive dwellings and apartment buildings from both the Federation and Interwar eras. As a group they display cohesion through form, materials, setbacks and heights. (Criterion E)

The St Georges Court Precinct has associative significance, featuring examples of the domestic Interwar work of noted architects Joseph Plottel, Arthur Barnes, Arnud E. Wright and Harold Desbrowe-Annear. (Criterion H)

Grades

Place address	Proposed Grading
<i>Panel note: only changes to place address and gradings shown</i>	
25 Glen Road	Non-Contributory
3/455 Glenferrie Road	Non-Contributory
4/455 Glenferrie Road	Non-Contributory

7/455 Glenferrie Road	Non-Contributory
8/455 Glenferrie Road	Non-Contributory
13 Moonga Road	Non-Contributory
20 Moonga Road	Non-Contributory
25 Moonga Road	Non-Contributory
11 Power Avenue	Non-Contributory
1/45 Power Street	Non-Contributory
2/45 Power Street	Non-Contributory
5/45 Power Street	Non-Contributory
6/45 Power Street	Non-Contributory
1/2-4 Warra Street	Non-Contributory
2/2-4 Warra Street	Non-Contributory
3/2-4 Warra Street	Non-Contributory
4/2-4 Warra Street	Non-Contributory
5/2-4 Warra Street	Non-Contributory
6/2-4 Warra Street	Non-Contributory
7/2-4 Warra Street	Non-Contributory
8/2-4 Warra Street	Non-Contributory
9/2-4 Warra Street	Non-Contributory
10/2-4 Warra Street	Non-Contributory

Refer to Heritage Victoria's Model brief for consultants (p.6) for explanation of designations.

Primary source:

Power Street Precinct, Toorak, Citation Report, Extent Heritage Pty Ltd, ~~November 2022~~ as updated.

H:3 Glenferrie Road Precinct (HO749) Statement of Significance

Statement of Significance: Glenferrie Road Precinct, Toorak (~~March 2022~~ September 2023)

Heritage place: Glenferrie Road Precinct, Malvern

PS ref no.: HO748

Panel note: precinct map to be inserted

What is significant?

The Glenferrie Road Precinct, comprising four two-storey Interwar Old English and Georgian Revival residences on Glenferrie Road, Malvern, is significant.

The precinct is characterised by contributory graded buildings.

Character elements that contribute to the significance of the precinct include:

- The generous allotments and the subdivision pattern established by the 1932 subdivision of Doona Estate;
- The regularity and harmony of the four two-storey Interwar Old English and Georgian Revival residences characterised by projecting gables, complex hipped and gable roofs clad with terracotta Marseilles tiles, timber framed sash windows, expressed brick motifs and tall profiled chimneys;
- A high degree of integrity overall arising from the absence of modern infill;
- The uniformity of setbacks, siting, allotment sizes and building heights; and
- A garden estate character established by well-maintained garden settings; ~~and~~
- ~~Original brick boundary fences with timber gates fronting Glenferrie Road.~~

Later alterations and additions to the properties are not significant.

How is it significant?

The Glenferrie Road Precinct is of local historical and aesthetic significance to the City of Stonnington.

Why is it significant?

The Glenferrie Road Precinct is of historical significance as a collection of residences that were developed at the same time following the 1932 subdivision of Victorian era mansion Doona Estate, which saw the creation of generous allotments with frontages to Glenferrie Road, Stonnington Place, Church Street and Cross Street. The dwellings at 371-375 Glenferrie Road, and possibly 369 Glenferrie Road, were designed and built by Percy Cope & Son, a partnership between Percy Neville Cope and Clifford Neville Cope who were responsible for the construction of numerous domestic residences across Malvern. The precinct represents part of the wider pattern of rapid subdivision and development that was unfolding across the municipality during the 1920s and 1930s and forms a tangible link to the interwar urban character changes taking place in Malvern more broadly. (Criterion A)

The Glenferrie Road Precinct is of aesthetic significance as a cohesive group of Interwar Old English (371 and 373 Glenferrie Road) and Georgian Revival (369 and 375 Glenferrie Road)

residences. Although the individual buildings are not without alterations, they retain a high level of integrity as a group and demonstrate stylistic cohesion through uniformity in built form, materials, detailing, fenestration, heights, setbacks, sitting and allotment sizes. This is partially due to their construction during the same period and primarily by the same company, being Percy Copye & Son. ~~Its unified character is also further enhanced by the original front boundary fences, which are predominantly composed of open face brick and timber.~~ Combined, these elements create a harmonious and attractive group of buildings along a main thoroughfare that is free from modern development. (Criterion E)

Grades:

Place address	Proposed Grading
No changes recommended	

Primary source:

Glenferrie Road Precinct, Toorak, Citation Report, Extent Heritage Pty Ltd, ~~March 2022~~ as updated.

H:4 Horsburgh Grove and Murray Street Precincts (HO757) Statement of Significance

Statement of Significance: Horsburgh Grove and Murray Street Precinct, Armadale (~~March 2022~~ September 2023)

Heritage place: Horsburgh Grove and Murray Street Precinct, Armadale	PS ref no.: HO757
--	-------------------

Panel note: precinct map to be inserted

What is significant?

The Horsburgh Grove Precinct, comprising a group Victorian, Edwardian and Federation Queen Anne style dwellings on Horsburgh Grove, Murray Street and Erskine Street, Armadale, is locally significant.

Character elements that contribute to the significance of the precinct include:

- The pattern of the late 19th century subdivision and subsequent development created by groups of Victorian, Edwardian and Federation era buildings;
- A high degree of intactness arising from the similar construction period and absence of modern infill;
- The regularity and harmony of the single-storey, freestanding Victorian era dwellings characterised by bullnosed verandahs with cast iron lacework, hipped slate roofs and projecting bays, polychrome open face brickwork, bracketed eaves and corbelled chimneys;
- The regularity and harmony of the single-storey Edwardian style dwellings primarily characterised by asymmetrical double fronted façades, front facing gables, traditional front verandahs, open face brickwork, slate and terracotta tiled roofs, timber fretwork, brackets and half-timbered battens;
- The regularity and harmony of the single-storey Queen Anne Federation dwellings characterised by complex roof forms with terracotta tiling and ridging capping, double fronted façades, traditional verandahs, half-timbered gables, exposed eaves, and timber fretwork; [and](#)
- The uniformity of building heights across the precinct; ~~and~~
- ~~Predominance of traditional timber picket fences along Murray Street.~~

Later alterations and additions to the properties are not significant.

How is it significant?

The Horsburgh Grove Precinct is of local historical and aesthetic significance to the City of Stonnington.

Why is it significant?

The Horsburgh Grove Precinct is historically significant as an area in Armadale that developed during the late 19th and early 20th century as an outcome of the 1886 subdivision of Brocklesby Estate, which precipitated the area's shift from sparsely developed paddocks to a suburban upper-middle class enclave. The dwellings were developed in two distinct and legible phases, being the

land boom of the 1880s that saw a period of land speculation and rapid subdivision, and the economic recovery in the early 20th century after the 1890s recession. The residential area therefore forms a tangible link to these two periods of development. (Criterion A)

The Horsburgh Grove Precinct is aesthetically significant as an intact and visually cohesive heritage area characterised by single-storey Victorian, Edwardian and Queen Anne Federation era dwellings. The buildings retain a high level of integrity as a group and demonstrate stylistic cohesion through consistency in height, roof forms, materials and fenestration, as well as setbacks, allotment sizes and specific decorative detailing amongst groups of buildings. ~~The unified character is further enhanced by the predominance of traditional picket and open face brick fences.~~

Combined, these elements create a harmonious and attractive collection of buildings that are almost completely free from modern development within the curtilage. (Criterion E)

Grades:

Place address	Proposed Grading
No changes recommended	

Primary source:

Horsburgh Grove and Murray Street Precinct, Armadale, Citation Report, Extent Heritage Pty Ltd, ~~March 2022~~ as updated.

H:5 10 Chastleton Avenue, Toorak (HO18) Statement of Significance

Statement of Significance: Arundel, 10 Chastleton Avenue, Toorak (~~March 2022~~ June 2023)

Heritage place: Arundel, Toorak

PS ref no.: HO18

Panel note: image to be inserted

What is significant?

The property at 10 Chastleton Avenue, Toorak (otherwise known as Arundel) is significant. The scale, form, detailing and siting of the substantial Arts and Crafts Georgian Revival house, as well as the Interwar era garage and original front entrance gate, are of local significance. The plantings and ~~front~~ timber paling fence are not significant.

How is it significant?

Arundel is of local historical and aesthetic significance to the City of Stonnington, and is associated with the famed Australian architect, Harold Desbrowe-Annear.

Why is it significant?

Arundel is historically significant as demonstrating the development of early 20th century mansions and houses within Toorak. The 1939 garage is historically important as demonstrating early 20th century parking facilities, during a time when the motor car was gaining popularity amongst the wealthy. (Criterion A)

Arundel is aesthetically significant as a highly intact and distinct Arts and Crafts Georgian Revival house. It is also important in exhibiting the principal aesthetic characteristics attributed to the later works of Harold Desbrowe-Annear. These characteristics include: a rectilinear form; shallow-pitched gable roof; decorative floral plasterwork; a pillared portico or porch; and decorative elliptical windows. In the early 20th century and towards the end of Harold Desbrowe-Annear's career, the aesthetic characteristics represented at Arundel became emblematic of Desbrowe-Annear's Arts and Crafts Georgian Revival style. The garage was constructed in 1939 to the designs of another architect, and though not original to the site, still possesses aesthetic significance as a sympathetically designed outbuilding. (Criterion E)

Arundel has associative significance as a house designed by the famed Australian architect, Harold Desbrowe-Annear. Arundel also has associative significance as the home of Chief Assistant Government Astronomer, Charles James Merfield for whose family the house was built. (Criterion H)

Primary source:

10 Chastleton Avenue Toorak - Citation Report, Extent Heritage Pty Ltd, ~~November 2021~~ May 2023.

H:6 Moonbria Flats 68 Mathoura Road, Toorak (HO81) Statement of Significance

Statement of Significance: Moonbria Flats, 68 Mathoura Road, Toorak (~~March 2022~~ September 2023)

Heritage place: Moonbria Flats, Toorak

PS ref no.: HO81

Panel note: image to be inserted

What is significant?

The property at 68 Mathoura Road, Toorak (otherwise known as Moonbria Flats), is significant. Specifically, the scale, form and detailing of the modernist apartment block is of **State** significance. The garden edging, wall and plantings are not significant.

How is it significant?

Moonbria Flats are of local historical **and** aesthetic ~~and associative~~ significance to the City of Stonnington. ~~As an intact structure designed by the pre-eminent modernist architect Roy Grounds, it also has for associative significance at the state level.~~

Why is it significant?

Moonbria Flats are of historical importance in demonstrating the development of early 20th century high rise apartment buildings within the suburb of Toorak, during a time when some existing residents protested against the erection of flats within a suburb that was previously known for its affluent freestanding homes. Moonbria Flats also have historical significance as a block of flats that was completed in the World War II period and subsequently occupied by servicemen and women. (Criterion A)

Moonbria Flats are aesthetically significant as an intact and visually distinct example of an early 20th century modernist apartment block. Key characteristics contributing towards its aesthetic value include the scale and form, glazing, cupola, rear courtyard, entrance treatment, and concrete balconies. (Criterion E)

~~Moonbria Flats have associative significance as a unique and visually distinct apartment block designed by the well-reputed Australian architect, Roy Grounds. (Criterion H)~~

Primary source:

Moonbria Flats, 68 Mathoura Road Toorak, Citation Report, Extent Heritage Pty Ltd, ~~November 2021~~ as updated.

H:7 29 Lansell Road (HO727) Statement of Significance

Statement of Significance: 29 Lansell Road, Toorak

Heritage place: Duart, Toorak

PS ref no.: HO727

Panel note: image to be inserted

What is significant?

The property at 29 Lansell Road, Toorak (~~otherwise known as Duart~~), is significant. Specifically, the form, scale, setback and detailing of the English Domestic Revival residence is of local significance, ~~along with the~~. The front boundary wall ~~and gates~~ is contributory. The landscaping and later alterations and additions to the property are not significant.

How is it significant?

~~29 Lansell Road~~ Duart is of local aesthetic significance to the City of Stonnington.

Why is it significant?

~~29 Lansell Road~~ Duart is aesthetically significant as a highly unique and substantially intact example of an English Domestic Revival style residence ~~with an original front fence~~. Unlike more conventional examples of this style, it is unusual in its ~~mixed~~ use of circular and rectilinear built and roof forms, which combine to create a visually striking and picturesque ~~structure composition~~. Other key architectural features contributing towards its aesthetic value include the three tall face brick chimneys, ~~slate terracotta~~ tile roof, brick corbel detailing below the roof eaves, ~~and~~ a deep setback from the street on a descending gradient from street level which emphasises the unusual roof form, ~~and an original face brick fence with wrought iron gates~~. The residence is further enhanced by the ~~landscape setting at the striking clinker brick front of the building which includes curved brick retaining walls and gardens, and curved brick boundary fence and original driveway,~~ which largely retain their original or early appearance. (Criterion E)

Primary source:

29 Lansell Road - Citation Report, Extent Heritage Pty Ltd, ~~April 2022~~ as updated.

H:8 20 Millicent Avenue, Toorak (HO730) Statement of Significance

Statement of Significance: Lucknow, 20 Millicent Avenue, Toorak (~~March 2022~~ September 2023)

Heritage place: Lucknow, Toorak

PS ref no.: HO730

Panel note: image to be inserted

What is significant?

The property at 20 Millicent Avenue, Toorak, otherwise known as Lucknow, is significant. Specifically, the form, scale, detailing and materiality of the transitional late Victorian and Edwardian style residence, ~~along with the front boundary fence~~, is of local heritage significance. The garage, ~~front boundary fence~~ and later alterations and additions to the property are not significant.

How is it significant?

Lucknow is of local historic and aesthetic significance to the City of Stonnington.

Why is it significant?

Lucknow is historically significant as grand transitional late Victorian and Edwardian residence erected between c.1895-1900, following the 1888 subdivision of the Millicent Estate. Connected to the 1880s land boom, which saw urban character changes and a period of rapid subdivision of Victorian estates and development across the City of Stonnington, Lucknow forms a tangible link to the late Victorian subdivision story of Toorak, and illustrates the suburb's growing upper-middle class towards the turn of the 20th century. (Criterion A)

Lucknow is aesthetically significant as a ~~highly intact~~ visually striking residence that seamlessly incorporates features from both the late Victorian and Edwardian styles. Key features contributing to its aesthetic value include ~~stucco walls, original timber window and door joinery~~, a hipped and gabled roof form with profiled chimneys, terracotta tiles and decorative finials, a bay window with a parapet and festoon mouldings, a wraparound verandah with ground floor arched loggia and upper floor timber balustrade defined by a quatrefoil design and a turned slatted timber valance, ~~a broken back verandah roof~~, and decorative gable ends with rough cast render, timber battens and moulded ornamentation. ~~The front fence also contributes towards this aesthetic value with its profiled capping to the piers and walls, and metal palisade fence.~~ (Criterion E)

Primary source:

Lucknow, 20 Millicent Avenue, Toorak, Citation Report, Extent Heritage Pty Ltd, ~~March 2022~~ as updated.

H:9 33 Albany Road, Toorak (HO741) Statement of Significance

Statement of Significance: Santosa, 33 Albany Road, Toorak (~~March 2022~~ September 2023)

Heritage place: Santosa, Toorak

PS ref no.: HO741

Panel note: image to be inserted

What is significant?

The property at 33 Albany Road, Toorak (otherwise known as Santosa) is significant. The built form, materiality, siting, orientation and fenestration of the post-war modernist flat building is of local significance, along with the brick boundary wall, pedestrian entrance path and integrated undercroft car park. Later alterations and additions to the property are not significant.

How is it significant?

Santosa is of local historical and aesthetic significance to the City of Stonnington. ~~It also has significance as a design by the prolific post-war modernist Australian architect, Guilford Bell.~~

Why is it significant?

Santosa is of historical significance as an architect designed luxury apartment building constructed in the post-war period. An outcome of the growing popularity of higher density living and population increases in the post-war era, Santosa reflects the growth of architect designed luxury apartments in Toorak between the 1940s and 1960s. While the emergence of architect designed apartments has its roots in the interwar period, whereby local opposition to flat development saw developers employing noted architects to design apartments and maisonettes that emulated interwar style mansions, the post-war period saw the incorporation of Modernism into flat design and construction amongst leading architects. Santosa therefore forms a tangible link to this period of suburban development in Toorak. (Criterion A)

Santosa is of aesthetic significance as an intact and fine example of post-war Modernism in flat design by virtue of its monumental qualities, repetitive detailing and considered composition. Key features contributing to its aesthetic value include its large rectilinear form built in brick, balanced in scale by the use of a shallow skillion roof and undercroft, minimal use of ornamentation, recessed floor-to-ceiling glazing, tiled entrance stairs and brick boundary wall. The use of an undercroft carpark featuring thin pilasters achieves a lightness and floating effect for the upper storey, generating a design that, when setback behind mature plantings, appears both luxurious and monumental. (Criterion E)

~~Santosa is of associative significance as a flat design by the prolific post-war modernist Australian architect, Guilford Bell. Santosa exemplifies the key elements characteristic of Bell's oeuvre, including his signature incorporation of aesthetic restraint, visual anonymity, blank walls to the street, rectilinear forms and symmetry in design. (Criterion H)~~

Primary source:

Santosa, 33 Albany Road, Toorak. Citation Report, Extent Heritage ~~April 2022~~ as updated.

H:10 Kilpara Flats, 703 Orrong Road, Toorak (HO743) Statement of Significance

Statement of Significance: Kilpara Flats, 703 Orrong Road, Toorak (~~March 2022~~ September 2023)

Heritage place: Kilpara Flats, Toorak

PS ref no.: HO743

Panel note: image to be inserted

What is significant?

The property at 703 Orrong Road, Toorak, otherwise known as the Kilpara Flats, is significant. The height, built form, scale, fenestration and materiality of the luxury post-war modernist flats is of local significance, along with the ~~mature Cedar (Cedrus) tree~~ Norfolk Island Pine (*Araucaria heterophylla*) on the western elevation. Later alterations and additions are not significant.

How is it significant?

The Kilpara Flats are of local historical and aesthetic significance to the City of Stonnington. The flats also have associative significance as a residential apartment block designed by notable architect Barry Patten of Yuncken Freeman Architects, who resided in the building for thirty-four years.

Why is it significant?

Kilpara Flats is historically significant as an apartment building constructed during a surge in luxury, modernist high rise living within the municipality in the post-war years. The ~~mature Cedar (Cedrus) tree~~ Norfolk Island Pine (*Araucaria heterophylla*) is historically significant as forming part of the earlier landscaping of the Aberfeldie Estate and, later, the original landscaping of the Kilpara Flats. (Criterion A)

Kilpara Flats is of aesthetic significance as a discernible example of Yuncken Freeman Architects' innovative experimentation with pure geometric form and structure in residential design, an approach that typified the peak of the post-war modernist movement in Australia. This is most evident in its bold rectilinear form and massing, and the gridded façade which was a departure from the popular sheer curtain wall method of high rise construction of the previous decade. It has a paired back approach to detailing – simply using steel, concrete and glass – which allows the building to appear as visually stark whilst conveying a sense of refined luxury at the same time. The ~~mature Cedar (Cedrus) tree~~ Norfolk Island Pine (*Araucaria heterophylla*), which formed part of the original landscaping, also contributes to the intended landscape setting and aesthetic of the place. (Criterion E)

Kilpara Flats has associative significance as an intact residential flat design by the highly distinguished architectural firm Yuncken Freeman Architects, one of Melbourne's most important architectural firms of the 20th century for their significant role in re-shaping the city from the 1960s and 1970s. They were responsible for important designs such as the Former BHP House (1972), Estates House (1976), Sidney Myer Music Bowl (1959) and La Trobe University. Kilpara Flats

also has associative significance as the home of Barry Patten of Yuncken Freeman Architects, who resided in the penthouse with his family for thirty-four years. (Criterion H)

Primary source:

Kilpara Flats, 703 Orrong Road, Toorak. Citation Report, Extent Heritage ~~April 2022~~ as updated.

H:11 1-2/5 Moralla Road, Toorak (HO745) Statement of Significance

Statement of Significance: 1-2/5 Moralla Road, Toorak (~~March 2022~~ September 2023)

Heritage place: 1-2/5 Moralla Road, Toorak

PS ref no.: HO745

Panel note: image to be inserted

What is significant?

1-2/5 Moralla Road, Kooyong, is significant. The form, scale, fenestration and materiality of the ~~post-war~~ modernist house and unit are of local significance, along with the ~~original front boundary fence and~~ rear courtyard for 2/5 Moralla Road. The landscaping for 1/5 Moralla Road and later alterations to the property are not significant.

How is it significant?

The site is of representative significance to the City of Stonnington. ~~It also has associative significance as two structures designed by the highly significant modernist architect Roy Grounds.~~

Why is it significant?

1-2/5 Moralla Road, Kooyong, ~~designed by Roy Grounds~~, is of representative significance as discernible example of innovative experimentation in geometric form in residential design that typified the beginning of the modernist movement in Australia. This is most evident in the built form of both structures, particularly the balcony and verandah of 2/5 Moralla Road supported restrained pillars and railing overlooking a paved courtyard, the flat roof of both structures, boxed timber eaves and exposed rafters. The lack of ornamentation, paired with Grounds' window designs, are features that would come to inform future modernist design touchstones. These features achieve visual boldness while simultaneously remaining lightweight in massing and scale. ~~Furthermore, as with many post-war residential designs associated with the modernism idiom, the building was construction under the pressure of environmental and site constraints, specifically in relation to the dimensions of the block.~~ (Criterion D)

~~1-2/5 Moralla Road, Kooyong is of associative significance as a house and unit designed by Roy Grounds. Roy Grounds is considered to be one of the most important architects of his generation and certainly one of Victoria's most well-known and influential modern architects. He was one of the few architects to work in the modernist idiom before WWII and in the 1950s was a member of the Grounds Romberg and Boyd partnership, a highly significant architectural firm of its time.~~ (Criterion H)

Primary source:

1-2/5 Moralla Road, Toorak, Citation Report, Extent Heritage ~~April 2022~~ as updated.