Maddocks

Date: 7 July 2025

Submission on behalf of the Planning Authority

Amendment C341ston to the Stonnington Planning Scheme

Council's submission: Part A

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INTRODUCTION

1. This submission is made on behalf of Stonnington City Council (**Council**).

2. Council is the Planning Authority for Amendment C341ston (**Amendment**) to the Stonnington Planning Scheme (**Scheme**). Council has prepared and is the proponent of the Amendment.

3. The Amendment applies to the land at 13-15 Avalon Road, Armadale (**Subject Land**).

4. In broad terms, the Amendment proposes to apply a site specific Heritage Overlay (**HO**) to the Subject Land on a permanent basis.

5. The Amendment proposes to implement the recommendation of Trethowan Architecture's Citation entitled *Former 'Ken-Ailsa' 13-15 Avalon Road, Armadale, April 2024, Citation* (**Trethowan Heritage Citation**).

6. On 20 May 2024, Council resolved to request authorisation from the Minister for Planning to prepare and exhibit the Amendment.

7. On 10 September 2024, the Minister authorised the preparation of the Amendment, just prior to the Council election caretaker period.

8. The Amendment was placed on exhibition from 6 February 2025 to 7 March 2025.

9. In response to exhibition, Council received 13 submissions (11 supporting, 1 opposing and 1 neutral).

10. On 12 May 2025, Council considered the submissions and resolved (among other things) to request the Minister for Planning appoint a Planning Panel to consider the submissions.

11. On 19 May 2025, a Planning Panel was appointed to consider the submissions.

Summary of Amendment

12. The Amendment proposes to implement the recommendation of the Trethowan Heritage Citation to apply an individual Heritage Overlay to the Subject Land on a permanent basis. Specifically, the Amendment:

    12.1 amends the Schedule to Clause 43.01 (Heritage Overlay) to insert a new individual Heritage Overlay HO790 and include a statement of significance;

    12.2 amends the Schedule to Clause 72.04 (Incorporated Documents) to insert the '*Former Ken-Ailsa, 13-15 Avalon Road, Armadale, Statement of Significance (Trethowan Architecture, April 2024)* (**Statement of Significance**);

    12.3 amends the Schedule to Clause 72.08 (Background Documents) to insert the Trethowan Heritage Citation; and

    12.4 amends Map 5HO of the Stonnington Planning Scheme to apply the Heritage Overlay to 13-15 Avalon Road, Armadale (HO790) to the Subject Land.

13. The background to the Amendment is described in further detail later in Council's Part A Submission.

PANEL DIRECTIONS

14. The 'Part A' submission is arranged under the following headings, in accordance with Direction #5 of the Panel's Directions:

    14.1 summary of the physical context of the Subject Land and surrounds;

    14.2 background to the Amendment including chronology of events;

    14.3 summary of the conditions of authorisation and how they have been met;

    14.4 summary of the strategic context, including:

        14.4.1 relevant planning policies and provisions;

        14.4.2 other recently approved or upcoming amendments that might impact on the Amendment;

    14.5 summary of the issues raised in submissions, including an explanation of which (if any) of those issues have been resolved and how;

    14.6 the heritage citation showing changes since the Amendment was exhibited in track changes.

    14.7 a modern translation for letter gradings such as 'A' referred to in the heritage citation.

15. Council's 'Part B' submission (to be circulated on 18 July 2025) will address the matters required by Direction #13 of the Panel's Directions, namely:

    15.1 Council's response to submissions and evidence; and

    15.2 Council's final position on the Amendment.

THE SUBJECT LAND: 13-15 AVALON ROAD, ARMADALE

16. This section of Council's submissions provides an overview of the physical context and features of the Subject Land, as well as its surrounds.

Physical Context

17. The Subject Land:

17.1 is located on the northern side of Avalon Road in Armadale, between Orrong Road to the west and Hampden Road to the east;

17.2 is a rectangular shaped parcel of land which is 2,256 square metres in size;

17.3 has a frontage of approximately 37.9m to Avalon Road;

17.4 is within a residential pocket of land affected by Schedule 10 to the General Residential Zone (**GRZ10**), the Schedule to the Development Contributions Plan Overlay (**DCPO**) and Schedule 726 to the Heritage Overlay (**HO726**)[1]; and

17.5 is developed with a five-bedroom, two-bathroom, double-storey dwelling built in 1933, with a non-original pool and outbuildings towards the rear of the property.

18. The Subject Land consists of two adjoining lots. The landscape setting of the Subject Land features curved raised garden beds at the front of the house with a generous terraced garden and sweeping driveway.

Surrounds

19. The Subject Land and its surrounds are shown in the below aerial photographs.



Aerial photograph dated 18 April 2025 showing the Subject Land outlined in red (NearMap – 22 May 2025)

[1] HO726 is an interim control relating to the 'Hampden Road Precinct – Extension' with an expiry date of 31 July 2025.



Aerial photograph dated 18 April 2025 showing the Subject Land outlined in red (NearMap – 22 May 2025)

20. The Subject Land is within the HO726, which is an interim control relating to the 'Hampden Road Precinct – Extension' with an expiry date of 31 July 2025. To the east, north-east and south-east is the Hampden Road Precinct (HO136) and to the south-west is the Redcourt Precinct (HO384) as shown on the HO map extract below.



VicPlan, accessed 4 July 2025 (Subject Land outlined in blue)

21. To the immediate east is 17 Avalon Road, a two storey contemporary residence. The property is not affected by a Heritage Overlay, however, until 20 June 2024 it was included within HO726 (the interim control relating to the 'Hampden Road Precinct – Extension').

22. Also adjoining the Subject Land to the east, are 40 and 42 Hampden Road, which are two storey interwar dwellings graded as Contributory within the Hampden Road Precinct (HO136).

23. To the immediate west is 11 Avalon Road, a single storey detached contemporary dwelling, that is not subject to a Heritage Overlay.

24. Also adjoining the Subject Land to the west is 12 Barnato Grove, a two storey contemporary dwelling, that is not subject to a Heritage Overlay.

25. To the immediate south of the Subject Land is Avalon Road. On the southern side of Avalon Road are the following properties:

    25.1 10 Hampden Road, a two storey interwar dwelling within the Hampden Road Precinct (HO136), which fronts Avalon Road;

    25.2 8A Avalon Road, a two storey contemporary dwelling, that is not subject to a Heritage Overlay; and

    25.3 8 Avalon Road, a two storey interwar dwelling within the Redcourt Avenue Precinct (HO384).

26. To the rear (north) of the Subject Land is 11 Barnato Grove, a two storey interwar residence. The property is not subject to a Heritage Overlay.

BACKGROUND TO THE AMENDMENT

27. This section of Council's submissions provides an overview of the strategic planning context and background relevant to this Amendment. A chronology of the key dates relevant to the Amendment is included as Attachment A to this submission.

Stonnington Thematic Environmental History

28. The Stonnington Thematic Environmental History (**STEH**) comprises Volume 1 of the Stonnington Heritage Study 2005 and was adopted by Council in 2006. An update was adopted in 2009.

29. The STEH provides a detailed explanation of the key historic themes and activities that have been important in shaping present-day City of Stonnington.

30. The themes identified in the STEH reflect the historic developmental influences on the municipality and provide a critical framework for the future heritage assessment of places within Stonnington.

Heritage Strategy and Action Plan 2018-2029

31. Council's Heritage Strategy and Action Plan 2018-2029 was adopted on 3 December 2018 (**Heritage Strategy**).

32. One of the key actions with a committed timeframe is that a 'gaps' review was to commence in 2019.

33. Action 1.1 of the Heritage Strategy seeks to 'Protect places of potential significance not currently protected by the Heritage Overlay'.

Stonnington Heritage Review

34. On 2 December 2019, Council resolved to endorse a comprehensive approach to heritage protection by undertaking suburb-by-suburb Heritage Reviews to implement the Heritage Strategy. Each suburb review will involve a comprehensive street-by-street assessment and review of older citations that may no longer reflect the current heritage significance of the place.

35. Importantly, the Stonnington Heritage Review seeks to provide certainty to the community that heritage places worthy of protection are protected and those that are of potential interest have been properly assessed.

36. The Malvern Heritage Review (Part 1) was the first suburban Review and is proposed to be implemented through Amendment C316ston, which was adopted by Council in November 2022 and is awaiting Ministerial approval.

37. The Armadale, Kooyong and Toorak Heritage Review (Part 2) was the second suburban Review and is proposed to be implemented through Amendment C320ston, which was adopted by Council on 18 December 2023 and is awaiting Ministerial approval.

38. The Prahran and Windsor Heritage Review (Part 3) was the third suburban Review and is proposed to be implemented through Amendment C331ston. Council resolved to request Ministerial authorisation for this amendment on 24 June 2024.

39. The South Yarra Heritage Review (Part 4) was the fourth suburban Review and is proposed to be implemented through Amendment C50ston. Council resolved to request Ministerial authorisation for this Amendment on 30 June 2025.

40. Heritage reviews for Malvern East and Glen Iris, and Chapel Street will follow.

Toorak, Kooyong and Armadale Heritage Review

41. In 2022, 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.

42. The Heritage 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). The study area of the Armadale Heritage Review is shown in Figure 1 below.

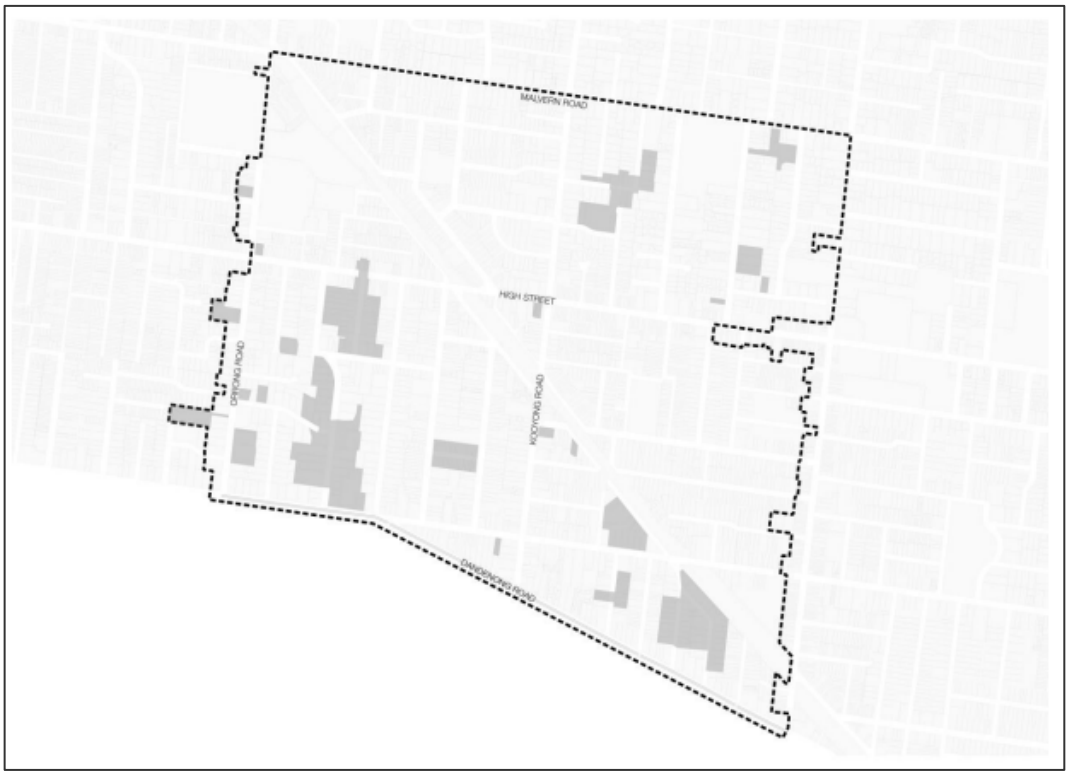


Figure 1: Armadale Heritage Review Study Area

43. Council adopted the Armadale Heritage Review, Volume 1 Findings and Volume 2 Citations (*updated January 2024)* on 18 December 2023.

Amendment C319ston

44. Amendment C319ston applied HO726 (Hampden Road Precinct – Extension) to the Subject Land on an interim basis while Amendment C320ston was being progressed. The interim controls have been extended on a number of occasions (most recently through Amendment 348ston) and are currently due to expire on 31 July 2025.

Amendment C320ston

45. Amendment C320ston proposes amendments to the Scheme to implement the findings of the Toorak, Kooyong and Armadale Heritage Reviews, including a proposed extension to the existing Hampden Road Precinct to include the Subject Land as a 'contributory' graded property.

46. The Amendment proposes to apply the Heritage Overlay to 17 new individually significant places and 9 new heritage precincts on a permanent basis. In addition, the Amendment make changes to 51 individual places and 11 heritage precincts already within the Heritage Overlay and makes other consequential changes.

47. In relation to the Subject Land, the Amendment proposes to extend the existing Hampden Road Precinct (HO136) to include the Subject Land as a 'Contributory' place.

48. The Amendment was exhibited between 16 February 2023 and 19 March 2023.

49. Submissions received in response to exhibition of Amendment C320ston were considered by a Planning Panel over multiple days: 25-28 July 2023, 31 July 2023, and 1-2 August 2023.

50. The Panel's report recommended that the Subject Land be deleted from the Hampden Road Precinct.

51. At its meeting on 18 December 2023, Council resolved to adopt Amendment C320ston with the Subject Land retained within the Hampden Road Precinct.

52. At the same meeting, Council resolved to authorise Council officers to commission an assessment of 13-15 Avalon Road, Armadale to determine whether it warrants protection by way of an individual Heritage Overlay.

53. At this stage, Amendment C320ston is awaiting final approval from the Minister for Planning.

Amendment C340ston

54. Amendment C340ston was gazetted on 20 June 2024 and deleted interim Heritage Overlay controls from 2 individual places, part of a precinct extension and part of a group listing which were no longer being pursued as permanent controls as part of Amendment C320ston.

55. Specifically, Amendment C340ston removed the interim HO726 (Hampden Road Precinct – Extension) from the property at 17 Avalon Road, Armadale.

56. As a result of the removal of 17 Avalon Road from HO726, the Hampden Road Precinct Extension (HO726) now solely applies to the Subject Land.

Trethowan Heritage Citation

57. In February 2024, Council officers commissioned Trethowan Architecture to undertake an assessment of 13-15 Avalon Road, Armadale in accordance with Council's resolution of 18 December 2023.

58. This work resulted in the Trethowan Heritage Citation, which ultimately recommends the Subject Land be graded as individually significant and the extent of the Heritage Overlay be applied to the property title boundaries.

59. The Subject Land was identified as meeting the threshold for criterion A and criterion D in the Trethowan Heritage Citation.

Changes to the Heritage Overlay

60. Amendment C341ston proposes to implement the recommendation of the Trethowan Heritage Citation to apply an individual Heritage Overlay to the Subject Land on a permanent basis. Specifically, the Amendment:

    60.1 Amends the Schedule to Clause 43.01 (Heritage Overlay) to insert one new individual Heritage Overlay HO790 and include a Statement of Significance.

    60.2 Amends the Schedule to Clause 72.04 (Incorporated Documents) to insert the 'Former Ken-Ailsa, 13-15 Avalon Road, Armadale, Statement of Significance (Trethowan Architecture, April 2024)'.

    60.3 Amends the Schedule to Clause 72.08 (Background Documents) to insert the 'Former Ken-Ailsa, 13-15 Avalon Road, Armadale, Citation (Trethowan Architecture, April 2024)'.

    60.4 Amends Map 5HO of the Stonnington Planning Scheme to apply the Heritage Overlay to 13-15 Avalon Road, Armadale (HO790).

PREPARATION OF THE AMENDMENT

Resolution to prepare Amendment

61. On 20 May 2024, Council resolved to:

    61.1 endorse the Trethowan Heritage Citation;

    61.2 request authorisation from the Minister for Planning to prepare and exhibit Amendment C341ston to the Scheme in accordance with s 8A of the *Planning and Environment Act 1987* (**Act**);

    61.3 prepare Amendment C341ston to the Scheme to include Former Ken-Ailsa, 13-15 Avalon Road, Armadale, in an individual Heritage Overlay on a permanent basis, generally in accordance with the documentation provided at Attachment 2 of the Council Meeting Agenda, subject to Ministerial authorisation;

    61.4 place Amendment C341 on exhibition in accordance with the requirements of s 19 of the Act, subject to Ministerial authorisation; and

    61.5 authorise the Director for Planning and Place to make minor changes to the amendment documentation if those changes do not alter the original intent of the amendment.

62. The Panel has been previously provided with a copy of the Council meeting minutes of 20 May 2024.

Authorisation

63. On 10 September 2024, Council received authorisation to prepare the Amendment from the Minister (under delegation).

64. The authorisation was subject to the following conditions:

    1. Amend the document titles in the Schedule to Clause 43.01 (Heritage Overlay), Schedule to Clause 72.04 (Incorporated Documents) and Schedule to Clause 72.08 (Background Documents) in accordance with the naming conventions outlined in the *Ministerial Direction on the Form and Content of Planning Schemes* and the *Practitioner's Guide to Victoria's Planning Schemes*, as follows:

       Incorporated Document Name (Author, Month Year)

    2. Update the explanatory report generally in accordance with the suggested changes in the Department of Transport and Planning (DTP) tracked version provided to council officers.

65. Council officers amended the documents in accordance with the above conditions.

66. To allow for the new Council to be sworn in and briefed on the Amendment and the summer holiday period, exhibition was delayed until early February 2025. Council requested an exemption to delay the exhibition of Amendment C341ston until early February 2025, which was granted by the Department of Transport and Planning (**DTP**) on 14 October 2024.

Exhibition

67. The Amendment was exhibited from 6 February 2025 to 7 March 2025.

68. Notice of the Amendment was:

    68.1 made available on Council's website (including all exhibited documents), and on the DTP website;

    68.2 sent to all affected and ongoing property owners and occupiers;

    68.3 sent to all petitioners listed on the petition;

    68.4 sent to prescribed Ministers;

    68.5 published in The Age newspaper on 5 February 2025; and

    68.6 published in the Victorian Government Gazette on 6 February 2025.

69. The exhibited Amendment documentation comprised the following:

    69.1 Notice of Preparation of an Amendment;

    69.2 Instruction Sheet;

    69.3 Explanatory Report;

    69.4 Schedule to Clause 43.01 (Heritage Overlay);

    69.5 Schedule to Clause 72.04 (Documents Incorporated in the Planning Scheme), including the Statement of Significance for the proposed Heritage Overlay (HO790) as an incorporated document;

    69.6 Schedule to Clause 72.08 (Background documents in the Planning Scheme), including the Trethowan Heritage Citation for the proposed Heritage Overlay (HO790) as a background document;

    69.7 Former Ken-Ailsa, 13-15 Avalon Road, Armadale, Statement of Significance (Trethowan Architecture, April 2024);

    69.8 Former Ken-Ailsa, 13-15 Avalon Road, Armadale, Citation (Trethowan Architecture, April 2024);

    69.9 Amended Planning Scheme Map 5HO to include the proposed Heritage Overlay (HO790).

Submissions

70. In response to exhibition, Council received 13 submissions (11 supporting, 1 opposing and 1 neutral).

71. Submissions in support of the Amendment primarily agreed with the findings of historical (Criterion A) and representative (Criterion D) significance outlined within the Trethowan Heritage Citation.

72. The opposing submission, submission #8, raised the following matters (in summary):

72.1 the Planning Panel for Amendment C320ston did not recommend the inclusion of the Subject Land within the Hampden Road Precinct. The Panel also commented that *'there is insufficient justification for the application of an individual Heritage Overlay to 13-15 Avalon Road*';

72.2 the Panel's commentary was based on the views of five heritage experts, including three engaged by Council. Leaving only one heritage expert (Trethowan Architecture) who recommends an individual Heritage Overlay;

72.3 the RBA Architects heritage advice prepared on behalf of the Stonnington Heritage Group '*does not include a recommendation that a site-specific overlay be imposed but provides arguments in favour of such a control*'; and

72.4 the Trethowan Heritage Citation is the only heritage advice recommending an individual overlay and includes no new information.

73. Council officers did not recommend any changes to the Amendment documentation in response to the issues raised in the submissions.

Council consideration of submissions

74. All submissions were referred to Council's heritage consultant, Trethowan Architecture, for review. Trethowan Architecture responded to the key matters raised in submissions. Council officers accepted Trethowan's responses and they informed the basis for the officer's recommendation in response to submissions (refer to Attachment 1 to Council Meeting Agenda of 12 May 2025).

75. The Officer Report of 12 May 2025 provides a detailed summary of the issues raised in submissions, together with Council's response to those issues.

76. Council considered all submissions at its meeting on 12 May 2025. Council resolved:

That Council:

76.1 notes and considers all submissions received in response to the exhibition of Amendment C341ston in accordance with s 22(1) of the Act;

76.2 endorses Council officers' response to submissions to Amendment C341ston (as shown in Attachment 1 to the Council Meeting Agenda of 12 May 2025);

76.3 requests the Minister for Planning appoint a Planning Panel under Part 8 of the Act to hear and consider submissions made to Amendment C341ston;

76.4 refers all submissions on Amendment C341ston to the Planning Panel appointed by the Minister for Planning; and

76.5 authorises the Director Planning & Place to make any minor or necessary changes to Amendment C341ston documentation prior to the panel hearing that do not change the intent of the Amendment for the purpose of Council's advocacy position before the Panel.

77. The Panel has previously been provided with a copy of the Officer Report and minutes from the Council meeting of 12 May 2025.

STRATEGIC CONTEXT AND ASSESSMENT

78. This section provides an overview of the strategic basis for the Amendment, including the relevant State and local policies. The exhibited Explanatory Report includes a strategic assessment, which is adopted for the purposes of Council's submission.

79. A response to the strategic issues raised in submissions, and more particularly, those that questioned the strategic merit of particular aspects of the Amendment, will be addressed in Council's 'Part B' submission.

Municipal Planning Strategy (MPS) and Local Planning Policy Framework (LPPF)

80. Strategic justification for the Amendment is firmly grounded in the MPS and LPPF.

81. At clause 02.03-4 (Built environment and heritage), the MPS recognises that:

> 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 where they exist outside of activity centres and land within the Housing Choice and Transport Zone.

82. The Amendment is consistent with clause 02.03-4 by both protecting a significant heritage place and the distinctive low rise scale of a part of Armadale that is outside of the future Housing Choice and Transport Zone.

Planning Policy Framework (PPF)

83. Clause 15 (Built Environment and Heritage) provides that:

> Planning should protect places and sites with significant heritage, architectural, aesthetic, natural, scientific and cultural value; and
>
> Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

84. The Amendment supports Clause 15 by introducing planning controls that protect the identified heritage value of the place and its significant contribution to the surrounding urban environment and cultural context.

85. Clause 15.01-5L - Preferred neighbourhood character specifies that:

> Garden Estate Precinct strategies
>
> Maintain the character of the Garden Suburban 1 (GS1) precinct, comprising leafy streetscapes with a range of Victorian, Edwardian or Interwar era and contemporary buildings set in established garden surrounds.

86. The Amendment implements the objective and strategies of Clause 15.01 (Built Environment) by protecting the Subject Land which is identified as a highly intact Interwar building in established garden surrounds.

87. The Amendment implements the objectives and strategies of clause 15.03 (Heritage) by applying the Heritage Overlay to a property that contributes to the heritage significance of Stonnington. In particular:

87.1 Clause 15.03-1S (Heritage conservation) has, as its main objective:

> To ensure the conservation of places of heritage significance.

87.2 Clause 15.03-1S (Heritage conservation) seeks to ensure the conservation of places of heritage significance through the following strategies:

> Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
>
> Provide for the protection of natural heritage sites and man-made resources.
>
> Provide for the conservation and enhancement of those places that 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 of a heritage place.
>
> Ensure an appropriate setting and context for heritage places is maintained or enhanced.

87.3 Clause 15.03-1L (Heritage) seeks the following objectives through a number of strategies:

> To retain all significant (or A1, A2 or B graded in the relevant citation) and contributory (or C graded in the relevant citation) heritage places.
>
> To conserve and re-use significant and contributory heritage places.
>
> To ensure that new development respects the significance of heritage places.
>
> To retain views of, and vistas to, significant heritage places.

88. The Amendment supports a number of strategies at clause 15.03-1S and 15.03-1L by identifying, assessing and documenting the heritage significance of the Subject Land to provide for its protection in the Scheme.

Clause 43.01 – Heritage Overlay

89. The purposes of the Heritage Overlay are:

> To implement the Municipal Planning Strategy and the Planning Policy Framework.
>
> 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 specified 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.

90. The Amendment is consistent with and supports these objectives.

Clause 71.02 (Operation of the Planning Policy Framework)

91. Clause 71.02-3 requires Council as the Planning Authority (as well as in the context of considering an application as Responsible Authority) to:

> … integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations

92. The conservation of a place of heritage significance proposed by the Amendment will benefit present and future generations of Victorians.

Plan Melbourne 2017-2050

93. The Amendment supports the following outcomes and directions sought by Plan Melbourne 2017-2050:

93.1 Direction 4.4 'Respect Melbourne's heritage as we build for the future', which notes that:

> Heritage will continue to be one of Melbourne's competitive strengths, contributing to its distinctiveness and liveability and attracting visitors, new residents and investors. Heritage is an important component of Victoria's tourism industry and benefits the economy.

93.2 Policy 4.4.1' Recognise the value of heritage when managing growth and change', which notes that:

> …Realising the community benefit of heritage will require careful management of the ongoing processes of change to the urban environment. Decisions must be based on an appreciation of Melbourne's past as well as an understanding of its future needs.
>
> There will need to be continuous identification and review of currently unprotected heritage sites and targeted assessments of heritage sites in areas identified as likely to be subject to substantial change.

Council Plan 2021-25

94. On 18 October 2021, Council adopted Future Stonnington which comprised the *City of Stonnington Council Plan 2021-25* and the *Stonnington Community Vision 2040*.

95. The Amendment is consistent with the *City of Stonnington Council Plan 2021-25*, including:

95.1 Direction 1, which identifies the municipality as *a thriving a unique place*.

95.2 Objective 1.3 *Pride of place and character*, which identifies Priority 1.3.2 to:

> Ensure our built, natural and cultural heritage is protected and celebrated.

Plan for Victoria

96. The Amendment aligns with *Pillar 3: Great Places, Suburbs and Towns* of the recently released Plan for Victoria by identifying, assessing and protecting the heritage place. Pillar 3 commits:

> 'We'll preserve Victoria's rich and diverse cultural heritage by protecting significant sites and precincts.'

Ministerial Directions

97. The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes.

98. Council submits the proposed ordinance and map changes have been prepared in accordance with the relevant requirements of the Ministerial Direction.

99. Council submits the Amendment has also been prepared in accordance with following relevant Ministerial directions:

    99.1 Ministerial Direction No. 9 – Metropolitan Planning Strategy, which requires planning scheme amendments to have regard to Plan Melbourne;

    99.2 Ministerial Direction 11 – Strategic Assessment of Planning Scheme Amendments; and

    99.3 Ministerial Direction 15 – The Planning Scheme Amendment Process.

Planning Practice and Advisory Notes

100. The Amendment has been prepared in accordance with the following practice and advisory notes:

    100.1 PPN01 – Applying the Heritage Overlay; and

    100.2 PPN91 – Using the Residential Zones.

PPN01– Applying the Heritage Overlay

101. The Amendment has been prepared in accordance with PPN01.

102. The significance of the Subject Land was assessed against the standard criteria contained in PPN01 in accordance with the requirements and threshold for local protection through the Heritage Overlay. The Amendment seeks to provide permanent heritage protection for the place identified as warranting heritage protection in the Trethowan Heritage Citation.

103. The Amendment documentation, including the citation, was prepared in accordance with the requirements of PPN01:

    103.1 recognised criteria have been adopted in the assessment of the heritage values of the place;

    103.2 detailed comparative analysis has been undertaken for the place to substantiate the significance of the place; and

    103.3 a statement of significance has been prepared using the three-part format of ‘What is significant?’; ‘How is it significant?’ and ‘Why is it significant?’

PPN91 – Using the Residential Zones

104. Of relevance is Planning Practice Note 91 (Using the Residential Zones), which states:

    104.1 It is important to understand the difference between neighbourhood character and heritage.

104.2 While all areas of history or heritage, not all areas are historically significance. Heritage significance is determined by established criteria set by Commonwealth, state and local agencies with reference to the Burra Charter.

104.3 The Heritage Overlay should be used where the objective is to conserve the existing building or buildings.

105. The Amendment is consistent with the PPN91 by protecting the heritage significance of the Subject Land and to ensure heritage significance is distinguished from general neighbourhood character.

106. The Amendment is consistent with the form and structure of the VPPs.

ISSUES IDENTIFIED IN SUBMISSIONS

107. The Officer Report of 12 May 2025 includes a detailed summary of the issues raised in the submissions and the officers' response to the issues identified (provided as Attachment 1 to the Council Meeting Agenda of 12 May 2025).

108. Of the submissions considered by Council meeting on 12 May 2025:

108.1 11 generally supported the Amendment;

108.2 1 submission did not support the Amendment; and

108.3 1 submission was neutral.

109. Broadly, the issues identified in submissions can be summarised as including the following general themes:

109.1 The contribution of the place to the neighbourhood character and local context;

109.2 The level of heritage significance of the place, including issues relating to:

(a) Historic significance;

(b) Representative significance;

(c) Aesthetic significance;

(d) Rarity;

(e) Comparative analysis;

109.3 Insufficient justification and merit, including:

(a) Comparative analysis does not support protection;

(b) Insufficient justification for individual heritage protection;

(c) Previous heritage assessments did not support protection; and

(d) Previous Panel did not support protection.

110. The officers' response to submissions is adopted by Council for the purposes of the Panel hearing. Council will expand on the key issues raised by submitters through its Part B submissions.

Issues considered outside the scope of the Amendment

111. Council considers the following issue raised in the submissions is outside the scope of the Amendment:

111.1 submission #6 refers to a demolished building at 34 Armadale Street, Armadale.

SUGGESTED CHANGES TO THE AMENDMENT IN RESPONSE TO SUBMISSIONS

112. In response to consideration of submissions and the Council resolution of 12 May 2025, there are no changes recommended to the Amendment.

113. Since the Council meeting on 12 May 2025, officers have noticed a typographical error in the spelling of the name of the architect in the Trethowan Heritage Citation.

114. Officers propose the correction of that typographical error as follows:

Amend paragraph 2 on page 2 as follows:

'Ken Ailsa' is significant as a fine representative example of an Old English revival styled interwar period house in the municipality and as an outstanding example of the work in this style of the notable local architect Arnaud ~~W~~ E Wright. It demonstrates notable elements of the Old English style including prominent gables with slit brick details, steep roof forms with terracotta shingles, tall brick chimneys with corbelled brickwork and decorated external chimney breast including 'S' iron detail, flush and corbelled gable eaves, combination of imitation limewash walls with clinker brick detailing, diamond and multi pane windows, bay windows with roofs, arched doorway with gabled porch. It is distinguished among Arnaud Wright's Old English designs by its large scale and spacious garden setting with curved driveway, tall chimneys and terracotta shingle roofs with finely detailed eaves (Criterion D).

Amend paragraph under 'Criterion D' on page 11 as follows:

CRITERION D: Importance in demonstrating the principal characteristics of class of cultural or natural places or environments (representativeness). 'Ken Ailsa' is significant as a fine representative example of an Old English revival styled interwar period house in the municipality and as an outstanding example of the work in this style of the notable local architect Arnaud ~~W~~ E Wright. It demonstrates notable elements of the Old English style including prominent gables with slit brick details, steep roof forms with terracotta shingles, tall brick chimneys with corbelled brickwork and decorated external chimney breast including 'S' detail, flush and corbelled gable eaves, combination of imitation lime wash walls with clinker brick detailing, diamond and multi pane windows, bay windows with roofs, arched doorway with gabled porch. It is distinguished among Arnaud Wright's Old English designs by its large scale and spacious garden setting with curved driveway, tall chimneys and terracotta shingle roof with finely detailed eaves. The house compares favourably to Wright's other significant works on the Heritage Overlay.

LETTER GRADINGS USED IN THE HERITAGE CITATION

115. The letter gradings used in the Trethowan Heritage Citation reflect the approach to heritage grading previously used by Council.

116. Council is moving away from the use of letter gradings, to the use of the terms ‘significant’, ‘contributory’ and ‘non-contributory’.

117. The Heritage Reviews adopt the terms ‘significant’, ‘contributory’ and ‘non-contributory’, which is consistent with PPN1, which states ‘Letter gradings (for example, ‘A’, ‘B’, ‘C’) should not be used.’

118. Amendments C316ston and C320ston reflect this move away from letter gradings and the grading of properties within Malvern, Armadale, Toorak and Kooyong are proposed to be updated to the terms ‘significant’, ‘contributory’ and ‘non-contributory’.

119. These Amendments have not yet been approved by the Minister, so letter gradings still remain in citations for those properties (and others within Stonnington while the heritage reviews are being undertaken).

120. Council’s local heritage policy explains that A1, A2 or B graded properties are regarded as being ‘significant’, and C graded properties are regarded as being ‘contributory’ (see extract below from clause 15.03-1L):

> Objectives
>
> To retain all **significant (or A1, A2 or B graded in the relevant citation) and contributory (or C graded in the relevant citation)** heritage places.
>
> …
>
> [emphasis added]

CONCLUSION

121. This completes the ‘Part A’ submission for the Council.

Maddocks

……
Per Maddocks
Lawyers for the Planning Authority
7 July 2025

LIST OF ATTACHMENTS

- Attachment A – Chronology of Events

ATTACHMENT A – CHRONOLOGY OF EVENTS

ATTACHMENT A – CHRONOLOGY OF EVENTS

Date	Event / Description
15 August 2019	Council receives demolition request for Subject Land under s 29A of the *Building Act 1993* (**Building Act**). Demolition does not ultimately occur.
10 November 2021	Council receives a second demolition request for demolition of the Subject Land.
20 May 2022	Interim Heritage Overlay control (HO697) is applied to the Subject Land via Amendment C317ston.
25 November 2022	Interim Heritage Overlay control (HO726 – Hampden Road Precinct – Extension) is applied to the Subject Land via Amendment C319ston.
18 December 2023	Council resolves to adopt Amendment C320ston, with the Subject Land retained within the Hampden Road Precinct, and commission officers to undertake an assessment of the Subject Land to determine whether it warrants protection by way of an individual Heritage Overlay.
February 2024	Council officers commission Trethowan Architecture to undertake an assessment of the Subject Land in accordance with Council's resolution
20 May 2024	Council resolves to request authorisation from the Minister to prepare and exhibit Amendment C341ston.
10 September 2024	Council receives authorisation to prepare the Amendment.
30 January 2025	Amendment 348ston is approved, extending interim heritage overlay controls (including HO726) until 31 July 2025.
6 February – 7 March 2025	Amendment C341ston is exhibited.
12 May 2025	Council considers submissions at Council meeting and resolves to refer the submissions to the appointed Panel.
5 June 2025	Directions Hearing
1 July 2025	Council receives planning permit application for demolition of the Subject Land.