Heritage Policy & Guidelines

Expert Witness Statement to Panel Amendment C132 to the Stonnington Planning Scheme

3 March 2017

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1.0 Introduction

1. I, Allan Bryce Raworth, of 19 Victoria Street, St Kilda, Victoria, make the following statement in the abovementioned proceedings.

2. I am a heritage consultant who conducts business under the name of Bryce Raworth, Conservation Consultant, Architectural Historian.

3. I have the qualifications and experience set out in a document attached to this witness statement (Attachment 1). In summary I have provided expert witness evidence on similar matters before the VCAT, the Heritage Council, Planning Panels Victoria and the Building Appeals Board on numerous occasions in the past, and have been retained in such matters variously by municipal councils, developers and objectors to planning proposals.

4. I have been assisted in the preparation of this statement by Martin Turnor of my office. I adopt the content of this statement as my evidence before the Amendment C132 Panel. The views expressed in this witness statement are my own.

5. This statement of evidence was commissioned by Stonnington City Council. I have been asked to comment on the proposal under Amendment C132 to replace the existing heritage policy at Clause 22.04 of the Stonnington Planning Scheme with a new heritage policy, to amend Clause 21.06 Built Environment, and to include the City of Stonnington Heritage Design Guidelines as a reference document under Clause 21.09. My office was not involved in the preparation of the Amendment Documents, other than in a minor review role.

6. In general terms I am instructed to:

   - Provide a summary of the current relevant strategic policy (including the MSS, current Heritage Policy at Clause 22.04 of the Stonnington Planning Scheme) and context for the Amendment.
   - Consider the merits of a new Heritage Policy.
   - Make an assessment of the proposed Heritage Policy and City of Stonnington Heritage Design Guidelines against best practice heritage principles and procedures.
   - Provide recommendations for any changes/improvements to the proposed Heritage Policy and Guidelines.
   - Respond to the key heritage issues raised in the one objecting submission to the Amendment.

7. I have examined the *City of Stonnington Heritage Design Guidelines* and other Amendment C132 documents including Clauses 21.06, 21.09 and 22.04. Additionally I have reviewed other comparable planning policies including the Port Philip Heritage Policy (Clause 22.04), Boroondara Heritage Policy (22.05), the City of Yarra's Development Guidelines for Sites Subject to the Heritage Overlay (Clause 22.02) and the City of Melbourne's Heritage Places outside the Capital City Zone (Clause 22.05). Reference has also been made to Burra Charter (Adopted 2013), Heritage Victoria's *The Heritage Overlay: Guidelines for Assessing Planning Permit Applications* (Draft February 2007) and *Planning Practice Note 8: Writing Local Planning Policy*.

8. This statement should be read in conjunction with Amendment C132 documents.

9. It is noted that a tracked changes version of the proposed Heritage Policy has been prepared by Stonnington in consultation with myself. This reflects some of the amendments that I believe may be appropriate for the Panel to consider. The discussion below includes reference to this tracked change version, and the tracked changes document itself is attached to this statement.

2.0 Background to Amendment C132

10. Amendment C132 proposes to update existing heritage policy at clause 22.04 to provide strengthened policy framework for assessment of planning permit application for sites within the Heritage Overlay. The Amendment has arisen in part in response to recommendations from past planning panels that the heritage policy be updated (eg Stonnington Amendment C80, C88 and C97).

11. In addition to an updated heritage policy, the Amendment introduces a new reference document in the form of updated heritage guidelines. The guidelines are intended to provide a background to specific guidelines in the Policy, and provide permit applicants with general advice.

12. Amendment C132 went on exhibition on 23 June 2016. Council received two submissions, one of which objected to the proposed Amendment. In preparing this statement I have been instructed by Council to only comment on submissions that raised heritage matters.

3.0 Summary of Current Strategic Policy

13. The Municipal Strategic Statement to the Stonnington Planning Scheme includes the following strategies concerning heritage at Clause 22.06-10:

> *1.1 Identify additional places which meet the threshold of at least local significance, to ensure representation of all the historic themes relevant to the City.*
> *1.2 Ensure that the consideration of cultural significance of places and their ongoing management is guided by the principles of the Burra Charter.*

1.3 Ensure the retention of the key attributes that underpin the significance of the heritage place.

1.4 Encourage the conservation of contributory elements of heritage places.

1.5 Ensure that new development of both graded and ungraded buildings and vacant land in and beside heritage places respects the significance of the place.

1.6 Promote design excellence that clearly and positively supports the ongoing significance of heritage places.

1.7 Ensure that the design process and the consideration of applications respond to the citation (including any statement of significance), the relevant historic themes and the ascribed level of significance of the heritage place.

1.8 Ensure that heritage values are recognised and given appropriate weight when competing policies apply.

1.9 Identify 'areas of cultural heritage sensitivity', being land generally within 200 metres of the Yarra River and Gardiners Creek, for the purpose of the preparation of a Cultural Heritage Management Plan in accordance with the Aboriginal Heritage Act 2006.

14. The current heritage policy at Clause 22.04 is a brief document that only provides broad policy direction. It asks, *inter alia*, the responsible authority to consider, as appropriate, the potential impact of a proposal on the heritage values of the site, and the heritage significance of the place and contributing elements within those place when assessing an application. The heritage significance of a place is defined by using a four-tier grading system of A1, A2, B and C (now superseded).

15. For more specific direction as to appropriate forms of works for sites on the Heritage Overlay, the Municipality currently relies on the *Stonnington Heritage Guidelines* (2002) (a reference document under clause 22.04-4). The guidelines address specific issues relating to extent of demolition, design, building form, height, setback, car parking, and landscaping for existing residential and commercial places, and provides advice on new development suitable to heritage areas. The use of a reference document as a key tool in the decision making process for planning permit applications is contrary to the direction of *Planning Practice Note 13: Incorporated Plans and Reference Documents* that reference documents '*have only a limited role in decision making as they are not part of the planning scheme*.'

4.0 Proposed Heritage Policy

16. The proposed heritage policy takes a more comprehensive approach than current heritage policy, providing specific direction on a range of topics such as demolition, reinstatement and reconstruction, painting, signage, services carparking, additions and alterations, and new buildings, and with separate policies covering residential and commercial areas.

The proposed heritage policy draws on the existing heritage guidelines but with some key differences, notably by removing setback measures for additions and replacing them with diagrams illustrating sightlines and preferred built form outcomes. The existing heritage guidelines generally sought a setback from the principal façade of at least 3-4 metres for ground floor additions and 8-10 metres for upper storey additions, but with a qualification that even greater setbacks might be required for some sites. The proposed heritage policy seeks to have

additions contained with an envelope created by projecting a sightline from 1.7 metres above ground level on the opposite side of the street. The change from setback measures to sightlines was to address a condition of authorisation to prepare Amendment C132.

17. The proposed heritage policy also provides updated definitions for heritage gradings. It is acknowledged that *Planning Practice Note 1: Applying the Heritage Overlay* recommends that letter gradings not be used. To better align with the practice note, A1, A2 and B grade places have been defined in the heritage policy as 'significant places'. Grade C places in a heritage precinct are defined as 'Contributory'. Council intend to use these definitions as an interim measure while undergoing the task of progressively replacing letter gradings.

5.0 Assessment of Proposed Heritage Policy

18. As noted, I have been instructed, *inter alia*, to make an assessment of the proposed Heritage Policy and *City of Stonnington Heritage Design Guidelines* against best practice heritage principles and procedures.

19. The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the Burra Charter) is considered the best practice standard for managing cultural heritage places in Australia. The Burra Charter is proposed to be a reference document under clause 22.04-7 of the proposed heritage policy. I am satisfied that the overall policy framework provided by the Amendment is observant of the principles of the Burra Charter.

20. I am instructed that Stonnington's proposed heritage policy was prepared with regard for the heritage policies in Yarra, Boroondara and Port Phillip on account of these municipalities having similar urban and built form characteristics, and face similar developmental pressures. The Yarra, Boroondara and Port Phillip heritage policies have been amended on occasion in response to changing development pressures and evolving heritage practice, and can be recognised as demonstrating 'best practice' in heritage planning, accepting that local policies are tailored to meet local conditions and there is no standardised approach.

21. The heritage policy proposed under Amendment C132 adopts a similar format and similar policy framework to Yarra, Boroondara and Port Phillip planning schemes in providing definitions and policies for a range of outcomes including demolition, painting, subdivision, signage vehicle accommodation, alterations and additions and infill development. The various clauses within the proposed heritage policy are discussed below with reference to equivalent provisions in the Boroondara, Yarra and Port Phillip planning schemes, and the City of Melbourne's proposed heritage policy.

22. It is also useful to compare the proposed heritage policy with the revised heritage policies proposed for the City of Melbourne under Amendment C258 (yet to be exhibited). These policies were revised with the intention of bringing them into

line with more contemporary heritage policies and performance standards.[1] Melbourne has two separate heritage policies under consideration – Clause 22.04, which is for places in the capital city zone (ie the area generally covered by the central business district), and Clause 22.05, which applies to places outside the capital city zone - the latter being more pertinent to heritage planning issues encountered in Stonnington.

22.04-4.1 Demolition

23. Under the Port Phillip planning scheme, it is policy to refuse the demolition of a significant building unless specific criteria area meet:

- *the building is structurally unsound*
- *replacement building and/or works displays design excellence which clearly positively supports the ongoing heritage significance of the area.*

24. The criteria for demolition of a contributory building is similar but also takes into account the intactness and consistency of the streetscape.

25. Boroondara's heritage policy seeks to retain significant and contributory places and not *normally* allow their total demolition. Approval for partial demolition of significant or contributory places is dependent on whether the proposed addition or alteration meets the heritage policy for new works. Removal of non-original and non-contributory elements is permitted. Boroondara's heritage policy also requires the following to be considered before determining applications for or partial demolition of significant or contributory heritage places:

- *The cultural heritage significance of the heritage place, and, when located in a heritage precinct, the contribution of the place to the significance of the precinct;*
- *Whether the demolition or removal of the entire heritage place or any part of the place will adversely affect cultural heritage significance;*
- *Whether the demolition or removal contributes to the long-term conservation of the heritage place; and*
- *Whether the heritage place is structurally unsound. The poor condition of a heritage place should not in itself, be a reason for permitting demolition of 'significant' or 'contributory' heritage places.*

26. Yarra's heritage policy has two criteria under which demolition of contributory buildings might be considered:

- *new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Areas 2007 Appendix 8, revised September 2015 and*
- *the building does not form part of a group of similar buildings.*

27. Removal of part of a heritage place or contributory element is discouraged unless:

[1] Lovell Chen, *City of Melbourne Heritage Review: Local Heritage Policies and Precinct Statements of Significance, Methodology Report,* September 2015, p.1

- *That part of the heritage place has been changed beyond recognition of its original or subsequent contributory character(s).*
- *For a contributory building:*
  - *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or*
  - *the removal of the part would not adversely affect the contribution of the building to the heritage place.*
- *For individually significant building or works, it can be demonstrated that the removal of part of the building or works does not negatively affect the significance of the place.*

28. Yarra's heritage policy also includes a note that the poor condition of the heritage place should not, in itself, be a reason for permitting demolition. A similar provision can be found in the City of Melbourne's revised heritage policy and could be a useful inclusion in Stonnington's proposed heritage policy. This said, any such clause should in my view preferably use the term 'may not' rather 'should not', and should generally be based on the Boroondara policy, which includes reference to structural soundness.

29. Stonnington's proposed heritage policy is consistent with those of Yarra, Boroondara and Port Phillip in that it seeks to retain significant and contributory building as a first principle. The demolition of such buildings is *discouraged* under the proposed policy. The wording allows for consideration of the individual merits of each application. It would not preclude demolition on the basis that a building has become structurally unsound, even though structural condition is not mentioned in the policy.

30. Appropriately, the proposed heritage policy has a more onerous test for partial demolition of significant buildings than contributory places. For significant buildings, Stonnington's proposed heritage policy places emphasis on retention of the 'primary building volume' – presumably as a means of discouraging facadist outcomes. The City of Melbourne's proposed heritage policy (Clause 22.05) has a similar objective in instances of partial demolition in that it requires consideration of '*the significance of the fabric or part of the building, and the degree to which it contributes to the perception of the three-dimensional form and depth of the building*.'

31. In accordance with other heritage planning schemes, Stonnington's proposed heritage policy requires all applications for demolition to be accompanied by an application for new development. Boroondara's heritage policy also requires a visual record of the important or original fabric of any significant place which is to be demolished. A similar requirement for archival recording has not made its way into this clause of Stonnington's proposed heritage policy but this something that can be required by permit condition when considered appropriate.

22.04-4.4.2 Reinstatement and reconstruction

32. This clause of the proposed heritage policy generally aligns with Yarra's heritage policy, which encourages reconstruction of original or contributory elements, such

as chimneys, fences and verandahs - where evidence exits to support the accuracy of the reconstruction. Boroondara's heritage policy also encourages restoration and/or reconstruction of a known or earlier appearance (based on historical evidence). The same policy also allows for a reconstruction works to adopt a simple understated contemporary design where no evidence is available. Port Phillip has general policy encouraging reconstruction of heritage places including accurate reconstruction of original streetscape elements such as verandahs.

22.04-4.3 Painting and surface treatments

33. Boroondara's heritage policy discourages painting of previously unpainted surfaces and discourages sandblasting of render, masonry or timber surfaces. It also seeks to have colour schemes that are complementary to the appearance and significance of the heritage precinct. Similar provisions exist within the Yarra heritage policy and Stonnington's proposed heritage policy. The proposed heritage policy *encourages* colour schemes consistent with the period of construction and architectural style of the place, recognising that period colour schemes are not mandatory where there are no external paint controls. Policy to encourage removal of paint by non-abrasive methods is based on sound heritage practice, as abrasive methods such as sandblasting can damage heritage fabric.

22.04-4.4 Additions and Alterations

34. The Yarra heritage policy relies on sightline diagrams to determine appropriate areas for upper level additions for residential buildings. A more onerous test is applied to significant buildings with lower sightlines envelopes for additions than required of contributory buildings. There are specific provisions for additions to industrial, commercial and retail places which override general sightline policy. They *encourage* new upper level additions and works to:

- *Respect the scale and form of the existing heritage place or contributory elements to the heritage place by being set back from the lower built form elements. Each higher element should be set further back from lower heritage built forms.*
- *Incorporate treatments which make them less apparent.*

35. Similarly, the Boroondara heritage policy uses a sightline envelope to test upper storey additions to residential buildings but not commercial, retail or industrial buildings. The policy states that upper level additions to commercial, retail or industrial buildings:

> *… should be sufficiently set back from the front facade to appear as a secondary element of the heritage place and provide a clear distinction between the original building and the new addition.*

36. To this end both the Boroondara and Yarra heritage policies reflect changing circumstances in recent years with larger scale development occurring for many commercial sites and with elements of state and local policy encouraging substantial change and development in commercial areas.

37. The Port Phillip heritage policy uses performance measures to determine whether upper storey additions are suitably concealed. In intact or consistent streetscapes upper storey additions achieve the policy if they are sited within an envelope created by a projecting sightline from the opposite side of the street, or sit within an envelope created by projecting a line of 10 degrees from the height of the base of the front parapet or gutter line on the main façade and extending to the rear of the heritage place. In 'exceptional cases' where the heritage place is located in a diverse streetscape within a heritage precinct, the permissible envelope increases to 18 degrees. That said, there has been increasing acceptance of more visible upper storey elements in areas subject to Design and Development Overlay controls, including outcomes that are well in excess of that allowed by the 18 degree measure.

38. The proposed revisions to Clause 22.05 of the Melbourne Planning Scheme provide different performance measures for additions depending on the streetscape grading and building grading. Additions to both significant or contributory buildings should be 'concealed' in a significant streetscape. In other streetscapes, additions to significant buildings *should always* be concealed, and to contributory buildings should be partly concealed.

39. Sightline analysis, as proposed in Stonnington's heritage policy, remains a useful tool for assessing upper storey additions to residential buildings. However, the reliance on sightline envelopes for commercial areas potentially brings the Amendment into conflict with Council's strategic vision for major activity centres such as Chapel Street, where DDOs encourage tall development at comparatively modest setbacks from the street-wall. The policy for additions to commercial areas would have benefited from a similar approach taken in the Yarra and Boroondara heritage policies. That is to say, policy for upper storey additions which recognises and better accommodates the recent archetype of tall multi-storey development and urban consolidation occurring in the municipality's commercial precincts, as well as forms of development encouraged by DDOs. It is recognised however that a DDO would precedence over a local policy.

40. Beyond that, it is noted that sightline diagrams in the proposed heritage policy have requirements for solar access and rear setbacks – these are not heritage issues per se.

22.04-4.5 New Buildings

41. Boroondara's heritage policy seeks to ensure that new buildings are respectful of the existing scale, massing, form and siting of graded places in a precinct. It also seeks to ensure that proposals are respectful of the context of adjacent places, the immediate streetscape and the heritage precinct as a whole. Façade height and setbacks for infill buildings are to relate to prevailing heights and setbacks. The policy allows for a 'higher, unobtrusive component to the rear'. Good quality contemporary design is also encouraged under the current Boroondara heritage policy but Council recently sought a shift in the policy direction via Amendment C229 to encourage replication of historic forms and detailing and to remove

references to contemporary architecture. The C229 Panel was not supportive of this approach.

42. In Port Phillip it is policy that new development in heritage areas maintains and enhances an existing vista to the principal façade of a heritage place. New development is to generally reflect the prevailing streetscape scale. Performance measures set out how this can be achieved. New buildings meet the policy for scale in streets with a consistent scale if they are no higher than the ridgeline of the highest adjacent heritage place, but may include a higher component to the rear. In streets with a diverse scale, the height of the new building is required to be of a scale that respects an adjacent heritage place and the prevailing scale of the area.

43. Yarra's heritage policy has similar objectives in encouraging new development that is respectful of the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form and materials of the streetscape. New development is to be 'visually recessive' and not dominate the heritage place. The policy encourages similar façade heights to the adjoining contributory element but does not have specific parameters for set back upper storey elements to the rear.

44. The City of Melbourne's proposed heritage policy also requires new buildings to be respectful of the prevailing façade heights but is more onerous with respect to higher rear parts. They are required to be concealed in significant streetscapes and partly concealed in other streetscapes.

45. Stonnington's proposed heritage policy generally aligns with the policies above in seeking to ensure that infill development complements adjacent heritage places with regard to issues such as height, street wall height, scale, mass, roof forms, fenestration, materials, detailing, finishes and colour schemes. The policy places a more onerous test on upper storey elements at a setback, requiring them to be contained within a sightline envelope, and it can be argued on the basis of policy precedent in other municipalities that this is not necessary. This said, it is my view that sightline analysis of this kind remains a reasonable and acceptable tool within the policy, particularly in relation to residential precincts. It is somewhat less helpful in commercial DDO areas in which development of substantial scale is specifically encouraged by a DDO.

22.04-4.6 Domestic Services Normal to a dwelling

46. The Boroondara heritage policy allows for rainwater tanks, hot water systems, air-conditioning units and other equipment in areas visible from the street *only* when it can be shown that they will not detract from the heritage significance of the place. It also allows for ancillaries and services, including solar panels and rainwater tanks, to be visible from the street where there is no reasonable alternative location. Similar provisions can be found in Yarra's heritage policy and the proposed Melbourne heritage policy. As discussed in section 7.0 of this statement below, the tracked changes version of Stonnington's heritage policy has a similar objective insofar as it *encourages* services to be concealed when viewed from the street but does not require this outcome in a prescriptive manner.

22.04-4.7 Gardens, landscaping and front setbacks

47. This clause has similar policy direction to the Port Phillip heritage policy in that it encourages retention of significant trees and seeks to ensure new works respect significant trees and garden layouts. It is also consistent with the Yarra Heritage policy in discouraging the construction of large areas of hard paving in the front setback.

22.04-4.8 Public Realm

48. The Port Phillip heritage policy has the objective of ensuring reconstruction and repair of significant heritage bluestone kerb and channelling and laneways, and also seeks to ensure that street furniture is sited to ensure that it is not obtrusive in the streetscape. The Stonnington policy has a similar intent and wording, albeit somewhat more general. Boroondara and Yarra do not have anything equivalent.

22.04-4.9 Fences

49. This clause generally aligns with the objectives of the Boroondara, Yarra and Port Phillip heritage policies, which seek to retain original or early fences, and encourage new fences to be appropriate to the architectural period of the heritage place. Yarra's heritage policy stipulates maximum fence heights whereas Stonnington's proposed heritage policy only mentions that fences should be low scale (with heights discussed in the Guidelines). This seems reasonable given that the proposed policy is not intended to be prescriptive.

22.04-4.10 Access and carparking

50. The Boroondara, Yarra and Port Phillip policies have similar policy objectives in discouraging vehicle crossovers where they are inconsistent with the character of a heritage place. Stonnington's proposed heritage policy has an additional provision that seeks to ensure that basement car parking ramps are concealed. It is not something that the other heritage policies specifically touch upon but is helpful given that basement carparks have become increasingly prevalent in new single and multi-unit residential developments.

22.04-4.11 Other Heritage Places

51. This clause of the proposed heritage policy has no direct equivalent in the Yarra, Boroondara or Port Phillip heritage policies but is useful in providing a measure of protection for heritage infrastructure places other than residential and commercial buildings. The policy under this clause that encourages new works to be readily identifiable as such is consistent with Burra Charter principles.

22.04-4.13 Signage

52. The Boorondara heritage policy is framed in a manner similar to Stonnington's, to minimise impacts of signage on heritage building and to discourage inappropriate forms of modern signage such as animated signs, reflective signs and sky signs. Yarra's heritage policy *encourages* the retention of historic signs, as does the proposed Stonnington heritage policy.

22.04-4.13 Relocation

53. This clause of the proposed heritage policy is derived from clause 22.02-5.2 of the Yarra heritage policy, and is consistent with Article 9 of the Burra Charter which recognises that the physical location of a place is generally part of its significance, and that relocation is generally inappropriate unless this is the sole practical means of ensuring its survival. This clause does not specifically mention or exclude the potential for slightly adjusting the location of a building within its own site, which can be acceptable in some circumstances.

22.04-4-14 Subdivision

54. This clause aligns with Yarra and Boroondara heritage policies in seeking outcomes whereby subdivision respects the original rhythm of the streetscape and allows sufficient curtilage surrounding the heritage place to retain is significance. It is noted that the Port Phillip heritage policy does not specifically mention subdivision.

The Heritage Overlay: Guidelines for Assessing Planning Permit Applications

55. In addition to being of a comparable standard to 'best practice' local heritage policies in other municipalities, the Amendment is consistent with Heritage Victoria's *The Heritage Overlay: Guidelines for Assessing Planning Permit Applications* (Draft February 2007) -– a reference document under clause 22.04-7 of the proposed heritage policy. The Guidelines were prepared to assist local government planners, heritage advisors and councillors in the assessment of planning permit applications under the Heritage Overlay. They were also intended to assist owners of Heritage Places and those preparing planning permit applications.

Planning Practice Note 8: Writing Local Planning Policy

56. The proposed heritage policy can also be assessed against *Planning Practice Note 8: Writing Local Planning Policy*. The practice note provides set of principles (underlined) that should be applied to drawing local planning policy:

> *An LPP should not repeat or contradict the State Planning Policy Framework (SPPF).*

57. State Planning Policy Framework Clause 15. Building Environment and Heritage includes urban design strategies at clause 15.01-1 that require development to respond to, *inter alia*, its context in terms of cultural heritage. Urban design principles at clause 15.01-2 include the following strategy relevant to heritage:

> *New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.*

58. Heritage provisions at Clause 15.03 have the objective of ensuring the conservation of places of heritage significance and provides 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 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, or otherwise of special cultural value.*
- *Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.*
- *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. Support adaptive reuse of heritage buildings whose use has become redundant.*

59. The proposed heritage policy does not repeat or contradict the SPPF. In accordance with the principles and strategies at Clause 15, the policy encourages a respectful approach to new development. It also seeks to ensure that new work is readily identifiable as such – that is to say the policy does not encourage copying of historical precedents. As per the strategies at Clause 15.03, the policy seeks to retain elements that contribute to the importance of the heritage place and to provide appropriate setting and context for the heritage place. The policy is also supportive of adaptive reuse of heritage buildings.

An LPP should not repeat or contradict the MSS.

60. Local Planning Policy Clause 21.06 Built Environment and Heritage has the following objectives of relevance:

1.2 Ensure that the consideration of cultural significance of places and their ongoing management is guided by the principles of the Burra Charter.

1.3 Ensure the retention of the key attributes that underpin the significance of the heritage place.

1.4 Encourage the conservation of contributory elements of heritage places.

1.5 Ensure that new development of both graded and ungraded buildings and vacant land in and beside heritage places respects the significance of the place.

1.6 Promote design excellence that clearly and positively supports the ongoing significance of heritage places.

1.7 Ensure that the design process and the consideration of applications respond to the citation (including any statement of significance), the relevant historic themes and the ascribed level of significance of the heritage place.

1.8 Ensure that heritage values are recognised and given appropriate weight when competing policies apply.

61. The proposed heritage policy does not repeat or contradict the MSS. It seeks to retain key attributes that underpin the significance of the heritage place, and to ensure that new development is respectful of the heritage place. It does not specifically promote design excellence but provides a framework in which it is possible to archive good contemporary design.

An LPP should not contain broad strategic objectives and strategies.

62. The proposed heritage policy does not contain broad strategic objectives and strategies.

An LPP should be derived from an objective or strategy in the MSS

63. The proposed heritage policy derives from the overarching objective of Clause 21.06-10 to 'protect and enhance all places which are significant and contributory to the heritage values of the City of Stonnington.'

An LPP should relate to a specific permit discretion.

64. In this instance the proposed heritage policy relates to the discretion to be exercised within the context of State policy under Clause 43.01.

An LPP should assist the council to make a decision.

65. The proposed heritage policy provides an appropriate framework to assist in Council's decision making process.

An LPP should not repeat or contradict other LLPs

66. The Policy does not conflict with other Local Policies.

An LPP should not repeat or contradict controls in a zone.

67. The Policy does not repeat or contradict controls in a zone.

An LPP should not repeat or contradict controls in an overlay.

68. Aspects of the proposed heritage policy in relation the use of sightline envelopes for new works in commercial buildings are potentially in conflict with forms of development encouraged by DDOs in commercial areas such as Chapel Street but it is recognised that heritage often need to be balanced against other planning objectives, with a DDO often taking precedence.

An LPP should be self contained

69. The proposed heritage policy is a self contained document, unlike the current heritage policy which relied on the *Stonnington Heritage Guidelines* to provide specific direction. While there is a new version of the *Stonnington Heritage Guidelines*

provided as a reference document, this is a broader and complementary explanatory document, but is not to be fundamentally relied upon as has been the case in the past – the new heritage policy will be able to stand alone.

An LPP should not contain mandatory requirements.

70. The proposed heritage policy provides guidance on the exercise of discretion. It does not provide mandatory requirements such as in terms of setbacks, building heights and the like.

An LPP should be clear.

71. The proposed heritage policy is generally written in clear and concise plain English

6.0 Proposed Heritage Design Guidelines

72. The Amendment seeks to introduce new Heritage Design Guidelines, replacing the Stonnington Heritage Guidelines that have previously been relied upon as decision making tool for planning applications in lieu of a more detailed heritage policy. The guidelines provide a more detailed reference that complements and expands upon but does not replace the policy direction provide by the new Heritage Policy

73. The new guidelines adopt a similar format to the existing guidelines in providing advice on a range of topics including conservation works, demolition, additions and alterations, infill development, fences, signage and subdivision. The existing guidelines had a lengthy preamble explaining the heritage overlay and planning permit requirements under clause 43.01, which is not reproduced in the new guidelines. The existing guidelines also relied on the superseded gradings systems, replaced in the new guidelines with the unified gradings system (discussed in section 4.0 above). The new guidelines include advice on relocation of buildings and ancillary services and equipment, topics not covered in the existing guidelines but which have become increasingly relevant.

74. The existing guidelines state that a setback of 8-10 metres is normally sufficient for upper storey additions to residential place. It also uses a sightline diagram to indicate appropriate concealment for upper storeys, but allows a slightly larger building envelope if it can be demonstrated that appearance of the additions are subordinate to the façade of the existing building, and the streetscape is not highly intact. The proposed guidelines relies on sightlines test for upper storey additions as well as the specifying setbacks of 8-10 metres. Greater setbacks may also be required under the proposed guidelines depending, *inter alia*, on the degree of intactness of the streetscape, the height and roof form of the existing building and whether the preferred height or setback is greater in a schedule to a zone or overlay. It is noted that this discretionary approach is not replicated in the proposed heritage policy.

75. Accepting that some changes will need to be made to the proposed guidelines to align with the recommended changes to the policy, as set out below, the use of the guidelines as a reference document is appropriate.

7.0 Recommendations

76. My recommendations for changes to the exhibited policy are outlined below.

Exhibited policy with recommended changes	Rationale for change
22.04-4.1 Demolition (includes full and partial demolition) *Significant buildings* *It is policy to:* • *Discourage demolition of significant buildings.* • *Discourage demolition of parts of significant buildings (including but not limited to significant building fabric, the primary building volume, original fences, outbuildings, gardens and other features identified in the statement of significance or heritage assessment) unless it can be demonstrated ~~all of the~~ that one or more of the following apply:* - *The fabric to be demolished has no significance.* - *The demolition is minor in scale, and* - *The demolition will not adversely affect the significance of the heritage place.* - *The replacement ~~built form~~ new work is sympathetic to the scale, setback and significance of the heritage place.* • *Ensure significant building fabric is retained to conserve:* - *The heritage significance of the place (including buildings, fences and gardens).* - *The primary building volume (including original external joinery to doors and windows, original or early shopfront features, verandahs and other features).* - *The intactness of the ~~original~~ heritage streetscape (if applicable).* • *Require all applications for full or partial demolition to be accompanied by an application for new development.* *Contributory buildings* *It is policy to:* • *Discourage demolition or partial demolition of contributory buildings unless it can be demonstrated that:* - *The demolition will not adversely affect the significance of the heritage ~~place~~ precinct.* - *The works will assist the long term conservation of the heritage place.* *The replacement built form is sympathetic to the scale, setback and significance of the heritage place.* […]	Each of the first three criteria is a sufficient basis for demolition in and of itself. A requirement that all criteria need to be satisfied to allow for demolition would be too onerous. The fourth criterion is an additional element that could be an 'and' element. The term 'built form' is too narrowly defined, whereas 'new work' covers broader spectrum of possible outcomes Heritage precinct is used in favour of heritage place because contributory buildings are by definition only found within a precinct.

22.04-4.3 Painting and surface treatments *All areas* *It is policy to:* • ~~*Ensure*~~ *Encourage the retention of historic painted signs.* • *Encourage colour schemes consistent with the period of construction and architectural style of the building or precinct.* • *Encourage removal of paint by non-abrasive methods from originally unpainted brick or masonry surfaces.* • *Discourage painting, rendering or other surface treatments of unpainted surfaces.* • *Discourage painting of buildings in corporate colours, or other designs or patterns, which may diminish the heritage significance of the place.*	The term 'ensure' has been substituted with 'encourage' to allow for discretion in exercise of policy. It has a less 'mandatory' force. This provision has been relocated from Clause 22.04-4.12 (signage policy) because it is more applicable to issues of repainting.
2.04-4.4 Additions and alterations *All areas* *It is policy to:* • *Ensure that all additions and alterations:* - *Retain and conserve the primary building volume and significant building fabric.* - *Are set back behind the primary building volume.* - ~~*Are sufficicently set back from the rear property boundary to provide visual separation from other heritage places*~~ - *Respect the built form character of the place including but not limited to scale, form, height, street wall, siting and setbacks.* - *Adopt a visually recessive design where the heritage place remains the dominant visual element.* - *Are readily identifiable as new works while respecting and having minimal impact on the significance of the heritage place.* - *Complement the materials, detailing and finishes and paint colours of the heritage place.* - *Avoid new openings in the primary building volume and significant building fabric.*	Rear setbacks are more relevant to issues of urban design and amenity, and are of limited relevance in the context of a heritage policy.
Commercial areas *It is policy to:* • *Ensure retention and encourage restoration of all original or early shopfronts.* • *Ensure that new shopfronts complement the general form and proportion of glazing and openings of any adjoining original or early shopfronts.* • *Discourage drop-down awnings, vertical blinds and* ~~*new elements openable windows*~~ *visible from the street.*	Reference to discouraging 'new elements' should be deleted because it is too generalised a term, and would potentially be too restrictive in terms of prohibiting new elements that might have no adverse impact.

• *Encourage reinstatement or reconstruction of verandahs where evidence of early street verandahs exists.* • *Ensure that all upper level additions and alterations:* - *Are set back behind the primary building volume (as shown in Diagram 1).* - *Complement the height, scale and setbacks of any adjoining significant or contributory buildings.* - *Are contained within an envelope created by projecting a sight line from 1.7metres above ground level on the opposite side of the street (as shown in Diagram 1).* - *Present minimal bulk from oblique views.* - *Do not obscure vistas and view lines to significant buildings*	It is further recommended that changes be made to Diagram 1 to delete the requirement for there to be an additional setback at the rear (above the third storey), also to delete requirements for setbacks to provide solar access to the front. Rear setbacks and solar access are more of an urban design and amenity concern and are not heritage issues.
Residential areas *It is policy to:* • *Ensure that all upper level additions and alterations:* - *Are set back behind the primary building volume (as shown in Diagram 2).* - *Complement the height, scale and setbacks of any adjoining significant or contributory buildings.* - *Are contained within an envelope created by projecting a sight line from 1.7 metres above ground level on the opposite side of the street (as shown in Diagram 2).* - *Present minimal bulk from oblique views.* - *Do not obscure vistas and viewlines to significant buildings* • *Ensure that carports are significantly set back behind the principal facade to appear visually recessive when viewed from the main road.* • ~~*Ensure*~~ *Encourage garages and other ancillary buildings to be located at the rear of the site behind the primary building volume.*	The term 'ensure' should be substituted with 'encourage' to allow for discretion in exercise of policy. It has a less 'mandatory' force. It is further recommended that the wording of point F of the sightline diagram for residential areas (Diagram 2) be changed to require a recessive roofline connecting link between the heritage fabric and addition *where the side elevation is visible from the street.* It is felt that a recessive link is not necessary in circumstances where the addition is not visible from the street.
22.04-4.5 New Buildings *[…]* *Commercial areas* *It is policy to:* • *Ensure that new buildings:* - *Are built to the front property boundary across the entire width of the site.*	

- *Complement the ground and first floor proportions and street wall height of adjoining significant or contributory buildings.* - *Include shopfronts which complement the general form and proportion of glazing and openings adjoining original or early shopfronts (if any).* - *Include a simple contemporary verandah design consistent with the form and scale of adjoining verandahs. (if any).* - *Do not include drop down awnings, or vertical blinds ~~or openable windows.~~* • *Ensure that upper levels above the street wall:* - *Complement the height, scale and setbacks of any adjoining significant or contributory buildings.* - *Are contained within an envelope created by projecting a sight line from 1.7 metres above ground level on the opposite side of the street (as shown in Diagram 1).* - *Present minimal bulk from oblique views.* - *Do not obscure view lines to significant buildings*	
22.04-4.6 Domestic services normal to a dwelling All areas *It is policy to:* • *Encourage ~~domestic and ancillary services~~ domestic services normal to a dwelling that support the sustainability of heritage places ~~(including solar panles, water tanks, solar hote water systems).~~* • ~~*Ensure that domestic and ancillart services and equipment:*~~ ~~*- are not visible from the main road.*~~ ~~*- Are integrated into the building design*~~ • *Encourage domestic services normal to a dwelling to be concealed when viewed from the street.* • *Encourage domestic services normal to a dwelling in new development to be incorporated into the design of the building.* • *Encourage domestic services normal to a dwelling to be installed in a manner without damaging significant heritage fabric.* • *Ensure that domestic services normal to a dwelling do not detract from the heritage significance of the place.*	Council are proposing to use the term 'domestic services normal to a dwelling' instead of 'domestic and ancillary services' to make the heritage policy consistent with wording in clause 72 (general) of the Stonnington planning scheme. The exhibited policy was too prescriptive with respect to concealment of services. The suggested revisions to this aspect of the policy 'encourage' concealment. Beyond this the wording of the policy might be further revised to allow for services such as solar panels, rainwater tanks to be visible *where there is no reasonable alternative* (as per the Yarra heritage policy)
22.04-4.7 Gardens, landscaping and front setback areas All areas *It is policy to:* • *~~Ensure~~ Encourage front setback areas that are landscaped and remain free from permanent buildings, ~~recreational~~ structures, vehicle parking and large areas of hard paving.* • *Encourage reinstatement of early garden design to original designs.* • *Ensure that development does not have a detrimental impact on trees and landscaping which are significant or a contributory element to the heritage place.* • *Discourage the removal of significant trees (where tree*	'Ensure' has been replaced with 'encourage' to allow for discretion in exercise of policy. The term 'recreational' should be deleted as it is too narrowly defined.

controls apply).	
22.04-4.11 Other heritage places • *All areas* • *It is policy to:* • *Ensure that other heritage places including bridges and rail infrastructure are conserved and enhanced.* • *Ensure that works undertaken to other heritage places are readily identifiable as new works while respecting and having minimal impact on the significance of the heritage place.*	The change is being made to correct a grammatical error.

77. Beyond these changes, it would have been my preference that policy would include reference to broadly appropriate setback measures, as currently used in the existing heritage guidelines. However, I accept that this is contrary to conditions of support set out in correspondence on behalf of the Minister of Planning, ie that the policy remove setback measures and replace them with diagrams illustrating sightlines and preferred built form outcomes.

78. It is also noted that the tracked changes document retained some use of the word 'ensure', not replaced by the word 'encourage'. This is sometimes because the objective that is being put forward is a critical objective. In some instances, however, the further substitution of the word 'ensure' with 'encourage' may still be appropriate, to avoid the prescriptive sense associated with 'ensure'.

8.0 Response to submissions

79. As noted, the Amendment attracted only one objecting submission (Submission 1) in relation to residential and family properties. The submission raises a number of issues which can be summarised thus:

- The Amendment fails to address population growth and conflicts with the directions of Plan Melbourne.
- The Amendment will have a profound impact on the development potential under a Heritage Overlay.
- The Amendment fails to address opportunities for innovation, and does not allow for improvements in environmental performance or cater for needs of people with limited mobility.
- Development to upper levels of existing heritage footprints would be severely curtailed.
- The Amendment would preclude large, open plan extensions by virtue of the limited available footprint.
- There is no scope to alter original walls and roof forms. Chimneys must also be retained even though they have been made redundant by modern heating systems.

80. I am instructed that Council will respond to the general strategic planning issues raised in the first bullet point.

81. The Amendment would not prevent a building from being altered or extended to provide modern standards of amenity and environmental efficiency. Nor does it preclude architecturally innovative approaches. It is a broadly accepted view that there are many examples of creatively renovated and extended heritage listed houses in Stonnington and other metropolitan Melbourne municipalities, these being outcomes that were achieved within heritage policy frameworks similar to that proposed under Amendment C132 and including policies that rely on sightline envelopes with the aim of limiting the visibility of upper storey additions. The development potential of residential properties in heritage places may be different to that of non-heritage places, but is generally seen to be appropriate to such heritage contexts.

82. In regards to environmental sustainable outcomes, the Amendment includes policy that specifically encourages services that support the sustainability of heritage places. The policy seeks to ensure that items such as solar panels and rainwater tanks do not detract from and diminish the significance of a place.

83. Further to this, the tracked changes version of the exhibited policy allows for discretion in the location of services such as solar panels. Rather than seeking to 'ensure' that services are not visible from the main road, as written in the exhibited policy, the proposed revisions '*encourage*' domestic services to be concealed when viewed from the street, whilst also seeking to ensure that these services do not damage heritage fabric and do not detract from significance of the place.

84. The proposed heritage policy does not specifically mention works to support people with limited mobility but this topic is discussed in the proposed heritage guidelines. Moreover, revisions to the exhibited policy at clause 22.04-4.6 include provisions in relation to 'domestic services normal to a dwelling'. As defined in Clause 72 of the current Stonnington Planning Scheme, 'domestic services normal to a dwelling' includes disabled access ramps and handrails. The proposed heritage policy encourages the installation of such where they support the sustainability of the heritage place. It is not the aim of the policy to prevent the installation of disabled access ramps, handrails and the like, but to ensure that such works do no detract from the significance of the place.

85. The Amendment does not prevent upper storey additions provided they are setback behind the front primary volume of the building and within sightline envelopes. These policy measures do not mandate full concealment of upper level additions and are not unreasonably restrictive. They are also consistent with widely accepted heritage planning principles, as reflected in heritage policies in other municipalities that seek to preserve the principal facade and principal roof form (e.g. Boroondara Planning Scheme Clause 22.05).

86. The Amendment would not preclude alterations and additions to create large open plan living spaces. Nor would the Amendment prevent internal demolition works to improve on compartmentalised floor plans in heritage buildings. The potential to achieve large extensions will be constrained by the particular

circumstances of a property, such as lot size, and it is recognised that it is not always going to be possible to achieve additions with large floor areas.

87. The policy seeks retention of chimneys because they can make important contribution to the architectural character of the heritage place as experienced from the street. It is not the case that all original walls and roofs cannot be touched. The policy has an emphasis on the protection of the primary building volume of a heritage building but allows for discretion in the exercise of policy. That is to say, the heritage policy proposed under the Amendment does not mandate retention of all original fabric. The purpose of the heritage policy is not to prevent change but to ensure that change to heritage places is sensitively managed with regard for the significance of heritage place, be it an individual building or precinct.

9.0 Conclusion

88. In my opinion, with the above recommendations having been taken into account, the proposed heritage policy provides a sound basis for the assessment of planning permit applications for heritage overlay sites in the City of Stonnington. It achieves the objective of providing a stronger, stand-alone framework for Council's decision making process without reliance on a reference document in the form of the heritage guidelines. The proposed heritage guidelines generally fulfil the objective of providing property owners and permit applicants with clear and user friendly advice on heritage planning matters, and it is appropriate that they be used as a reference document .

10.0 Declaration

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

BRYCE RAWORTH

ATTACHMENT 1

CURRICULUM VITAE

Bryce Raworth

BRYCE RAWORTH PTY LTD
CONSERVATION • URBAN DESIGN
CONSERVATION CONSULTANTS
ARCHITECTURAL HISTORIANS

BRYCE RAWORTH
M. ARCH., B. A. (HONS), ICCROM (ARCH)

Bryce Raworth has worked with issues relating to heritage and conservation since the mid-1980s, and has specialised in this area since establishing his own consultant practice in 1991. **Bryce Raworth Pty Ltd, Conservation•Urban Design**, provides a range of heritage services, including the assessment of the significance of particular sites, preparation of conservation analyses and management plans, design and/or restoration advice for interventions into significant buildings, and detailed advice regarding the resolution of technical problems relating to deteriorating or damaged building fabric.

Since 2004 Raworth has been a member of the Official Establishments Trust, which advises on the conservation and improvement of Admiralty House and Kirribilli House in Sydney and Government House and The Lodge in Canberra. As a member of the former Historic Buildings Council in Victoria, sitting on the Council's permit, planning and community relations committees, Raworth has been involved with the registration and permit processes for many registered historic buildings. In 1996 he was appointed an alternate member of the new Heritage Council, the successor the Historic Buildings Council, and in 1998 was made a full member. At present he provides regular advice to architects and private owners on technical, architectural and planning issues relative to the conservation and adaptation of historic buildings, and is occasionally called upon to provide expert advice before the VCAT. He is currently the conservation consultant for the cities of Kingston and Stonnington.

With respect to historic precincts, the company has provided detailed advice towards the resolution of heritage issues along the Upfield railway line. The company is currently contributing to redevelopment plans for the former Coburg Prisons Complex (comprising Pentridge Prison and the Metropolitan Prison) and the former Albion Explosives Factory, Maribyrnong. In 1993 Bryce Raworth led a consultant team which reviewed the City of Melbourne's conservation data and controls for the CBD, and in 1997 **Bryce Raworth Pty Ltd** revised the former City of South Melbourne Conservation Study with respect to the area within the present City of Melbourne. The firm has recently completed documentation for significant heritage places and areas in the City of Stonnington.

In recent years **Bryce Raworth Pty Ltd** has also provided documentation and advice during construction on the restoration of a number of key registered and heritage overlay buildings, including the Ebenezer Mission church and outbuildings, Antwerp; the former MMTB Building, Bourke Street West, Melbourne; the former Martin & Pleasance Building, 178 Collins Street, Melbourne; the former Uniting Church, Howe Crescent, South Melbourne; Heide I & II, Heide Museum of Modern Art, Bulleen; Melbourne Grammar School, South Yarra; various guard towers and other buildings, Pentridge Prison, Coburg; and Coriyule Homestead, Curlewis.

BRYCE RAWORTH

STATEMENT OF EXPERIENCE

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BRYCE RAWORTH

Professional Status:	Conservation Consultant and Architectural Historian
Current Positions:	Conservation consultant to the cities of Kingston, Frankston and Stonnington
Organisation Membership:	Australian Institute of Architects
Professional Experience:	independent practice as conservation consultant and architectural historian from January 1991 (ongoing). Services include: identification and assessment of the significance of sites and complexes; preparation of guidelines regarding the safeguarding of significant sites; provision of technical, design and planning advice to architects, owners and government on issues relating to the conservation of sites of cultural significance; expert witness advice on conservation issues before the VCAT member, Historic Buildings Council (architectural historian's chair) 1993-1996; member, Heritage Council (architect's chair) 1998-2002 conservation consultant to the cities of Brighton, Northcote and Sandringham (1989 only), Essendon, Hawthorn and Kew (1989-1994), Melbourne (1992-2009) and Prahran (1992-1994) established the Metropolitan Heritage Advisory Service on behalf of the Ministry for Planning & Environment - this service was offered to the cities of Brighton, Essendon, Hawthorn, Kew, Northcote and Sandringham in 1989-90
Studies:	Certificate of Architectural Conservation, ICCROM (International Centre for the Study of the Preservation and the Restoration of Cultural Property at Rome), 1994 Master of Architecture by thesis, University of Melbourne, 1993 (thesis: *A Question of Style: Domestic Architecture in Melbourne, 1919-1942*) B. Architecture (First Class Honours), University of Melbourne, 1986 B. Arts (Second Class Honours, Division A), University of Melbourne, 1986
Committee Membership:	Twentieth Century Buildings Committee, National Trust of Australia (Victoria), 1990-1994 (Chairman 1992-1993) RAIA Jury, Conservation Category, 1995, 1996, 1998 and 2001 Awards (Chairman 1996 & 1998)
Awarded:	Henry and Rachel Ackman Travelling Scholarship in Architecture, 1987-88 JG Knight Award, conservation of Heide 1, Royal Australian Institute of Architects, Victorian Chapter, 2003 Lachlan Macquarie Award for heritage (commendation), conservation of Heide 1, Royal Australian Institute of Architects National Award program, 2003 Award for Heritage Architecture, conservation of Coriyule Homestead, Australian Institute of Architects, Victorian Chapter, 2015 National Award for Heritage, conservation of Coriyule Homestead, Australian Institute of Architects, 2015

ATTACHMENT 2

Proposed Heritage Policy (Pre-panel tracked changes version)

22.04 HERITAGE POLICY

Proposed C132

This policy applies to all land within a Heritage Overlay.

22.04-1 Policy basis

Proposed C132

This policy applies Clause 15.03 (Heritage) of the State Planning Policy Framework to local circumstances and provides strategic direction to identify, conserve, and manage heritage places in the City. It implements provisions of the Municipal Strategic Statement which recognise the importance of protecting places of local cultural heritage significance within the City including Clause 21.03-2 (Strategic vision) and Clause 21.06-10 (Heritage).

This policy provides guidance for assessing planning permit applications and applies the City of Stonnington Heritage Design Guidelines as a reference document to this scheme.

22.04-2 Definitions

Proposed C132

For the purposes of this policy the following meanings apply:

'Heritage place' means a site, area, land, building, group of buildings in a precinct, a structure, archaeological site, tree, garden or other elements of the built environment with natural or cultural heritage significance.

'Primary building volume' means the building fabric including the principal façade, roof form and chimneys presenting as a three dimensional form to the street.

'Principal facade' means the front elevation facing the main road and any side elevations facing side roads.

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

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

'Significant places' means places of either state or local significance including individually listed buildings and places in a heritage precinct graded A1, A2 or B.

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

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

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

'*All areas*' means all commercial and residential areas.

'*Residential areas*' means all areas included in residential zones.

'*Commercial areas*' means all areas included in commercial and mixed use zones.

22.04-3 Objectives

Proposed C132

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

22.04-4 Policy

Proposed C132

22.04-4.1 Demolition (includes full and partial demolition)

Proposed C132

Significant buildings

It is policy to:

- Discourage demolition of significant buildings.
- Discourage demolition of parts of significant buildings (including but not limited to significant building fabric, the primary building volume, original fences, outbuildings, gardens and other features identified in the statement of significance or heritage assessment) unless it can be demonstrated that ~~all of the~~one or more of the following apply:
  - The fabric to be demolished has no significance.
  - The demolition is minor in scale.
  - The demolition will not adversely affect the significance of the heritage place.
  - ~~The works will assist in the long-term conservation of the heritage place.~~
  - The replacement ~~built form~~new ~~work~~development is sympathetic to the scale, setback and significance of the heritage place.
- Ensure significant building fabric is retained to conserve:
  - The heritage significance of the place (including buildings, fences and gardens).
  - The primary building volume (including original external joinery to doors and windows, original or early shopfront features, verandahs and other features).
  - The intactness of the ~~original~~ heritage streetscape (if applicable).
- Require all applications for full or partial demolition to be accompanied by an application for new development.

Contributory buildings

It is policy to:

- Discourage demolition or partial demolition of contributory buildings unless it can be demonstrated that:
  - ~~The fabric to be demolished has no significance.~~
  - The demolition will not adversely affect the significance of the heritage ~~place~~precinct.
  - The works will assist the long term conservation of the heritage place.
  - The replacement built form is sympathetic to the scale, setback and significance of

Commented [BR1]: Each of the first three criteria is a sufficient basis for demolition in and of itself. A requirement that all criteria need to be satisfied to allow for demolition would be too onerous.

Commented [AC2]: This criteria is difficult to achieve in the context of demolition

Commented [PH3]: Consistent wording to be used.

Commented [BR4]: The term 'built form' is too narrowly defined, whereas 'new work' covers broader spectrum of possible outcomes

Commented [BR5]: Heritage 'precinct' is used in favour of heritage 'place' because contributory buildings are by definition only found within a precinct.

the heritage place.

- Require all applications for full or partial demolition to be accompanied by an application for ~~replacement~~ new development.

Commented [PH6]: Consistent wording to be used.

Ungraded buildings

It is policy to:

- Support demolition of ungraded buildings with an appropriate replacement building design (consistent with the provisions of Clause 22.04-4.5).
- Require all applications for demolition to be accompanied by an application for ~~replacement~~ new development.

Commented [PH7]: Consistent wording to be used.

22.04-4.2 Reinstatement and reconstruction

Proposed C132

All areas

It is policy to:

- Encourage accurate reinstatement or reconstruction of buildings or visible components of buildings (including verandahs, intact shopfronts, front fences, windows and roofs) where detailed photographic or other evidence exists.

22.04-4.3 Painting and surface treatments

Proposed C132

All areas

It is policy to:

- Encourage ~~Ensure~~ the retention of historic painted signs.
- Encourage colour schemes consistent with the period of construction and architectural style of the building or precinct.
- Encourage removal of paint by non-abrasive methods from originally unpainted brick or masonry surfaces.
- Discourage painting, rendering or other surface treatments of unpainted surfaces.
- Discourage painting of buildings in corporate colours, or other designs or patterns, which may diminish the heritage significance of the place.

Commented [BR8]: The term 'ensure' has been substituted with 'encourage' to allow for discretion in exercise of policy. It has a less 'mandatory' force.

Commented [BR9]: This provision has been relocated from Clause 22.04-4.12 (signage policy) because it is more applicable to issues of repainting

22.04-4.4 Additions and alterations

Proposed C132

All areas

It is policy to:

- Ensure that all additions and alterations:
  - Retain and conserve the primary building volume and significant building fabric.
  - Are set back behind the primary building volume.
  - Are sufficiently set back from the rear property boundary to provide for visual separation from other heritage places.
  - Respect the built form character of the place including but not limited to scale, form, height, street wall, siting and setbacks.

- Adopt a visually recessive design where the heritage place remains the dominant visual element.
- Are readily identifiable as new works while respecting and having minimal impact on the significance of the heritage place.
- Complement the materials, detailing and finishes and paint colours of the heritage place.
- Avoid new openings in the primary building volume and significant building fabric.

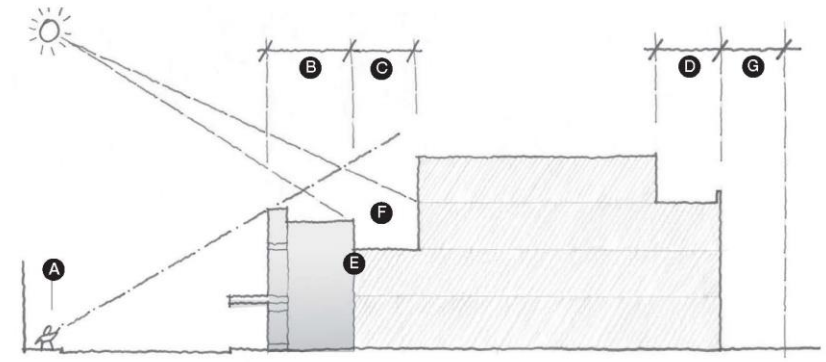
Commercial areas

It is policy to:

- Ensure retention and encourage restoration of all original or early shopfronts.
- Ensure that new shopfronts complement the general form and proportion of glazing and openings of any adjoining original or early shopfronts.
- Discourage drop-down awnings, vertical blinds and , openable windows ~~and new elements~~ visible from the street.
- Encourage reinstatement or reconstruction of verandahs where evidence of early street verandahs exists.
- Ensure that all upper level additions and alterations:
  - Are set back behind the primary building volume (as shown in Diagram 1).
  - Complement the height, scale and setbacks of any adjoining significant or contributory buildings.
  - Are contained within an envelope created by projecting a sight line from 1.7metres above ground level on the opposite side of the street (as shown in Diagram 1).
  - Present minimal bulk from oblique views.
  - Do not obscure vistas and view lines to significant buildings.

Commented [BR10]: Reference to discouraging 'new elements' should be deleted because it is too generalised a term, and would potentially be too restrictive in terms of prohibiting new elements that might have no adverse impact.

Diagram 1: Preferred commercial upper level setbacks



Setbacks should be visually recessive including:

A Sightline from 1.7 metres (eye level) on opposite footpath

B Retain primary building volume

C Additional storeys above primary building volume height to be visually recessive and provide for solar access to new development

D Additional setback above 3rd storey

E Storey heights to complement the alignment of the primary building volume.

F Setback to provide solar access to 3rd storey (setback or lightwell)

G Rear setback for 1st, 2nd, and 3rd storeys

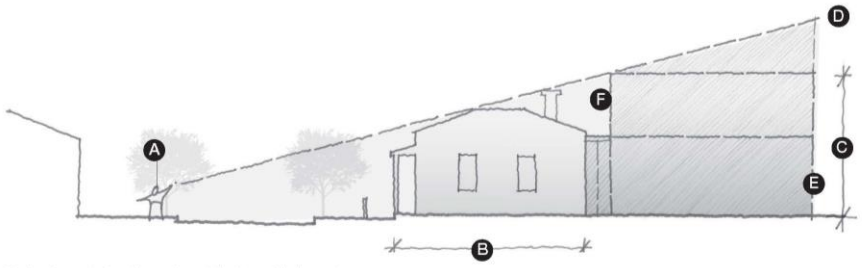
Commented [AC11]: 'E' – The word "alignment" added for clarification

Residential areas

It is policy to:

- Ensure that all upper level additions and alterations:
  - Are set back behind the primary building volume (as shown in Diagram 2).
  - Complement the height, scale and setbacks of any adjoining significant or contributory buildings.
  - Are contained within an envelope created by projecting a sight line from 1.7 metres above ground level on the opposite side of the street (as shown in Diagram 2).
  - Present minimal bulk from oblique views.
  - Do not obscure vistas and viewlines to significant buildings.

Diagram 2: Preferred residential upper level setbacks



Design elements should complement the form of heritage places:

A Sightline from 1.7 metres (eye level) on opposite footpath
B Retain primary building volume
C Alterations and additions envelope
D Alterations to be visually recessive below sightline on opposite side of street
E Ground floor height to complement original building floor/ceiling height
F Recessive roofline connecting link between heritage fabric and contemporary materials where the side elevation is visible from the street .

- Ensure that carports are significantly set back behind the principal facade to appear visually recessive when viewed from the main road.
- ~~Ensure~~ Encourage ~~that~~ garages and other ancillary buildings to be~~are~~ located at the rear of the site behind the primary building volume.

Commented [AC12]: The term 'ensure' should be substituted with 'encourage' to allow for discretion in exercise of policy. It has a less 'mandatory' force.

22.04-4.5 New buildings

Proposed C132

All areas

It is policy to:

- Ensure that new buildings:
  - Adopt a design where the heritage place and any adjoining significant buildings remain the dominant visual elements.
  - Are readily identifiable as new buildings while respecting and having minimal impact on the significance of the heritage place.

- Retain vistas and viewlines to significant places.

- Ensure that new buildings complement adjacent significant or contributory places and the prevailing character of the precinct with regard to:
  - Height, street wall height, scale, mass, setbacks, orientation, roof forms, fenestration and general form.
  - Relationships between solids and voids and the form and arrangement of window and door openings.
  - Materials, detailing, finishes and colour schemes.
- Discourage new built form in front of the primary building volume of significant or contributory places.

Commercial areas

It is policy to:

- Ensure that new buildings:
  - Are built to the front property boundary across the entire width of the site.
  - Complement the ground and first floor proportions and street wall height of adjoining significant or contributory buildings.
  - Are sufficiently set back from the rear property boundary to provide for visual separation from adjoining heritage places.
  - Include shopfronts which complement the general form and proportion of glazing and openings ~~of any~~ adjoining original or early shopfronts (if any).
  - Include a simple contemporary verandah design consistent with the form and scale of adjoining verandahs.
  - ~~Do not include~~Discourage drop down awnings, vertical blinds or openable windows.

Commented [PH13]: Consistent wording to be used.

- Ensure that upper levels above the street wall:
  - Complement the height, scale and setbacks of any adjoining significant or contributory buildings.
  - Are contained within an envelope created by projecting a sight line from 1.7 metres above ground level on the opposite side of the street (as shown in Diagram 1).
  - Present minimal bulk from oblique views.

Residential areas

It is policy to:

- Ensure that new dwellings complement significant and contributory buildings in the precinct in respect to:
  - Building orientation.
  - Height, scale, setbacks and building spacing.
  - Ground and first floor proportions.
  - Roof pitch and form.
  - Windows and wall openings.
  - Verandahs.
  - Front and side fence alignment and height.

- Ensure that upper levels:
  - Are contained within an envelope created by projecting a sight line from 1.7 metres above ground level on the opposite side of the street (as shown in Diagram 2).
  - Complement the height, scale and setbacks of any adjoining significant or contributory buildings.
  - Present minimal bulk from oblique views.
  - Do not obscure vistas and viewlines to significant buildings.
- Discourage garages or carports within the principal facade and ~~car parking structures~~ in the front building setback.
- Ensure that carports complement the dwelling design, and are significantly set back behind the principal facade to appear visually recessive and unobtrusive.
- Ensure that garages and ancillary buildings are:
  - Located at the rear of the site behind the dwelling.
  - Visually recessive in design and scale.

Commented [AC14]: Remove unnecessary duplication

22.04-4.6 Domestic services normal to a dwelling ~~Services and equipment~~

Proposed C132

All areas

It is policy to:

- Encourage domestic services normal to a dwelling ~~domestic and ancillary services~~ that support the sustainability of heritage places ~~(including solar panels, water tanks, solar hot water systems)~~.
- Encourage domestic services normal to a dwelling to be concealed when viewed from the street.
- Encourage domestic services normal to a dwelling in new development to be incorporated into the design of the building.
-
- Encourage domestic services normal to a dwelling to be installed in a manner without damaging significant heritage fabric.
- Ensure that domestic services normal to a dwelling ~~domestic and ancillary services and equipment~~do not detract from the heritage significance of the place.~~:~~
  - ~~Are not visible from the main road.~~
  - ~~Are integrated into the building design.~~
  - ~~Do not detract from the heritage significance of the place.~~

Commented [BR15]: The exhibited policy was too prescriptive with respect to concealment of services. The suggested revisions to this aspect of the policy 'encourage' concealment.

22.04-4.7 Gardens, landscaping and front setback areas

Proposed C132

All areas

It is policy to:

- Ensure that front setback areas are landscaped and remain free from permanent buildings, ~~recreational~~ structures, vehicle parking and large areas of hard paving.
- Encourage reinstatement of early garden design to original designs.

Commented [AC16]: The meaning of the term "recreational structures" is unclear.

- Ensure that development does not have a detrimental impact on trees and landscaping which are significant or a contributory element to the heritage place.
- Discourage the removal of significant trees (where tree controls apply).

22.04-4.8 Public realm

Proposed C132

All areas

It is policy to:

- Retain and conserve significant heritage elements of the public realm.
- Ensure that new buildings, works and landscaping within the public realm respect the heritage significance of the place and do not adversely affect views and vistas to significant and contributory buildings.

22.04-4.9 Fences

Proposed C132

All areas

It is policy to:

- Ensure that all original fences which contribute to the significance of a heritage place are retained.
- Ensure that new front and side fences:
  - Are appropriate to the architectural style and era of the building.
  - Are consistent with the height, form, alignment, materials of original fencing in the ~~immediate environs~~heritage precinct.
  - Are low scale with a high degree of transparency to allow unimpeded views to front gardens and dwellings.
  - Do not obscure views of a heritage place.

Commented [PH17]: Clarify that fences in the Heritage Overlay are to be used as a reference.

22.04-4.10 Access and car parking

Proposed C132

All areas

It is policy to:

- Discourage:
  - Removal of existing vehicle crossovers which contribute to the significance of a heritage place.
  - New vehicle crossovers inconsistent with the character of the heritage place including multiple crossovers and wide crossovers.
  - Basement car parking ~~where~~ ramps and entries that detract from the significance of a heritage place.
- Ensure that on-site car spaces are located at the rear of the property or in a side setback area behind the principal building facade.

Commented [AC18]: Clarification

Commercial areas

It is policy to:

- Discourage modification of front elevations of early shops for vehicle access.

- Encourage access to parking from the rear of heritage buildings.

22.04-4.11 Other heritage places

Proposed C132

All areas

It is policy to:

- Ensure that other heritage places including bridges and~~,~~ rail infrastructure are conserved and enhanced.
- Ensure that works undertaken to other heritage places are readily identifiable as new works while respecting and having minimal impact on the significance of the heritage place.

22.04-4.12 Signage

Proposed C132

All areas

It is policy to:

- Ensure that original heritage signs or advertising features are conserved and enhanced.
- Ensure that signs:
  - Are sited on traditional locations on heritage places including fascias and below verandahs.
  - Do not obscure any architectural elements or existing signage that contributes to the significance of the heritage place.
  - Are small-scale, simple in design and are appropriate to the period and style of the heritage place.
  - Are consistent with the design of existing signage for multi-tenancy buildings and heritage precincts.
- Discourage new high wall signs, above-verandah signs, animated signs, electronic signs, scrolling signs, internally illuminated signs (greater than 1.5 square metres), major promotion signs, promotion signs, panel signs, pole signs, reflective signs and sky signs.
- Allow internally illuminated signs (with an area not greater than 1.5 square metres) under verandahs or to ground floor level if they do not affect the significance of the place.
- ~~Discourage painting of buildings in corporate colours, or other designs or patterns, which may diminish the heritage significance of the place.~~

22.04-4.13 Relocation

Proposed C132

All areas

- Encourage the retention of significant buildings in their original location unless it can be demonstrated that:
  - The location is not an important component of the significance of the heritage place.
  - The relocation is the only means of ensuring the survival of the heritage place.

22.04-4.14 Subdivision

Proposed C132

It is policy to:

- Ensure that subdivision:

- Respects the significance of the heritage place including the original road and lot layout, the rhythm and pattern of frontages, and/or buildings in the streetscape.
- Retains the interrelationships and viewlines between groups of significant or contributory heritage buildings.
- Retains sufficient curtilage around significant places to retain the legibility of the place to its setting.
- Retains the significant or contributory elements of a heritage place including gardens and established trees on a single lot.

22.04-5 Information to be submitted with a planning permit application

Proposed C132

An application must be accompanied by the following information (as appropriate):

- Site, elevation and floor plans which are fully dimensioned and scaled showing:
  - Existing conditions.
  - The extent of any proposed demolition, alterations and additions.
  - The location and setback of adjoining buildings and the proposed development.
- Oblique views diagrams from 1.7 metres from the opposite side of the street.
- Photomontages of the streetscape showing the proposed development.
- A written report from a suitably qualified person which includes (as appropriate):
  - An assessment of the impact that the proposed building, works, demolition, tree removal (for significant trees), landscaping (for significant gardens) and subdivision on the significance of the heritage place.
  - Photographs of any significant heritage fabric proposed to be demolished.
- A Conservation Management Plan prepared in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter) (for major alterations and additions to individually significant places).

22.04-6 Decision Guidelines

Proposed C132

The responsible authority will consider, as appropriate:

- Whether the application has responded to any relevant heritage design guidelines.
- Whether the application responds to the most recently adopted statement of significance.

22.04-7 Reference documents

Proposed C132

- City of Stonnington Heritage Design Guidelines.
- City of Stonnington Heritage Citations (various dates)
- Stonnington Thematic Environmental History (2006) and Update 1 Addendum (2009) (Context Pty Ltd).
- The Heritage Overlay, Guidelines for Assessing Planning Permit Applications, Heritage Victoria.
- Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter).