

Planning and Environment Act 1987

Panel Report

**Glen Eira Planning Scheme Amendment C190glen
Heritage Review of Bentleigh and Carnegie Structure Plan
areas**

23 December 2020

How will this report be used?

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

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

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

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

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

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Glen Eira Planning Scheme Amendment C190glenglen

Heritage Review of Bentleigh and Carnegie Structure Plan areas

23 December 2020

A stylized, bold signature in black ink, consisting of several loops and a long horizontal stroke at the end.

David Merrett, Chair

A signature in black ink, featuring a large loop at the beginning and a series of smaller loops and strokes.

Lucinda Peterson, Member

Contents

	Page
1 Introduction.....	4
1.1 The Amendment.....	4
1.2 Amendment detail.....	4
1.3 Amendments C184 and C185 (Interim controls)	7
1.4 The heritage reviews	7
1.5 Procedural issues.....	9
1.6 Post exhibition changes.....	9
1.7 The Panel’s approach	10
1.8 Exhibition error.....	10
2 Planning context and justification	11
2.1 Planning policy framework.....	11
2.2 Other relevant planning strategies and policies	12
2.3 Planning scheme provisions	12
2.4 Ministerial Directions and Practice Notes.....	12
2.5 Submissions	13
2.6 Discussion	14
2.7 Conclusions.....	15
3 General issues.....	16
3.1 Heritage controls and consistency with structure plans.....	16
3.2 Restricting development opportunities	17
3.3 Extent of consultation	19
4 Heritage precincts	20
4.1 Bentleigh Residential Precinct (extension) (HO69)	20
4.2 Carnegie Retail Precinct (HO158)	22
4.3 Albert Flatman’s Estates Precinct (HO177)	38
4.4 Carnegie Residential Precinct (HO178)	43
5 Individual places	47
5.1 Centre Arcade and Neon Sign, 325 Centre Road (HO162).....	47
5.2 Former Methodist Church, 254 Neerim Road and 1A Toolamboool Road (HO47)	49
5.3 Rosstown Hotel, 1084 Dandenong Road Carnegie (HO157)	52

Appendix A List of submitters

Appendix B Document list

List of Tables

	Page
Table 1 New precincts	4
Table 2 New places	5
Table 3 Precinct extensions	5
Table 4 Existing individual places	6

List of Figures

	Page
Figure 1 69 Koornang Road	26
Figure 2 82-84 Koornang Road	27
Figure 3 92 Koornang Road	27
Figure 4 94 Koornang Road	28
Figure 5 101A Koornang Road	29
Figure 6 106-108 Koornang Road	30
Figure 7 110 Koornang Road	30
Figure 8 118 Koornang Road	31
Figure 9 120 Koornang Road	32
Figure 10 136 Koornang Road	33
Figure 11 138 Koornang Road	34
Figure 12 154 Koornang Road	35
Figure 13 55 Rosstown Road	36

Glossary and abbreviations

the Act	<i>Planning and Environment Act 1987</i>
the Amendment	Glen Eira Planning Scheme Amendment C190glen
Commercial Heritage Review	Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial) 2018 (Stage 2 Report)
Council	Glen Eira City Council
COVID-19	Novel Coronavirus 2019
DDO	Design and Development Overlay
Former Methodist Church citation	the Former Methodist Church, 254 Neerim Road and 1A Toolambool Road, Carnegie reviewed and prepared by Heritage Alliance (2019) (Former Methodist Church citation)
HO	Heritage Overlay
NCO	Neighbourhood Character Overlay
Planning Scheme	Glen Eira Planning Scheme
PPN01	Planning Practice Note 1 Applying the Heritage Overlay August 2018
PPV	Planning Panels Victoria
Residential Heritage Review	Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Residential) 2019 (Stage 2 Report)

Overview

Amendment summary

The Amendment	Glen Eira Planning Scheme Amendment C190glen
Common name	Heritage Review of Bentleigh and Carnegie Structure Plan areas
Brief description	Proposes to implement the recommendations of the Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial) 2018 (Stage 2 Report), Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Residential) 2019 (Stage 2 Report) and the Former Methodist Church, 254 Neerim Road and 1A Toolambool Road, Carnegie
Planning Authority	Glen Eira City Council
Authorisation	25 October 2019
Exhibition	30 January to 2 March 2020
Submissions	Number of Submissions: 51 Opposed: 43 Refer to Appendix A

Panel process

The Panel	David Merrett (Chair) and Lucinda Peterson
Directions Hearings	By Video conference 18 August 2020
Panel Hearing	By video conference 27 and 28 October 2020
Site inspections	Unaccompanied, 27 November 2020
Parties to the Hearing	Glen Eira City Council represented by Ms Adeline Lane of the Marcus Lane Group called heritage evidence from Mr Anthony Hemingway of RBA Architects Rusham Pty Ltd represented by Mr Mark Stanojevic of ASK Planning called heritage evidence from Mr John Briggs from JBA Architects Mark Keillor Pty Ltd represented by Ms Anna Plotkin of Fortrade Lawyers Mr Alan Gribbin
Citation	Glen Eira PSA C190 [2020] PPV
Date of this Report	23 December 2020

Executive summary

Glen Eira Planning Scheme Amendment C190glen (the Amendment) seeks to implement the recommendations of the:

- Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Residential) 2019 Stage 2 Report prepared by RBA Architects and Conservation Consultants Pty Ltd (Residential Heritage Review)
- Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial) 2018 Stage 2 Report prepared by RBA Architects and Conservation Consultants Pty Ltd (Commercial Heritage Review)
- Former Methodist Church, 254 Neerim Road and 1A Toolambool Road, Carnegie reviewed and prepared by Heritage Alliance (2019).

It seeks to introduce the Heritage Overlay to several individual places in Carnegie, Bentleigh and East Bentleigh and extend or introduce new precinct heritage controls. The Commercial and Residential Heritage Reviews and the Former Methodist Church citation will be Background Reports in the planning scheme. There are consequential changes to some schedules to the Design and Development Overlay.

The key issues raised in submissions included:

- Buildings do not have heritage significance.
- The compatibility of heritage controls in areas where more intensive development is expected.
- Restricting development opportunities and impacts on land values.
- Extent of consultation.

The Panel found that the heritage reviews had established the need for the application of the Heritage Overlay. The methodology and use of the HERCON criteria referred to in Planning Practice Note 1 (Applying the Heritage Overlay August 2018) has provided a sound basis for the Heritage Overlay. A Statement of Significance has been drafted for each individual place or precinct.

A number of submissions raised issues concerning the following specific sites;

- 1 Toolambool Road, Carnegie (Submissions 20, 26)
- 1084 Dandenong Road, Carnegie (Submission 46)
- 67 Belsize Avenue, Carnegie (Submission 39)
- 62 Belsize Avenue, Carnegie (Submission 47)
- 154 Koornang Road, Carnegie (Submissions 25 and 48)
- 325 Centre Road, Bentleigh (Submission 21).

Council reached an agreement with the owner of 1084 Dandenong Road, Carnegie (Rosstown Hotel) on the extent of the Heritage Overlay to be applied to the site, which the Panel supports. It supports the application of all other Heritage Overlays and the post exhibition changes that relate to edits to Statements of Significance. The Panel does not support the deletion of the Heritage Overlay from the Former Methodist Church at 1A Toolambool Road, Carnegie as the reconstructed wooden church building, while not faithful to the original church, provides an interpretive value for the whole site. The Panel supports most of the post exhibition proposed by Council.

The Panel concludes:

- The Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework, is consistent with the relevant Ministerial Directions and Practice Notes and is well founded and strategically justified.
- The holistic consideration of heritage issues in the structure plan areas prior to the proposed built form controls contained in Amendment C184 is appropriate. The Panel found that heritage controls in activity centres where new and more intensive built form is proposed applies another level of consideration, but does not prohibit development in itself.
- General issues relating to impacts on development rights and land values are not issues that are relevant to the Amendment and will be considered more directly at the permit application stage when a proposal is before Council.
- The Glenhuntly Tram Terminus Estate Precinct (HO159) is to be deleted from the Amendment as Council did not notify the landowners. Council proposes to exhibit a new Amendment in 2021 to rectify this.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Glen Eira Planning Scheme Amendment C190glen be adopted as exhibited subject to the following:

1. **Delete the Glenhuntly Tram Terminus Estate Precinct (HO159 - 231-251 Koornang Road, Carnegie)**
2. **For the Carnegie Retail Precinct (HO158) amend the Statement of Significance for the Carnegie Retail Precinct (HO158) as follows:**
 - a) **add the following words into the first sentence of the Statement of Significance for the Carnegie Retail Precinct under the heading 'Why is it Significant?'**
 - *The Carnegie Retail Precinct is historically significant for the development that occurred primarily during the late Federation and Interwar periods, as well as the Post WWII period, as this section of Koornang Road, and the adjacent streets were rapidly transformed into a 'progressive' retail precinct.*
 - b) **Correct the construction date of 99A-101A Koornang Road to 1936 (instead of circa 1940).**
 - c) **118 Koornang Road: two storey, tuck-pointed brick (overpainted), smooth rendered piers, roughcast rendered parapet with central arched pediment and festoon, hood over window. Window altered, probably had been box-framed.**
 - d) **120 Koornang Road: two storey, smooth rendered piers, roughcast rendered parapet, altered window but opening intact with rendered hood over.**
 - e) **139 Koornang Road, Carnegie to be categorised as contributory on the map.**
 - f) **154 and 154A Koornang Road: the rear single storey portion is non-contributory.**
3. **For the Albert Flatman's Estates Precinct (HO177) amend the Statement of Significance to categorise 62 Belsize Avenue, Carnegie as a non-contributory property.**

4. For Carnegie Residential Precinct (HO178) amend the citation for 9 Milton Street, Carnegie in the Statement of Significance to note the dwelling was constructed in 1918.
5. For Former Methodist Church, 254 Neerim Road, 1 and 1A Toolamboool Road (HO47)
 - a) retain 1 Toolamboool Road (HO47) and Map 2HO
 - b) amend the current Statement of Significance to clearly state that the timber church building is a replica and has interpretive value in the context of the overall site.
6. For Rosstown Hotel, 1084 Dandenong Road, Carnegie (HO157):
 - a) amend the HO Map to apply the Heritage Overlay to the original hotel building and 5 metres to the west and south from the terracotta tile clad roof sections.
 - b) insert the following text in column 2 of the Schedule to Clause 43.01 in the column 'Heritage place':

The heritage place comprises the original fabric of the Rosstown Hotel (including the roof overhang with rainwater goods (downpipes and rainwater heads) and balconies to the street facades of Dandenong Road and Koornang Road, Carnegie) and a curtilage extending for a distance of five metres to the west and south from the terracotta tile clad roof sections of the original fabric of the Rosstown Hotel.

1 Introduction

1.1 The Amendment

The Amendment proposes to implement the recommendations of the:

- Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Residential) 2019 Stage 2 Report prepared by RBA Architects and Conservation Consultants Pty Ltd (Residential Heritage Review)
- Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial) 2018 Stage 2 Report prepared by RBA Architects and Conservation Consultants Pty Ltd (Commercial Heritage Review)
- Former Methodist Church, 254 Neerim Road and 1A Toolambool Road, Carnegie reviewed and prepared by Heritage Alliance (2019).

Appendix A contains the list of submitters.

Appendix B contains the Document List.

1.2 Amendment detail

The Amendment proposes to:

- Amend the Municipal Strategic Statement at Clause 21.10 (Heritage) to remove unnecessary references to documents that are noted in Clause 22.01 (Heritage Policy).
- Amend Clause 22.01 Heritage Policy to remove to the outdated Statement of Significance and list of contributory properties for HO69 Bentleigh and Environs Heritage Area and to remove unnecessary references to different heritage reviews.
- Amend the Schedule to Clause 43.01 (Heritage Overlay - HO) and Planning Scheme Maps 2HO and 3HO to apply the HO to the following new precincts:

Table 1 New precincts

HO Number	Description of place	Properties included in HO
HO177	Albert Flatman's Estates Precinct	Shepparson Avenue, Carnegie: 46 to 65 Belsize Avenue, Carnegie: 49 to 68 Elliott Avenue, Carnegie: 46, 48, 50 to 69
HO169	Bentleigh Heights Estate Precinct	The Highway, Bentleigh: All properties Centre Road, Bentleigh: 519-521
HO178	Carnegie Residential Precinct	<u>Carnegie</u> Buckley Street: 2-24 (evens only) and 21-23 Byron Street: 9-17 (odds) and 19-25 (odds) + 20-22 Cosy Gum Road: 1-13 (odds) Edgewood Street: 1-24 Grange Road: 24, 26, 28, 34, 46, 58 Holywood Grove: 1-49 (odds) and 2-48 (evens) McPherson Avenue: 1-27 Mile End Road: 8-22 (evens) Milton Street: 1-15 (odds) and 2-8 Mimosa Road: 81-91 Munster Avenue: 1-31B (odds) + 2-34 (evens) Neerim Road: 214-242 (excluding no. 234) Seymour Avenue: 2-20

HO168	Rose Hill Estate Precinct	Rose Street, Bentleigh: All properties Centre Road, Bentleigh: 253-259
HO165	Grand View Estate shops	Centre Road, Bentleigh: 165-189/189A (odd number only)
HO158	Carnegie Retail Precinct	Koornang Road, Carnegie: 22 to 166 (east side) and 41 to 145, the latter also including 288 Neerim Road (west side) Morton Avenue, Carnegie: 1-1B (south side) and 18 (north side) Rosstown Road, Carnegie: 73 (north side) and 66 (south side) Woorayl Street, Carnegie: 2A-8 (north side)
HO159	Glenhuntly Tram Terminus Estate shops	Koornang Road, Carnegie: 231-251
HO160	Bentleigh Retail Precinct	Centre Road, Bentleigh: 248-268 and 354-494 (even numbers only, and excluding 438 & 438B Centre Road)
HO163	Shops, 369-377 Centre Road	Centre Road, Bentleigh: 369-377

- Amend the Schedule to Clause 43.01 (HO) and Planning Scheme Maps 2HO and 3HO to apply the HO to the following new individual places:

Table 2 New places

HO Number	Description of Place	Properties included in HO
HO172	"Peradeniya"	24 Elliott Avenue, Carnegie
HO170	"Barton Residence"	56 Thomas Street, Brighton East
HO166	"Alfred Halley Residence"	178 Centre Road, Bentleigh
HO173	The Pines - Doctor's Residence and Surgery (Former)	181 Koornang Road, Carnegie
HO167	"Moore Residence"	200 Centre Road, Bentleigh
HO174	"Truro"	185 Koornang Road, Carnegie
HO175	"Ida Villa"	234 Neerim Road, Carnegie
HO171	"Tyers Residence"	1118 Dandenong Road, Carnegie
HO157	Rosstown Hotel	1084 Dandenong Road, Carnegie
HO161	Former ES&A Bank	385 Centre Road, Bentleigh
HO162	Centre Arcade and Neon Sign	325 Centre Road, Bentleigh
HO164	Former Brighton Gas Company Showrooms	411 Centre Road, Bentleigh

- Amend the Schedule to Clause 43.01 (HO) and Planning Scheme Maps 3HO to apply the HO to the following precinct extensions:

Table 3 Precinct extensions

HO Number	Description of Place	Properties included in HO
HO69	Bentleigh Residential Precinct	<u>Bentleigh</u> Anstee Grove, Bendigo Avenue (part), Brewer Road (part), Burgess Street, Cairnes Grove, Campbell Street, Centre Road (part), Daley Street (part), Eddys Grove, Gilbert Grove, Milton Street (part), Mitchell Street (part), Sunnyside Grove

- Amend the Schedule to Clause 43.01 (HO) and Planning Scheme Maps 2HO and 3HO to amend the HO for the following existing individual places:

Table 4 Existing individual places

HO Number	Description of Place	Properties included in HO	Change
HO47	Former Methodist Church	254 Neerim Road/ 1A Toolambool Road Carnegie	Amend HO47 to reduce the mapped extent of the Heritage Overlay for 254 Neerim Road/1 and 1A Toolambool Road Carnegie by removing 1 Toolambool Road
HO98	Former State Savings Bank	438 and 438B Centre Road, Bentleigh	Amend permit triggers for external paint controls for HO98 and insert reference to the Statement of Significance
HO123	Carnegie Railway Station Reserve	Carnegie Railway Station Reserve, Koornang Road, Carnegie	Amend the extent of the mapped area for HO123, amend the name of heritage place within the Statement of Significance from 'Carnegie Railway Station' to 'Carnegie Railway Station Reserve' and amend permit triggers to remove external paint controls

- Amend the Schedule 2 to Clause 43.02 Design and Development Overlay (DDO2) to remove The Highway in Bentleigh.
- Amend the Schedule 4 to Clause 43.02 Design and Development Overlay (DDO4) to remove the McPherson Avenue Area in Carnegie.
- Amend Planning Scheme Map 02DDO, by removing the existing DDO4 over land in the McPherson Avenue Area in Carnegie.
- Amend Planning Scheme Map 03DDO, by removing the existing DDO2 over land in The Highway in Bentleigh.
- Delete the Schedule to Clause 43.05 Neighbourhood Character Overlay (NCO1) to remove The Highway, Bentleigh.
- Amend the Schedule 2 to Clause 43.05 Neighbourhood Character Overlay (NCO2) to remove the McPherson Avenue Area, Carnegie.
- Amend Planning Scheme Map 03NCO, by removing the Neighbourhood Character Overlay NCO1 over land in The Highway, Bentleigh.
- Amend Planning Scheme Map 02NCO, by removing the existing NCO2 over land in the McPherson Avenue Area, Carnegie.
- Amend the Schedule to Clause 72.04 Documents Incorporated in this Planning Scheme to include the Statements of Significance for 15 individual heritage places, 9 heritage precincts and 1 precinct extension.
- Amend the Schedule to Clause 72.08 Background Documents to include as background documents:
 - Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Residential) 2019 Stage 2 Report, RBA Architects and Conservation Consultants Pty Ltd

- Glen Eira Heritage Review of Bentleigh and Carnegie Structure Plan Areas (Commercial) 2018 Stage 2 Report, RBA Architects and Conservation Consultants Pty Ltd
- Citation: Former Methodist Church, 254 Neerim Road and 1A Toolambool Road, Carnegie, Heritage Alliance (2019).

1.3 Amendments C184 and C185 (Interim controls)

At its ordinary meeting on 13 August 2019, Council also resolved to (among other things):

- seek authorisation from the Minister for Planning (Minister) to prepare and exhibit the Amendment
- subject to receiving authorisation from the Minister for Planning, exhibit the Amendment
- request to the Minister to prepare, adopt and approve a planning scheme amendment for interim heritage controls in respect of all proposed heritage areas in the commercial areas of Bentleigh and Carnegie (as defined in Amendments C184glen and C185glen).

At the time of writing the Minister for Planning had not approved the interim controls.

1.4 The heritage reviews

The Commercial Heritage Review was adopted by Council on 18 December 2018. The Residential Heritage Review was adopted by Council on 13 August 2019.

Part of the Amendment (Commercial Heritage Review) was proposed to be included in Amendment C184 which is to implement the Bentleigh and Carnegie Structure Plans. Submissions to Amendment C184 are likely to be considered by a Panel in 2021. The commercial heritage components of Amendment C184 were removed and merged into this Amendment *“to enable a holistic assessment of the identified heritage for both Carnegie and Bentleigh.”*

In precincts that currently have an NCO, but where a HO is being applied, the Amendment proposes to remove the NCO to achieve a heritage conservation objective as opposed to a neighbourhood character objective. In addition, the HO will take the place of the DDO to control fences in these precincts.

(i) The Commercial Heritage Review

Council submitted the following regarding the Commercial Heritage Review¹:

The Commercial Heritage Review was undertaken in two stages, being: 24.1 Stage 1: Preliminary review of potential heritage places within the areas, specifically:

- a review of all the Bentleigh and Carnegie Commercial Precincts as to determine whether they have the potential to reach the threshold for local significance
- summarising the preliminary findings
- preparing a schedule of places to inform the Stage 2 work. The schedule included an address, note on intactness, date of construction, period and a recommended grading.

¹ Council Part A submission, paragraphs 24-26

Stage 2: Preparation of citations for the recommended heritage places. Specifically, detailed assessments and preparation of citations for the various places, which were resolved to proceed with, after discussions with Council officers.

Bentleigh

- Grand View Estate Shops: 165-189/189A Centre Road (odd numbers only)
- Centre Arcade: 325 Centre Road
- Bentleigh Retail Precinct: 248-268 and 354-494 Centre Road (even numbers only)
- Shops, 369-377 Centre Road
- Former ES& A Bank: 385 Centre Road
- Former Brighton Gas Company Showrooms: 411 Centre Road

Carnegie

- Rosstown Hotel: 1084 Dandenong Road
- Carnegie Retail Precinct: Koornang Road: nos 22 to 166 (evens) and nos 41 to 145 (odds, the latter including 288 Neerim Road); Morton Avenue: no. 1-1B (odds); Rosstown Road: no. 66 and no. 73; and Woorayl Street: nos 2A-8 (evens)
- Glenhuntly Tram Terminus Estate Shops: 235-251 Koornang Road.

The Commercial Heritage Review ultimately sets out citations for 10 recommended heritage places (nine new and one revised), being both precincts and individual sites within the commercial zones of the Bentleigh and Carnegie Structure Plan areas, being:

- Bentleigh
- Carnegie

Additionally, a review of Carnegie Railway Station (HO123) was undertaken, and a new citation was prepared for the reserve only.

(ii) The Residential Heritage Review

Council submitted the following regarding the Residential Heritage Review²:

The Residential Heritage Review was undertaken in the same two stages as the Commercial Heritage Review.

The Residential Heritage Review ultimately sets out citations for 13 recommended heritage places (12 new and one revised), being both precincts and individual sites within the residential zones of the Bentleigh and Carnegie Structure Plan areas, being:

Bentleigh and East Brighton

- Alfred Halley Residence - 178 Centre Road, Bentleigh
- Moore Residence - 200 Centre Road, Bentleigh
- Barton Residence - 56 Thomas Street, Brighton East
- Rose Hill Estate Precinct, Bentleigh
- Bentleigh Heights Estate Precinct (The Highway)

Carnegie

- Tyers Residence, 1118 Dandenong Road
- Peradeniya, 24 Elliott Avenue
- The Pines, 181 Koornang Road
- Truro, 185 Koornang Road
- Ida Villa, 234 Neerim Road
- Albert Flatman's Estates Precinct

² Council Part A submission, paragraphs 27-29

- Carnegie Residential Precinct.

In addition, a review of Bentleigh Environs precinct (HO69) was undertaken, and a new citation was prepared. In the process, it has been extended at its eastern and western end and renamed the Bentleigh Residential precinct. The period of significance has also been extended to include early Postwar development.

1.5 Procedural issues

The Panel could not conduct a site inspection prior to or during the Hearing due to the COVID-19 restrictions. As the restrictions were relaxed after the Hearing, an unaccompanied inspection was conducted on 27 November 2020. The inspection assisted the Panel to understand the context of the various sites, but it does not consider the lack of an inspection prior to the Hearing has impacted its consideration of the issues.

1.6 Post exhibition changes

At its meeting on 21 July 2020 Council resolved to support the following changes to the Amendment³:

correct the grading of the property at 139 Koornang Road, Carnegie to 'contributory' in the statement of significance for the Carnegie Retail Precinct, including in the map (observing it is currently erroneously graded both 'contributory' and non-contributory') (in response to submission no. 8)

add the following words into the first sentence of the statement of significance for the Carnegie Retail Precinct under the heading 'Why is it Significant?' (in response to submission no. 23):

- The Carnegie Retail Precinct is historically significant for the development that occurred primarily during the late Federation and Interwar periods, as well as the Post WWII period, as this section of Koornang Road, and the adjacent streets were rapidly transformed into a 'progressive' retail precinct.

add the following words into the statement of significance for the Carnegie Retail Precinct concerning 118 Koornang Road, Carnegie (in response to submission no. 33):

- No 118: two storey, tuck-pointed brick (overpainted), smooth rendered piers, roughcast rendered parapet with central arched pediment and festoon, hood over window. Window altered, probably had been box-framed.

add the following words into the statement of significance for the Carnegie Retail Precinct concerning 120 Koornang Road, Carnegie (in response to submission no. 34):

- No. 120: two storey, smooth rendered piers, roughcast rendered parapet, altered window but opening intact with rendered hood over.

insert 154A Koornang Road, Carnegie into the list of 'non-contributory places' in the statement of significance for the Carnegie Retail Precinct (while 154 Koornang Road, Carnegie remains in the list of 'contributory places') (in response to submission nos. 25 and 48)

amend the grading of the property at 62 Belsize Avenue, Carnegie to 'non-contributory' in the statement of significance for the Albert Flatman's Estates Precinct (in response to submission no. 47)

modify the extent of Heritage Overlay applying to the land at 1084 Dandenong Road, Carnegie (HO157) in the manner shown in the amended planning scheme map forming Attachment B to this submission and inserting the following text in column 2 of the Schedule to Clause 43.01 (Heritage Overlay) in the column 'Heritage place' (in response to submission no. 46)

³ Council Part A submission, paragraph 64

- The heritage place comprises the original fabric of the Rosstown Hotel (including the roof overhang with rainwater goods (downpipes and rainwater heads) and balconies to the street facades of Dandenong Road and Koornang Road, Carnegie) and a curtilage extending for a distance of five metres to the west and south from the terracotta tile clad roof sections of the original fabric of the Rosstown Hotel.

the following minor modifications to construction dates:

- Carnegie Residential Precinct (HO178): correct the construction date of 9 Milton Street on page 14 of the citation to 1918 (instead of during the 1920s)
- Carnegie Retail Precinct (HO158): correct the construction date of 99A-101A Koornang Road on page 15 of the citation to 1936 (instead of circa 1940).

The Panel considers each of these changes and any others that evolved during the Hearing in Chapters 4 and 5.

1.7 The Panel's approach

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

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

This Report deals with the issues under the following headings:

- Planning context and justification
- General issues
- Heritage precincts
- Individual places.

1.8 Exhibition error

Following the Hearing, Council advised PPV that it had not notified some landowners in the Glenhuntly Tram Terminus Estate Precinct (HO159). This affects land at 231-251 Koornang Road, Carnegie. Council had asked for the Panel Report to be withheld until a new Amendment was exhibited to correct this error. Exhibition would conclude end of January 2021. The Panel has considered this request and notes that any submissions concerning this precinct would not be heard by a Panel until at least March or April 2021. The Panel considers a delay in the report delivery of this magnitude would not be appropriate, particularly as Council is concerned that some contributory buildings may be demolished prior to the approval of the Amendment. For this reason, the Panel considers this precinct should be deleted from the Amendment and addressed separately.

Recommendation

- 1. Delete the Glenhuntly Tram Terminus Estate Precinct (HO159 - 231-251 Koornang Road, Carnegie)**

2 Planning context and justification

2.1 Planning policy framework

Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* (the Act) to:

- conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- balance the present and future interests of all Victorians.

Planning Policy Framework

Council advised the Amendment supports and is also supported by the following objectives and strategies of the SPPF:

15.03-15 Heritage conservation

Objective

To ensure the conservation of places of heritage significance.

Strategies

- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Local Planning Policy Framework

At the time of writing the Glen Eira Planning Scheme had not been translated into the new PPF, with a Municipal Planning Strategy. Council advised the Amendment supported the Municipal Strategic Statement as follows:

Clause 21.10 Heritage

Objective

To identify, protect, enhance and promote understanding of Glen Eira's heritage.

Strategies

- Protect places identified as having architectural, cultural or historical significance.

The Amendment supports the Local Planning Policy Framework as follows:

Clause 22.01 – Heritage Policy

Objectives

To protect places identified as having architectural, cultural or historic significance and which demonstrate the various eras of Glen Eira's development.

The Amendment supports both Clause 21.10 and Clause 22.01 in that it identifies and assesses these places as having local cultural heritage significance and are worthy of protection via the HO.

2.2 Other relevant planning strategies and policies

(i) Plan Melbourne

The Amendment has been prepared regarding Plan Melbourne and in particular implements Plan Melbourne directions in the following category 4.4.

4.4 Respect Melbourne's heritage as we build for the future:

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

2.3 Planning scheme provisions

The HO purposes are:

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

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

At present, there are approximately 2,995 separate parcels of land in the Schedule to the HO in the municipality, most of which are included within precinct-based HO's. A reduced number (136 places) are identified as individually significant. These places are largely located within Elsternwick and greater Caulfield within the south and east of the municipality. Carnegie, Bentleigh and Bentleigh East are relatively underrepresented in the HO at this time.

Interim controls were previously gazetted in respect of HO168 – the Rose Hill Estate Precinct, following receipt of section 29A demolition requests in respect of two properties in the precinct. The control is set to expire on 31 December 2020 however has been extended to 31 December 2021 with the approval of Amendment C219 on 18 December 2020.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

- Ministerial Direction 11 (Strategic Assessment of Amendments)

- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

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

Planning Practice Note 1 (PPN01) provides guidance about using the HO. It states that the HO should be applied to, among other places:

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

Planning Practice Note 1 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the PPN01 criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

2.5 Submissions

Council submitted the Amendment is consistent with and supportive of PPN01. PPN01 describes the threshold for determining 'local significance' as:

...those places that are important to a particular community or locality.

Council also referred to the *Advisory Committee Report on the Review of Heritage Provisions in Planning Schemes* (August 2007) and submitted it has similar sentiments:

...is the place of **sufficient** import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?

Regarding its methodology, Council submitted:

In terms of process, the PPN01 goes on to say:

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

significance that clearly establishes the importance of the place and addresses the heritage criteria.

Council submits these are the key matters a Panel ought to consider in assessing the Amendment.

Importantly, Council submits the methodology adopted in the Commercial Heritage Review and Residential Heritage Review is both thorough and rigorous and accords with the PPN1, together with the drafting of the statements of significance and Schedule to the Heritage Overlay.

Mr Stanojevic, on behalf of Rusham Pty Ltd, relied on the evidence of Mr Briggs at the Hearing. Mr Briggs did not consider that the Amendment was without foundation and agreed that part of his client's site (Centre Arcade Bentleigh) supported the application of the HO, but not to all of it. This matter is considered further in Chapter 5.

Ms Plotkin, on behalf of 101A and 154 Koornang Road, considered there was insufficient justification to apply heritage controls to the Koornang Road, Carnegie commercial precinct and there was a need for more site-specific justification. Ms Plotkin considered the heritage controls of this Amendment and the built form controls of the Amendment C184 should be considered concurrently *"so that there is a clear nexus between the two amendments. The separation of these is a serious procedural flaw, and the determination of this hearing should be adjourned until C184 can come before the same Panel at the same time."*

No submitters at the Hearing considered there was a lack of justification for the HO but raised concern with how it is to be applied. Mr Gribbin initially did not support the HO for Milton Street, Carnegie however at the Hearing ultimately supported the HO control.

Most of the other submitters to the Amendments that did not appear at the Hearing objected to the application of the HO on their land but did not make a detailed submission that it lacks strategic policy justification.

2.6 Discussion

A key objective of the Act is *"to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural value."* On this basis the Panel agrees that Council has an obligation as the planning authority to identify and consider protection of places and precincts of heritage significance.

The approach taken by Council in addressing gaps in heritage protection and management across the municipality is consistent with PPN01 and the methodology contained therein. Each heritage place or precinct has a Statement of Significance which outlines why it is significant. Broadly the Panel considers the approach taken in the heritage reviews is appropriate and meets its obligations under legislation and policy guidelines.

Council has not put forward this Amendment as a means of stifling development opportunities. Many strip shopping centres in the inner and middle ring suburbs of Melbourne have heritage and built form controls that will inform future development proposals. The use of the HO should not result in the outright prohibition of development opportunities. The consideration of heritage significance across the Bentleigh and Carnegie structure plan areas prior to the "built form" amendment (Amendment C184) is not unusual; and it is appropriate for heritage to be considered in isolation of a built form amendment. This ensures there is a holistic approach to heritage that can inform the consideration of Amendment C184 at the

appropriate time. When it comes to considering future development proposals heritage will be just another issue that needs to be considered.

The Panel considers the post exhibition changes identified by Council are minor and result in more accurate citations.

2.7 Conclusions

The Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 General issues

3.1 Heritage controls and consistency with structure plans

(i) The issue

The issue is whether it is appropriate to consider heritage issues prior to the consideration of the built form controls associated with the structure plans.

(ii) Evidence and submissions

The Bentleigh and Carnegie Structure Plans were adopted by Council in February 2018. At the same Council meeting also determined *“a review of these three structure plan areas ought be undertaken to identify any places with potential heritage significance not currently included in the Heritage Overlay.”* RBA Architects were commissioned in August 2018 to conduct the heritage reviews.

Council submitted⁴:

A number of existing commercial heritage precincts within the municipality demonstrate the ability to achieve medium to high density development while preserving identified heritage values. These include the Elsternwick Estate and environs (HO72), the Caulfield South Shopping Centre and Environs, South Caulfield (HO66) and the Ormond Precinct environs (HO75) and elsewhere in Metropolitan Melbourne.

Council considers the Amendment provides a reasonable balance against the different policy objectives and will not significantly impact on the achievement of the housing and activity centre strategic objectives of the Scheme.

Council referred⁵ to its heritage policy at Clause 22.01 to demonstrate that where the HO does apply, development is not prohibited and allows for demolition of non-contributory elements and construction of new built form:

Council's heritage policy at clause 22.01 of the Scheme seeks to protect and enhance heritage and retain contributory buildings and incorporate them into overall development. Importantly, in respect of demolition, Council's heritage policy at clause 22.01 of the Scheme seeks to retain significant and contributory buildings.

In doing so, Council's policy allows for the partial demolition of significant and contributory buildings where the fabric to be demolished is of no significance, or for the purpose of additions if the addition will not affect the heritage significance of the building and is sympathetic in its scale and form.

It is also policy that new buildings in commercial heritage areas (among other things):

- ensure any new upper level additions and works are respectful to the scale and form of the heritage place or contributory elements of the place and, where relevant, the heritage precinct as a whole; and
- encourage higher building additions to be well set back from the front wall of the building unless the specific context of the site recommends otherwise/

Several submitters raised concerns that applying the HO would unduly restrict development opportunities in precincts contrary to the objectives of relevant State and local policies calling for higher density development in these areas. Concern was expressed regarding the

⁴ Council Part B submission, page 10, paragraphs 37-38

⁵ Council Part B submission, page 10, paragraphs 34-36

separation of this Amendment with Amendment C184 that will consider the structure plans and the proposed built form controls.

(iii) Discussion and conclusion

It was initially proposed to consider the Commercial Heritage Review in Amendment C184. Council ultimately decided to clearly separate the consideration of heritage issues and built form controls (via the structure plans) for the Carnegie and Bentleigh activity centres and withdrew the heritage review from Amendment C184.

The Panel supports this approach and considers this has enabled the holistic consideration of heritage issues without consideration given directly to future development potential for the two activity centres. Heritage will be one of many issues that will guide future development in these activity centres. Having this matter addressed now is appropriate and will place the Council and the community in a solid position to consider future development opportunities in the context of fully understanding important sites and streetscapes within the Bentleigh and Carnegie areas.

There are many activity centres in inner and middle ring suburbs where heritage controls sit comfortably with built form controls to guide new and more intensive development. There no doubt will be some landowners that will be impacted by restricted development opportunities. The concept of net community benefit and personal impacts of an amendment are issues discussed in the next section.

3.2 Restricting development opportunities

(i) The issues

The issues are whether the HO:

- will unreasonably restrict development opportunities
- impact property values.

(ii) Submissions

Many submissions referred to the adverse economic impact the HO will have on development potential of land and that the economic impacts of the Amendment have not been fully considered.

Council referred to the objective at section 4(1) (d) of the Act that seeks “to conserve buildings, areas and places and balance the present and future interests of all Victorians” in demonstrating firstly a legislative requirement for these matters to be considered and secondly that it is consistent with the concept of net community benefit where the overall community interest is relevant in considering a Planning Scheme Amendment and private economic interest are more appropriately considered at the permit application stage:

Public costs were regarded as a proper consideration in relation to planning scheme amendment matters while private economic impacts fell outside the scope for consideration.

The submissions on this topic have been made in other panel hearings concerning the introduction of the Heritage Overlay in activity centre and other areas designated for growth.

Council referred to the Panel Reports for Melbourne C207, Boroondara C294, Glen Eira C201, Ballarat C58 and Moonee Valley C66 as examples where this issue has been considered previously. Council submitted⁶:

In the absence of probative evidence to the contrary, Council regards the potential impacts on the site's development as relatively short-term impacts with the broader social benefit of retaining a place of cultural heritage significance having a more enduring impact.

Council also considers matters concerning redevelopment opportunities are more appropriately considered and assessed at the time a permit application is lodged with the responsible authority in respect of a particular proposal for one or more affected properties.

Several submitters raised concerns about the potential impact of the HO on property values and the saleability of a property.

Council submitted⁷:

In accordance with the Panel's previous reports cited above, Council submits the private financial impacts for property owners (such as those raised by submitters) are not relevant economic matters to take into account when considering an amendment to the Scheme and may be matters more appropriately considered at the time a planning permit is applied for.

While Council acknowledges financial impacts may be considered if they overlap with, or translate into public economic effects, it submits the financial matters raised in the submissions are expressed on a site-by-site basis and not at a broader community level.

Council referred to the Panel Report for Glen Eira C201, where the Panel addressed this issue⁸:

Planning Practice Note 1 does not include property value and financial implications as criteria for assessing whether a place or precinct achieves sufficient local significance to justify the Heritage Overlay. Applying these as part of the assessment criteria would skew how heritage places are assessed and affect the ability to meet state and local planning policy which seeks to protect precincts of local significance.

...

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

(iii) Discussion and conclusion

The Panel accepts that the HO may constrain development opportunities, and this will vary from site to site, depending on the development sought, the characteristics of the site and its surrounds, the statement of significance, the extent of significant and non-contributory fabric, as well as many other factors that are required to be considered under the Planning Scheme. The HO will trigger the need for a planning permit; but in many circumstances this would not be the only permit trigger and a planning application may be required under other provisions of the planning scheme.

The Panel agrees with submitters that the HO introduces a new issue to be addressed which may involve increased application costs especially if a heritage consultant is engaged. This needs to be considered in relation to the net community benefit of these new heritage

⁶ Council Part B submission, page 11, paragraph 41-42

⁷ Council Part B submission, page 13, paragraphs 48-49

⁸ Glen Eira PSA C201 Panel Report, page 15

controls. Council has referred to several instances where this issue has been consistently addressed by other Panels. The Panel agrees with Council and the other cited Panel Reports that the overall community benefit of the identification and protection of heritage buildings is the overriding consideration, and the personal economic impacts are matters that are more appropriately considered at the permit application stage where more detailed site-specific investigations occur, and a development is proposed.

3.3 Extent of consultation

(i) The issues

The issue is whether the extent of consultation was appropriate.

(ii) Evidence and submissions

Some submitters expressed concern Council did not undertake adequate consultation with affected landowners (including in the form of pre-amendment consultation) and a lack of transparency.

Council advised it exhibited the Amendment between 30 January to 2 March 2020 by:

- sending letters to owners and occupiers of all affected properties, prescribed authorities and stakeholders
- notices in the Caulfield/Glen Eira and Moorabbin Leader local newspaper
- notice of the Amendment in the Government Gazette
- uploading the Amendment documentation on Council's and the Department's websites.

Council submitted the exhibition process was transparent and accorded with the requirements prescribed under the Act.

(iii) Discussion and conclusion

The Panel is satisfied that Council completed exhibition in accordance with the requirements of the Act, except for the error in not notifying landowners in the Glenhuntly Tram Terminus estate. No submitters provided any evidence to substantiate the perceived lack of consultation.

4 Heritage precincts

4.1 Bentleigh Residential Precinct (extension) (HO69)

(i) Statement of Significance

Exhibited Statement of significance



Land within the precinct

Bentleigh-Anstee Grove, Bendigo Avenue (part), Brewer Road (part), Burgess Street, Cairnes Grove, Campbell Street, Centre Road (part), Daley Street (part), Eddys Grove, Gilbert Grove, Milton Street (part), Mitchell Street (part), Sunnyside Grove.

What is significant?

Bentleigh Residential Precinct consists of two large but discrete areas of original building stock, almost exclusively housing, in the vicinity of Bentleigh Railway Station between Centre Road (north) and Brewers Road (south) and much of the area between Milton Street (west) and Mitchell Street (east). The following elements contribute to the significance of the precinct:

- Intact dwellings mainly dating to the Interwar period in a range of styles, with a few buildings dating to the early Post-WWII period, including the church at 4 Gilbert Grove
- Intact roof forms (hipped, gabled, hipped gable) and cladding (predominantly un/glazed terracotta, some concrete)
- Original detailing to gable ends including shingles, battened sheeting, tapestry bricks
- Original chimneys
- Intact walls of face brick (red, clinker, cream, tapestry) and/or rendered (roughcast and smooth finishes), as well as timber (mainly weatherboard, but also one shiplap example),
- Original brickwork detailing – diamonds, banding, dentillation etc.
- Original porches of brick and/or concrete
- Intact openings – windows and doors – predominantly timber with some steel-framed examples (late Interwar or Post-WWII). Many windows have decorative framing and/or leadlight with stained glass
- Original low front masonry fences and timber-framed with wire
- Original garages
- Original concrete driveways, especially those with a central grass island, and crossovers.

The following element is considered complementary to the precinct:

- Canary Island Date Palms to Burgess Street.

How is it significant?

The Bentleigh Residential Precinct is of local historical, representative and aesthetic significance to the City of Glen Eira.

Why is it significant?

The Bentleigh Residential Precinct is of historical significance as it relates to the key phase of development in the suburb and demonstrates the impact of the electrified railway system on Melbourne's suburban expansion during the Interwar and immediate Post-WWII periods, when Bentleigh was often described as being a 'progressive suburb'. Whilst two subdivisions in the precinct area occurred prior to WWI, most of the land was made available for sale with eight consecutive subdivisions during a six year period from 1923 to 1929 with construction typically following soon after so that most of the area was developed during the 1920s and 1930s, with some during the 1940s and early 1950s. (Criterion A)

The Bentleigh Residential Precinct is of representative significance as consisting of two largely intact areas of original middle class housing, predominantly brick with a few timber examples. The original building stock primarily dates to the Interwar period with a contribution from the Post-WWII period. The integrity of this precinct is in contrast to nearby parts of the suburb where similar development had occurred but has since been heavily compromised. Whilst the prevailing housing style relates to the Californian bungalow, they are interspersed with others indicative of the Spanish Mission, Old English/Tudor Revival, and Moderne styles. There is considerable diversity amongst the examples of each style/type such that there is visual interest to the streetscapes, though certain repeating combinations of details suggest the role of particular builders. (Criterion D)

The Methodist Church at 4 Gilbert Grove is of aesthetic significance as a distinctive late 1940s design by the architect J Wallinga in cream brick with contrasting rendered/concrete detailing and stained glass windows. (Criterion E)

(ii) The issue

The issue is whether it is appropriate and justified to extend the HO69 to properties referred to as Bentleigh Residential Precinct.

(iii) Evidence and submissions

One submission was received in support of the extended heritage precinct and the replacement of the Bentleigh Environs Heritage Area with the Bentleigh Residential Precinct.

The owner for 117 Brewer Road opposed the proposal to add Brewer Road properties in the proposed HO. He submitted:

- properties opposite to 113,115,117 and 119 Brewer Road are in the process of being redeveloped and the HO is too late in this area
- the HO will provide no benefit and will only prevent their own properties from being able to be redeveloped.

Neither Mr Hemingway, in his evidence, nor Council provided a response to this submission in its Part A or Part B submission however in its consideration of the submissions on 21 July 2020, the officers submitted that the HO provisions allowed appropriate building modifications to be made.

(iv) Discussion and conclusion

Matters relating to redevelopment opportunities are included in Chapter 3.

The Panel notes that 113-119 Brewer Road contribute to the Bentleigh Residential Precinct in the period and design of the dwellings as described in the Statement of Significance. The Panel does not consider that development on the opposite site of Brewer Road compromises the understanding of the area or its significance.

The Panel concludes that Bentleigh Residential Precinct (HO69) is appropriate as exhibited.

4.2 Carnegie Retail Precinct (HO158)**(i) Statement of Significance****Exhibited Statement of significance**



Land within precinct

Carnegie, inclusive of the following sites: Koornang Road; nos 22 to 166 (east side) and nos 41 to 145, the latter also including 288 Neerim Road (west side); Morton Avenue: no. 1-1B (south side), 18 (north side); Rosstown Road: no. 73 (north side) and no. 66 (south side); and Woorayl Street: nos 2A-8 (north side).

What is significant?

The following features contribute to the significance of the Carnegie Retail Precinct:

- Intact buildings, both single and two storey, dating to the Late Federation, Interwar and Post WWII periods.
- Intact parapets to single storey buildings.
- Intact first floors and parapets to two storey buildings.
- Original detailing including brickwork and/or render (smooth and/or roughcast); timber (especially box-framed) or steel-framed windows; tile clad, visible/expressed roofs.
- Intact shopfronts to the Late Federation, Interwar and Post WWII periods with recessed entries (often with pressed metal ceiling), metal framing (such as bronze or chrome finish), original glass to highlights (e.g. decorative, textured, ribbed), tiling to entry floor and/or stallboards, and timber-framed doors.
- Original pressed metal soffits to cantilevered canopies.
- Contributory places (as shown in Map as green).
- Non-Contributory places (as shown in Map as blue).

How is it significant?

The Carnegie Retail Precinct is of local historical and aesthetic significance to the City of Glen Eira.

Why is it significant?

The Carnegie Retail Precinct is historically significant for the development that occurred primarily during the late Federation and Interwar periods as this section of Koornang Road, and the adjacent streets were rapidly transformed into a 'progressive' retail precinct. This change demonstrates the demand for well-served, local shopping areas in the daily life of suburban communities during the early 20th century. Initially the precinct included a combination of residential and commercial development, but by the 1920s the earlier houses and some shops were being replaced with more substantial, two storey commercial buildings, many of which survive, as the land became more valuable for that purpose. The ongoing development and renewal in the precinct that continued during the 1930s (late Interwar period) and the Post WWII period reflects that experienced generally across the suburb. (Criterion A).

The Carnegie Retail Precinct is aesthetically significant for the many largely intact (more so the east side), contributory commercial buildings dating from the late Federation Period through the Interwar period and, to a lesser extent, from the Post WWII period. There is mix of individual premises and larger buildings with multiple premises. The late Federation (1910s) and early Interwar period (1920s) buildings typically display an Arts and Crafts aesthetic in the combination of brick (red and clinker) and render (smooth and/or roughcast), though often overpainted, as well as timber-framed windows. The late Interwar period (1930s) buildings are usually indicative of the Moderne style in smooth render with a horizontal emphasis, including to the steel-framed windows. Some buildings originally included recessed balconies (e.g. No. 128) but these have often been subsequently enclosed. Post WWII buildings are more austere, reflecting the influence of Modernism. A few original/early shopfronts survive (notably the 2A-8 Woorayl Street and 66 Rosstown Road) as well as pressed metal soffits to the canopies, which enhances the significance of the precinct. Whilst many of the buildings are good examples, several are notable such as Nos 60, 75A, 80-80A, 106-108, 121-123, 139-145, 154, 156, and 158-160 Koornang Road. (Criterion E)

(ii) The issue

The issue is whether it is appropriate and justified to apply the HO158 to properties referred to as the Carnegie Retail Precinct.

(iii) Evidence and submissions

Submissions were received from several landowners who opposed the HO on their properties and were critical of the heritage assessment. Most of the submissions contained similar wording and raised the same issues.

It was submitted that:

- the heritage assessment for the Carnegie Retail Precinct was not undertaken with rigour but instead is based on conjecture
- a high degree of heritage significance is required to form a sound basis for imposition of a HO
- the 1996 Ward report comprehensively reviewed the history and heritage significance of the then newly formed City of Glen Eira up to the period following

WWII and identified all the important areas in the growth of the City of Glen Eira that survived in a reasonably intact state. In assessing his work, the Ward Study did not determine that Koornang Road shopping strip was important in the development of Carnegie or Glen Eira

- buildings referred to as ‘intact’ or ‘largely intact’ are misdescribed, with RBA using a heritage term to describe buildings that are simply largely in their original (run-down) condition and there are no exemplars of the mentioned architectural styles within the proposed precinct
- Stage 2 of the Heritage study does not have a comprehensive history (compared with the Ward Study), local historical significance is asserted without the required evidence and buildings listed as ‘contributory’ may at best be indicative of various styles.

The submissions did not agree with the RBA position that the Ward Study had less of a focus on commercial areas.

Furthermore, it was submitted that the description of the period of development is inconsistent as it states *“retail precinct consisting of single and two storey shops with constructed dates ranging from the Late Federation through to the Post WWII periods, designed in a variety of styles indicative of those periods”* however in the detail of the citation, the relevant period is described as circa 1905 to mid-1950’s.

The submissions considered that the heritage study did not adequately or appropriately consider the following HERCON criteria:

- A: Importance to the course, or pattern, of our cultural or natural history (historical significance)
- E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance). The description of what is significant is a list of architectural styles and features however the representativeness of the area is unclear.

The submissions considered, if a HO were to apply, there should be exemptions to enable property owners to demolish run-down buildings without a permit and that the HO should apply only to those elements deemed of historical significance.

It was further submitted that other controls exist or could be introduced that would adequately control development. The implication however of including properties within the HO will dissuade building owners from improving individual properties and not maximise the use of the land. This will undermine the strategic role of the retail areas.

Many submissions received within the precinct were critical of the demolition of 296-298 Neerim Road, one property behind Koornang Road, before commissioning the Stage 1 report and this building on that property could have been a significant building within the precinct.

In response to submissions regarding the period of development, Council had resolved on 21 July 2020 to amend the statement of significance to include specific reference to Post WWII as a significant period of significant in the precinct.

Mr Hemingway explained that, as authors of the Study, RBA utilised an accepted and widely practised assessment methodology which is consistent with the Australia ICOMOS Charter for Places of Cultural Significance (The Burra Charter, rev. 2013) and PPN01.

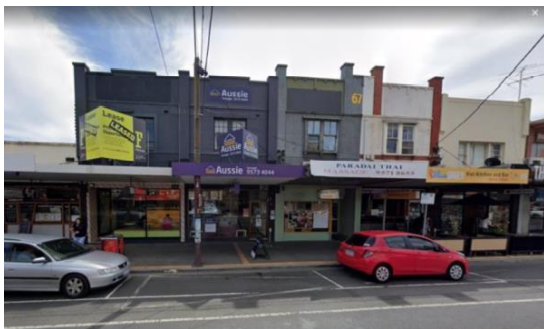
As part of this process, they identified that the Precinct embodies historical and aesthetic values of local significance. In his opinion the citation adequately specifies what, how and why elements in the precinct are considered significant.

Regarding the Ward Study, Mr Hemingway explained while RBA considered the previous 1996 assessment prepared by Andrew Ward, this was 20 years ago. That a place was not included in this report does not necessarily equate with a lack of heritage significance. Community and expert understanding about what aspects of the historic environment are of heritage value evolves over time. As such, it is reasonable to expect that a recent heritage review will focus on different heritage aspects and identify previously discounted, ignored or unknown places.

Mr Hemingway explained that the Carnegie Retail Precinct contains development that occurred during the Late Federation and Interwar periods, and to a lesser extent during the Post-WWII period. These phases reflect the main phases of development in the Carnegie area, when the identity of the suburb was being consolidated and Glen Eira gained its foundational character. This can be contrasted with other parts, mainly in the Elsternwick and Caulfield areas, where development was underway during the Victorian period/19th century.

69 Koornang Road

Figure 1 **69 Koornang Road**



The owner of 69 Koornang Road objected to the Amendment. They submitted that, although the buildings are said to date to the 1910's to 1920's, in a period described as Federation and Early Interwar, they are not described as having any specific style and do not meet or contribute to Criteria A or E and it is of no architectural or aesthetic or local historical interest.

82-84 Koornang Road

The owner of 82-84 Koornang Road submitted that, as the building is listed as non-contributory, no HO should be considered by Council.

Figure 2 82-84 Koornang Road



92 Koornang Road

Figure 3 92 Koornang Road



The owner of 92 Koornang Road submitted that:

- although the buildings are said to date to the 1910's to 1920's, in a period described as Federation and Early Interwar, they are not described as having any specific style
- it does not meet or contribute to Criteria A or E
- is of no architectural or aesthetic or local historical interest.

94 Koornang Road

Figure 4 **94 Koornang Road**



The owner of 94 Koornang Road submitted that:

- although the buildings are said to date to the 1910's to 1920's, in a period described as Federation and Early Interwar, they are not described as having any specific style
- it does not meet or contribute to Criteria A or E
- is of no architectural or aesthetic or local historical interest
- the area contains no consistency in building design in the street and a HO will be a hindrance.

For 69, 82-84, 92 and 94 Koornang Road Mr Hemingway maintained that the buildings are of the period of significance within the Carnegie Retail Precinct, they contribute to the understanding of this time of development and should be included in the precinct.

101A Koornang Road

The owner of 101A Koornang Road objected to the contributory grading of their building. They considered that:

- although the building is described as late Interwar dating from late 1930's to early 1940's, referred to Streamlined Moderne Style, this group of buildings are not examples of this style and post-date it
- the building is an old building in a state of disrepair and is of no architectural or aesthetic or local historical interest
- does not meet the Criteria of A or E for its significance and there are other existing examples of this design
- there are additions at the rear that are not original and should clearly be excluded from consideration.

Figure 5 101A Koornang Road

Mr Hemingway explained that No. 101A forms part of a group of previously four shops (now three shops including 99A and 101 Koornang Road), with 99 Koornang Road demolished.

He considered that the extant shop dates to the period of significance of the proposed Carnegie Retail Precinct, is largely intact, is one of several similar buildings in the precinct, and so contributes to the attributed heritage values of the precinct which relate to the concentrated development that occurred in the precinct during the Late Federation and Interwar periods, and to a lesser extent during the Post-WWII period.

He explained that the Moderne style building contains distinctive architectural features on its first floor façade, original steel-framed windows, presumably with a large central fixed pane and flanking casements (partly obscured by the signage above the canopy, but evident to No. 101 adjacent to the north). The shopfront of No. 101A dates to Post WWII period and is largely intact with original chrome-like framing and granolithic floor to the recessed entry. He noted that:

- the tiling to the stallboard is not original
- the building has a sleek, 'machine-like' character with a strong horizontal emphasis which is typical of the Moderne style
- the building represents a break with more elaborate or decorative architectural styles earlier during the Interwar period such as the Arts and Crafts and Spanish Mission styles.

Regarding the façade treatment he explained that, whilst inclusion of classicising elements such as pilasters was not characteristic of the Moderne, in this instance they have been flattened, are not part of a post and lintel configuration, and provide a contrasting vertical element, which is also typical of the Moderne style.

Mr Hemingway confirmed that there are three other buildings with the same design in the proposed Carnegie Retail Precinct (HO158) at No's 22A-28, 32-38, 41-49 Koornang Road, also dating to the mid-1930s.

Council confirmed that they had resolved at its meeting on 21 July 2020 to correct the construction date of 99A-101A Koornang Road on page 15 of the citation to 1936 (instead of circa 1940).

106-108 Koornang Road

Figure 6 106-108 Koornang Road



106-108 Koornang Road (Source: Submission)

The owner of 106-108 Koornang Road did not see any heritage value in their property and considered the façade comprises a blank brick wall with a ventilation grate and is of no heritage interest.

Mr Hemingway maintained that the building is of the period of significance within the Carnegie Retail Precinct, it contributes to the understanding of this time of development and should be included in the precinct.

110 Koornang Road

Figure 7 110 Koornang Road



The owner of 110 Koornang Road submitted:

- it is said to date to the 1910's to 1920's, in a period described as Federation and Early Interwar, however it is not described as having any specific style

- this is an old building that has had its shop front substantially altered and is of no architectural or aesthetic or local historical interest
- does it meet the Criteria of A and/or E.

Mr Hemingway maintained that the building is of the period of significance within the Carnegie Retail Precinct, it contributes to the understanding of this time of development and should be included in the precinct.

118 Koornang Road

Figure 8 **118 Koornang Road**



The owner of 118 Koornang Road submitted:

- the building is not described or discussed, and its contributory status is not justified
- there was a complete lack of rigour in the assessment
- the building does not meet or contribute to Criteria A or E
- it has had its shop front substantially altered and is of no architectural or aesthetic or local historical interest.

Mr Hemingway explained that the two-storey building at 118 Koornang Road is constructed of brick (overpainted) and displays a character typical of the late Federation/early Interwar periods, such as rounded parapet, pilasters and classicised motifs. He explained that not every individual building was described in the citation (to be less verbose), which can be rectified if necessary. He explained the designation of a specific architectural style is not a prerequisite of heritage significance; the entire precinct is the “heritage place”.

Mr Hemming proposed to add a line in the description section of the citation for the Carnegie Retail Precinct (HO158) as follows:

No. 118: two storey, tuck-pointed brick (overpainted), smooth rendered piers, roughcast rendered parapet with central arched pediment and festoon, hood over window. Window altered, probably had been box-framed.

120 Koornang Road

The building at 120 Koornang Road is contributory.

The owner of 120 Koornang Road submitted:

- it is described as having pressed metal to the soffits of the cantilevered awning, but this is not described as being original or representative of a particular architectural style or period
- there is no justification presented in the RBA report for it to be contributory
- apart from the complete lack of rigour and mere assertion that this building is contributory, the building does not meet or contribute to Criteria A or E
- it is of no architectural or aesthetic or local historical interest as defined by the applicable planning controls.

Figure 9 **120 Koornang Road**



Mr Hemingway considered that:

- the question is not if No. 120 meets the threshold established by criterion A or E, but whether it contributes positively to the proposed precinct
- the designation of a specific architectural style is not a prerequisite of heritage significance
- the building is a rendered two storey building that displays a character typical of the Interwar period
- the window has been altered but the opening is intact
- the property has been appropriately identified as contributory to the Carnegie Retail Precinct; however, its lack of a concise individual description, bar reference to its retention of a pressed metal soffit, in the citation is readily rectifiable (not all individual buildings were described). Accordingly, the citation can be amended to include a brief description of No. 120 as follows:

No. 120: two storey, smooth rendered piers, roughcast rendered parapet, altered window but opening intact with rendered hood over.

136 Koornang Road

The building at 136 Koornang Road is listed as contributory.

The owner submitted:

- it is described as forming part of a group of seven with a variety of parapet styles. It is said to date to the 1910's to 1920's, in a period described as Federation and Early Interwar. It is not described as having any specific architectural style
- the building does not meet or contribute to Criteria A or E
- it is an old building and is of no architectural or aesthetic or local historical interest.

Figure 10 **136 Koornang Road**



136 Koornang Road (Source: Submission)

Mr Hemingway maintained that most of these sites had been separately identified (or as part of the larger building that they were part of) and a short description provided. They all relate to the period of significance of the precinct, are largely intact, and contribute to its heritage values.

138 Koornang Road

The building at 138 Koornang Road is listed as contributory.

The owner submitted:

- it is described as forming part of a group of seven with a variety of parapet styles date to the 1910's to 1920's, in a period described as Federation and Early Interwar. It is not described as having any specific architectural style
- the building does not meet or contribute to Criteria A or E
- it is an old building and is of no architectural or aesthetic or local historical interest as defined by the applicable planning controls.

Mr Hemingway explained that most of these sites had been separately identified (or as part of the larger building that they were part of), and a short description provided. They all relate to the period of significance of the precinct, are largely intact, and contribute to its heritage values.

Figure 11 138 Koornang Road



139 Koornang Road

A submission made comparing 315 Neerim Road (where no HO is proposed) with 139/141 Koornang Road, highlighted to the Council that 139 Koornang Road should have been identified as contributory, instead of non-contributory.

Council resolved at its meeting on 21 July 2020 to correct the grading of the property at 139 Koornang Road, Carnegie to 'contributory' in the statement of significance for the Carnegie Retail Precinct, including in the map (observing it is currently erroneously graded both 'contributory' and non-contributory') in response to the submission.

148 Koornang Road

The owner submitted:

- it was nonsensical to apply the HO on retail properties that clearly are not and have not been maintained to a standard indicative of any historical significance
- the outer façade of the property has been modernised over the years with aluminium windows / doors
- the features inside the property are also of the same non-significant heritage or historical significance.

Mr Hemingway maintained that the building relates to the period of significance of the precinct, is largely intact, and contributes to the precinct's heritage values.

154 Koornang Road and 154A Koornang Road

The owner submitted that the building:

- is listed as being of contributory significance and is said to be a 'notable' example, however it is not clear what it is a good example of, nor why
- has been substantially altered, with the later addition of the bulk of the building visible along Neerim Road. This part is not original and affects the ability of the whole building to be contributory

- is reported as being distinguished by Art Nouveau style decoration to apex of pilasters, box-framed windows (originally clad in timber shingles). However, the building displays limited elements of the Art Nouveau style and has numerous elements of other styles, therefore cannot be contributory
- is one of numerous examples of the Art Nouveau style in Metropolitan Melbourne.

Figure 12 154 Koornang Road



Circa 1928 photograph
(Source: submission 48)



Original section highlighted
(Source: RBA, 2018)

Mr Hemingway maintained 154 Koornang Road is of the period of significance and is intact. He confirmed that the rear section is a later addition according to an early photograph, circa 1928. The two storey section was extended by an additional bay, likely over the earlier single storey section (as suggested by the curved canopy over the side entrance), and a new single storey section was constructed at the rear. Mr Hemingway explained that change is evident in the brickwork as there is a subtle difference in the colour at the first floor. He considered that it would be possible to designate 154A Koornang Road as not contributory, though it is not identified as a separate parcel of land and the addition is included under the one roof form. Alternatively, he considered its contribution to the precinct can be assessed as part of a permit application process.

In response Council submitted that they initially considered, as 154 and 154A Koornang Road are separately rated, that the latter property could be separately listed as non-contributory. However, it found that given the configuration of the building and tenancy is on the one lot, designating this on a map was difficult.

Rosstown Road

Figure 13 **55 Rosstown Road**



One submission was received that suggested the HO for Carnegie Retail Precinct should be extended along the north side of Rosstown Road including 57 – 67 Rosstown Road and the newly built dwelling at 55 Rosstown Road, which is a single-storey building with traditional design features, including a metal fence.

This matter was not specifically addressed by Council in its submission or Mr Hemingway in his evidence.

Council submitted that most of these sites had been separately identified (or as part of the larger building that they were part of), and a short description provided. They all relate to the period of significance of the precinct, are largely intact, and contribute to its heritage values.

(iv) Discussion and conclusion

The Panel accepts that, fundamentally, it is appropriate that a further assessment of Koornang Road, approximately 20 years after Andrew Ward's original heritage study be undertaken. The more recent review may reveal that areas or periods of development that were once not considered significant are identified as such.

The Panel considers that the precinct meets Criterion A (Historic) and E (Aesthetic) as the precinct clearly has heritage significance in its built form and context and the heritage fabric that demonstrates building typologies and architectural styles is relatively intact.

It is noted that many of the submissions considered the specific buildings against Criterion A and E. However, this is a misunderstanding of the way criteria are assessed and statements of significance are developed. The Heritage Place is the Precinct in its entirety and, as a group of buildings, they demonstrate and contribute to the understanding of the historical development of a key time of influence in Glen Eira (specifically Carnegie) and aesthetically as a collection of buildings of that period.

The Carnegie Residential Precinct is significant for its collection of federation and interwar commercial buildings (and to a lesser extent Post WWII places). The Panel accepts that this period of development was an important period in Carnegie's history. The Panel also accepts Council's proposed change to the Statement of Significance to highlight Post WWII as an important period of development in this precinct (albeit less expressed in fabric).

The shop fronts on Koornang Road, within the boundaries of the proposed Carnegie Retail precinct, are generally intact, especially at the upper floor levels and present as an architecturally eclectic yet cohesive collection of early commercial buildings.

The Panel notes that the submissions for 69, 92, 94, 101A, 106-108, 110, 118, 120, 136, 138 and 148 Koornang Road object to the contributory grading on the basis they do not meet the threshold of significance. Critically, the question is not if the building meets the threshold established by criterion A or E, but whether it contributes positively to the proposed precinct.

The Panel finds that except for 82-84 Koornang Road, all of the buildings represent the period of significance. While they are not individually significant, collectively they contribute to this early streetscape.

Regarding 82-84 Koornang Road, it is clearly not of the period of significance. However, it is located well within the identified streetscape of Koornang Road and surrounded by contributory buildings within the precinct. In this context, a HO is justified on the property to ensure that changes to the building respect the significance and setting of the broader precinct.

The Panel supports the change of construction date for 99A-101A Koornang Road from c1940 to 1936. Further description in the statement of significance for 118 and 120 Koornang Road would assist in explaining why they contribute to the precinct.

The Panel agrees with Council's response that 139 Koornang Road be categorised as contributory as part of the pair with 141 Koornang Road.

The Panel acknowledges the submissions for 154 Koornang Road and agrees that it is a contributory building within the precinct, is prominent on a corner site and clearly within the period of significance. Art Nouveau is an architectural style within this period and even if the specific style is not mentioned within the citation, it is of the late Federation period. Overall, the building has a high degree of integrity and is important to the precinct, especially at its corner location.

The Panel notes that 154A Koornang Road is located immediately to the rear of 154 Koornang Road, on the same lot and is partially under the same roofline. Although an exact date of construction of the rear extension was not provided, it appears that the rear addition was constructed in the early part of the mid twentieth century, with the original hipped roof and first floor extended along the Neerim Road frontage. Although it is not original fabric, it is sympathetic and of the same materials. The Panel considers that it is impractical to designate this minor addition as not-contributory, especially as it is under the one roof.

That said, the rear single storey portion, is a separate structure and can be identified apportioned as non-contributory.

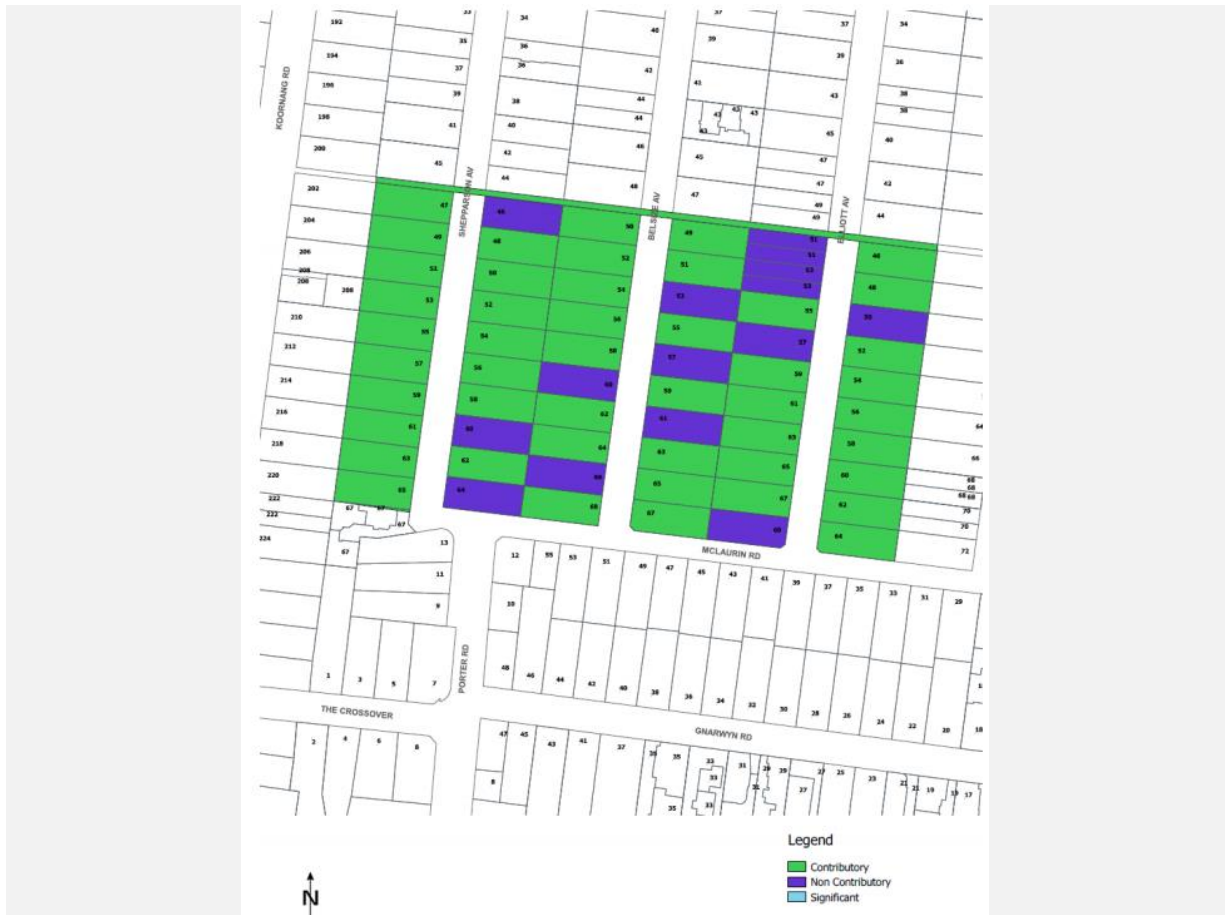
Rosstown Road properties do not historically relate to the retail precinct and no evidence was put forward for the Panel to consider how these buildings historically relate to the precinct.

(v) Recommendation

The Panel recommends:

2. For the Carnegie Retail Precinct (HO158) amend the Statement of Significance for the Carnegie Retail Precinct (HO158) as follows:
 - a) add the following words into the first sentence of the Statement of Significance for the Carnegie Retail Precinct under the heading 'Why is it Significant?'
 - *The Carnegie Retail Precinct is historically significant for the development that occurred primarily during the late Federation and Interwar periods, as well as the Post WWII period, as this section of Koornang Road, and the adjacent streets were rapidly transformed into a 'progressive' retail precinct.*
 - b) Correct the construction date of 99A-101A Koornang Road to 1936 (instead of circa 1940).
 - c) 118 Koornang Road: two storey, tuck-pointed brick (overpainted), smooth rendered piers, roughcast rendered parapet with central arched pediment and festoon, hood over window. Window altered, probably had been box-framed.
 - d) 120 Koornang Road: two storey, smooth rendered piers, roughcast rendered parapet, altered window but opening intact with rendered hood over.
 - e) 139 Koornang Road, Carnegie to be categorised as contributory on the map.
 - f) 154 and 154A Koornang Road: the rear single storey portion is non-contributory.

4.3 Albert Flatman's Estates Precinct (HO177)**(i) Statement of Significance****Exhibited Statement of significance**



Land

46 to 65 Shepparson Avenue, 49 to 68 Belsize Avenue, and 46, 48, 50 to 69 Elliott Avenue, Carnegie.

What is significant?

The Albert Flatman's Estates Precinct consists exclusively of residential buildings that address the adjoining southern sections of Shepparson, Belsize and Elliott avenues, Carnegie. The following elements contribute to the significance of the precinct:

- Largely intact bungalows and houses dating to the Interwar period
- Intact roof forms (transverse gables and tiered gables, hipped and hipped gable/jerkinhead), and cladding, mainly unglazed (Belsize/Elliott avenues) and glazed (Shepparson Avenue) terracotta tiles, including Cordova tiles (Shepparson Avenue)
- Original chimneys
- Original detailing to gable ends, including shingles, weatherboards, battened sheeting and lattice, Intact walls of face brick and/or rendered, either textured or smooth finish (Shepparson Avenue), and painted weatherboards (Belsize/Elliott avenues)
- Original brickwork detailing – plinths, banding, and corbelling
- Original verandahs/porches and faceted bays (Belsize/Elliott avenues)
- Original fenestration, including timber box-framed casements (Belsize/Elliott avenues) and casement/sashes configurations (Shepparson Avenue), all leadlighting, frosted and textured glazing, and doors

- Original fences, including 'Cyclone' woven wire (Belsize Avenue) and low brick fences (Shepparson Avenue)
- Original concrete driveways, especially those with a central grass island, and crossovers
- Original subdivision pattern, Consistent setbacks, Basalt pitchers to kerbs, channels and laneway
- Complementary street plantings, including Prunus trees (Shepparson Avenue) and Kurrajong (*Brachychiton populneus*) and paperbarks (*Melaleuca*) (Belsize and Elliott).

How is it significant?

The Albert Flatman's Estates Precinct is of local historical and aesthetic significance to the City of Glen Eira.

Why is it significant?

The Albert Flatman's Estates Precinct is of historical significance for its ability to illustrate the expansion of residential development in the Carnegie district over the Interwar period, particularly the transition from semi-rural usages, such as the Flatman's nursery, to the rapid consolidation of a suburban landscape over the 1920s and 1930s. Subdivided in stages by Albert Flatman, it was mostly developed by two builders – Leslie George Broadbent and the Hodges brothers (Frederick Charles and George William) – in distinct and intensive phases and so provides insight into the mechanics of this growth. The precinct demonstrates the pervasiveness of the contemporary ideal of detached homes in a garden setting. (Criterion A)

The Albert Flatman's Estates Precinct is of aesthetic significance for its array of good and intact Interwar period residences and pattern of subdivision, both largely intact, and landscaping and public domain elements, including original fencing, driveways, crossovers, typical Interwar period street plantings and basalt kerbing. There are two distinct groups of dwellings: weatherboard Californian bungalows in Belsize and Elliott avenues, constructed during the mid-1920s, and a group of brick/rendered houses and bungalows in Shepparson Avenue, erected during the 1930s/early and 1940s. Within the latter group, there are examples of several contemporary styles, including Spanish Mission/Mediterranean, Arts and Crafts (bungalows), Georgian Revival, and Old English/Tudor Revival. Collectively, such elements combine to produce a concentration of typical Interwar period development. A consistent array of detailing is also evident in the two groups, which serves to subtly distinguish these examples from others in the municipality and is associated with the two builders responsible for most of the construction. (Criterion E)

(ii) The issue

The issue is whether the application of HO (HO177) to land within the Albert Flatman's Estate's Precinct is appropriate and has been justified.

(iii) Evidence and submissions

62 Belsize Avenue

The owner of the property submitted that, although it is of California Bungalow style, the dwelling was constructed in 2001 and does not meet the tests for heritage protection.

Both Mr Hemingway and Council agreed with the submitter that the dwelling was built in 2001 and does not constitute heritage fabric. In this context, Council agreed to amend the listing

at 62 Belsize Avenue, Carnegie to 'non-contributory' in the statement of significance and the citation for the Albert Flatman's Estate's Precinct.

67 Belsize Avenue

The owner of the property sought reclassification of 67 Belsize Avenue from contributory to non-contributory based on the following grounds:

- The citation states that the property is not consistent with the other dwellings on Belsize Avenue based on its construction material (brick instead of timber); roof (hipped instead of gable); and decade (1940s instead of 1920s).
- While the citation mentions that the property shares some characteristics with dwellings on Shepparson Avenue, there are deviations in appearance. For example, the property does not have a low fence style; the porch does not have arches or additional details; and front windows do not have lead lights.
- The citation does not indicate the dwelling was built by either of the two significant builders of the era (Leslie George Broadbent or the Hodges brothers).

Mr Hemingway referred to the heritage citation which includes the following assessment:

The house at 67 Belsize Avenue is the only original brick example (erected about 1940) in the context of these two streets, which were otherwise exclusively comprised of timber bungalows. In format, it relates to the typical range of the other late Interwar period houses in Shepparson Avenue being largely rendered with some face brick detailing (plinth to the windows, etc.) and having a hipped roof.

The citation acknowledges the property is atypical however it has been assessed as broadly in line with development elsewhere in the precinct. Mr Hemingway agreed that the property's fence is non-original however the dwelling should continue to be contributory and the statement of significance adequately justifies this.

Council maintained 67 Belsize Avenue should remain unchanged.

52 Shepparson Avenue

The owner strongly opposed the HO on their property. They submitted the dwelling was largely renovated and rebuilt in 1980s, the driveway was re-built, the fence is rendered, and the condition of the building requires significant work, including issues with mould.

In his evidence Mr Hemingway considered that the dwelling is typical of the masonry examples in the vicinity and whilst it may have been partly changed, it appears consistent with the heritage character in this part of the proposed precinct.

Shepparson Avenue

One submitter supported the amendment and noted that some of the older-style buildings at the southern end of Shepparson Avenue should have the HO applied, including on the western side of the street (No's. 63, 61, 59, 55 and 53), and on the eastern side, such as 56, which have old entrances and seem to have been built by the same builder.

(iv) Discussion and conclusion

The Panel considers the Precinct strongly demonstrates the main period of development of Carnegie during the interwar period and that the basis of the findings of the heritage study and statement of significance is sound.

Having accepted that the Precinct has reached the threshold of significance, whether places are contributory or not and the drafting of the Statement of Significance are central considerations. Elements which contribute to the significance of the Precinct are listed in the Statement of Significance. These have been used to make the following property-specific assessments.

62 Belsize Avenue

The Panel concurs with the submitter and Council that the dwelling at 62 Belsize is not original and not contributory. The Panel concludes the property should be listed as non-contributory in the Statement of Significance.

67 Belsize Avenue

This dwelling is of the style constructed in the late interwar period within the period of significance. It demonstrates the key elements of the period including roof line, materials, brickwork banding, porch details. The dwellings in the street do not all have to be the same, and the period is one where there are variations.

The Panel concludes that the property is contributory to the precinct.

52 Shepparson Avenue

The Panel notes that there have been considerable changes to the dwelling at 52 Shepparson Avenue including a second storey addition with a minimal setback and rendered fence and roof tiles that are not original. The second storey addition is not wholly sympathetic.

The fence has been rendered and while it is altered original fence, this alteration does not compromise the overall contribution that the dwelling makes to the interwar streetscape. The dwelling is clearly a bungalow and retains key architectural features of the bungalow style.

In relation to the issue of condition and mould, at this stage, this is not a matter that determines whether a place should have the HO applied. How the issue of mould is dealt with is a matter for a future time at the discretion of the owner.

The Panel notes that the properties 53 to 63 Shepparson and 56 Shepparson Avenue are already included in the proposed precinct as contributory places.

The Panel concludes that the property at 52 Shepparson Avenue is contributory to the precinct.

(v) Recommendation

The Panel recommends:

- 3. For the Albert Flatman's Estates Precinct (HO177) amend the Statement of Significance to categorise 62 Belsize Avenue, Avenue as a non-contributory property.**

4.4 Carnegie Residential Precinct (HO178)

(i) Statement of Significance

Exhibited Statement of significance



Land

Carnegie: 2-24 (evens only) and 21-23 Buckley Street; 9-17 (odds) and 19-25 (odds) and 20- 22 Byron Street; 1-13 Cosy Gum Road (odds); 1-24 Edgewood Street; 24, 26, 28, 34, 46, 58 Grange Road; 1-49 (odds) and 2-48 (evens) Holywood Grove; 1-27 McPherson Avenue; 8-22 (evens) Mile End Road; 1-15 (odds) and 2-8 Milton Street; 81-91 Mimosa Road; 1-31B (odds) and 2-34 (evens) Munster Avenue; 214-242 Neerim Road (excluding no. 234); 2-20 Seymour Avenue.

What is significant?

The Carnegie Residential Precinct includes some of the land in the north-west corner of the suburb that is broadly bound by McPherson Avenue (to the north), Grange Road (west), Neerim Road (south), and Cosy Gum/Mile End/Mimosa roads (east). It consists exclusively of residential buildings. The following elements contribute to the significance of the area:

- Dwellings mainly dating to the Federation period with some dating to the Interwar period
- The Federation period buildings are typically clad in weatherboards and have a main gambrel roof clad in corrugated sheet metal with a front gable end
- The Interwar period buildings are either timber-framed or masonry (brick and/or render) with gabled or hipped roofs with tiling (un/glazed terracotta, some concrete), generally masonry porches
- Original detailing to gable ends including shingles, battens and sheeting (roughcast or smooth)
- Original chimneys, usually red brick, some with rendered elements
- Intact walls with cladding (usually weatherboards, but also shiplap, ashlar boarding etc.),
- Intact walls with face brick (red, clinker, tapestry) and/or rendered (roughcast and smooth finishes)
- Intact timber openings – windows and doors. Some windows have multi-pane sashes, stained glass and/or leadlight
- Original or sympathetic timber picket fencing or timber-framed with wire mesh, some original low masonry fences
- Basalt kerbing and channelling
- Street planting, primarily south side of Craigavad Street.

How is it significant?

The Carnegie Residential Precinct is of local historical and representative significance to the City of Glen Eira.

Why is it significant?

The Carnegie Residential Precinct is of historical significance for the ability of its built form to illustrate the main phase of middle-class development during the early 20th century in Carnegie. Although some subdivision had occurred during the late 19th century with only limited development, there was a surge in building activity during the Federation period. This continued to a lesser degree during the Interwar period. As such, the precinct reflects the initial consolidation of Carnegie's suburban identity (which is considerably erased in other parts). The consistency of particular (types of) detailing in certain streets also demonstrates speculative builders at work. (Criterion A)

The Carnegie Residential Precinct is of representative significance as containing several, largely intact streetscapes, whose original subdivision pattern is apparent. The housing stock predominantly consists of economic versions of Queen Anne style villas that are timberframed with corrugated metal clad roofs and an array of decorative detailing. There is also some complementary housing dating to the Interwar period with a higher preponderance of brick dwellings and/or tile clad roofing. Recurrent detailing is apparent, suggesting the hand of certain (local) builders. (Criterion D)

(ii) The issue

The issue is whether the application of the HO to the Carnegie Residential Precinct (HO178) is appropriate and justified.

(iii) Evidence and submissions

One submission was received in support of the Amendment.

Twelve submissions opposed the application of the HO or the categorisation of their property. They were critical of previous Council decisions to allow multi-unit development in the area, especially around Milton Street and Munster Street. They considered that it was too late to apply the HO. Alternatively, other submissions considered that the HO would be too restrictive and that more diverse housing should be encouraged in the area.

The owner of 22 Byron Street opposed the HO as it would disrupt opportunities for redevelopment of their particular property. They wanted further clarification as to why their place was considered a candidate for the HO.

The owner of 2 Milton Street considered that there are too many dwellings in Milton Street that have been altered and the HO was too restrictive.

Mr Gribbin attended the Hearing and submitted that the area was experiencing significant pressure for development. While his written submission did not support the HO, at the hearing he expressed concern about changes to his neighbourhood which he considered did not respect the heritage and general character features of Milton Street and surrounds.

Mr Hemingway submitted that:

- the precinct boundaries were determined according to where there is a high percentage of intact original fabric that results in cohesive streetscapes of significant fabric being retained
- inevitably there are some non-contributory buildings in these areas, but indicated the standard industry approach is to limit this number or percentage
- the parts of Milton Street where the HO is proposed to be applied remain cohesive and reflect the early subdivision pattern
- given change over time, and when the heritage assessment work is undertaken, it is common that only sections of some streets are included in the heritage precinct – that is those sections where there is limited change - with the corollary being that the sections with a high concentration of non-original/significant fabric are excluded.
- Overall, the dwelling at 8 Milton Street, Carnegie is part of a consistent group of original housing stock at the north end of the west side that is complemented by a similar, but more diverse group on the east side of the street. Whilst one of two smaller, cul-de-sacs (along with Byron Street), and seemingly separate to the rest of

the precinct, their history of development and character is the same as those in the more inter-connected nearby streets to the north and east in the proposed precinct.

Mr Hemingway maintained 22 Byron Street is typical of the timber-framed Federation period dwelling stock in the precinct and is intact. As such, it has been assessed as contributing to the precinct.

Considering some further historical research undertaken as part of his evidence, he recommended that a more precise construction date be applied for 9 Milton Street; that it was completed by 1918.

Council provided a response to submissions in relation to matters of property value, freedom to development and condition, which is considered earlier in this report.

(iv) Discussion and conclusion

The Panel notes that while most of the submissions received in relation to the Carnegie Residential Precinct were concerned about the application of the HO, they did not challenge the grading of their individual property. The Panel notes Mr Hemingway's assessment of 22 Byron Street and concurs that it is a good example of a late Federation dwelling and contributes to the Byron Street heritage streetscape.

Council clarified at the hearing that most of the area that is proposed to be covered by the HO is also now included within the Neighbourhood Residential Zone, which significantly limits redevelopment of lots. The Panel notes that the HO does not mean that development cannot be undertaken. In this case, the Neighbourhood Residential Zone, which applies to much of the precinct, is the planning mechanism that will restrict development.

The Panel notes that, while there are several incursions of non-contributory places within the precinct, overall the precinct has integrity and warrants inclusion within the HO.

The Panel notes Mr Hemingway's clarification regarding the construction date of 9 Milton Street and that the citation ought to be amended accordingly.

(v) Recommendation

The Panel recommends:

- 4. For Carnegie Residential Precinct (HO178) amend the citation for 9 Milton Street, Carnegie in the Statement of Significance to note the dwelling was constructed in 1918.**

5 Individual places

5.1 Centre Arcade and Neon Sign, 325 Centre Road (HO162)

(i) Statement of Significance

Exhibited Statement of significance



What is significant?

The two storey shopping arcade and 'Star Dance Studio' neon sign at 325 Centre Road, Bentleigh. Notable detailing to the upper level of the façade includes the main aluminium framed panelling (bands of glazing and alternating yellow and mauve coloured panels) and the umber bricks to the side walls. Significant elements include the intact interiors to the common areas of the building, ground and first floors, including the granolithic floors, balustrade, light fittings, and the shopfronts (tiling, frames, highlight windows, and doors).

How is it significant?

The Centre Arcade and Neon Sign are of local historical and aesthetic significance to the City of Glen Eira.

Why is it significant?

The Centre Arcade & Neon Sign is historically significant as a Post WWII period arcade in the Bentleigh shopping centre with its original signage. The well-resolved, progressive design utilised demonstrates the substantial commercial development that was occurring in Bentleigh at this time. It also demonstrates the importance of shopping areas in the daily life of communities in suburban Melbourne. In addition, the Star Dance Studio has occupied the first floor continuously since the early 1960s. (Criterion A)

The Centre Arcade, built in 1959 is aesthetically significant as a remarkably intact and relatively uncommon example of a suburban mid-20th century shopping arcade in the International style. Designed by the architects Forsyth & Dyson, it is notable for the

prismatic configuration of its upper level façade and the original neon sign installed in the early 1960s. (Criterion E).

(ii) The issue

Whether the statement of significance is adequate and provides enough guidance for future development.

(iii) Evidence and submissions

Mr Stanojevic, on behalf of Rusham Pty Ltd, submitted that they did not dispute the heritage significance of the building, but the focus of the submission was to refine the statement of significance to provide more guidance for future development of the site. As the carpark at the rear may be able to support significant development as part of Amendment C184, there is an opportunity now to eliminate future confusion by more specifically stating what is significant and not significant about the building.

Mr Briggs considered that, there is a problem when Design and Development Overlays (DDOs) that introduce height and setback controls are not prepared in concert with Heritage controls. He considered that this is a site that is likely to be developed and that by not providing more guidance in the statement of significance, the document is less useful and introduces ambiguity, especially when DDOs are eventually introduced.

It was his view that just because it is original, it does not mean it is important. It is entirely possible to define what is significant in terms of fabric on the façade and how the rear presentation is ordinary and unremarkable and has no historic or aesthetic value. He considered that without further guidance in the statement of significance, all parts of the building could be construed as having aesthetic significance, when this is not the case regarding the rear.

In Mr Briggs view, the Scheme's heritage policy at present is too vague and is almost meaningless, with wording such as "*well set back*" providing little guidance. He considered that 15 metres airspace" would provide guidance to Council.

Mr Hemingway considered that 325 Centre Road is a rare and intact commercial building and is the only place proposed to have internal controls.

He agreed that the rear part is less distinctive than the front part however as original fabric, it still contributes to the overall significance of the building. Regarding the submission, he advised that it is not usual practice to allocate "not significant" to the rear part of the building where it is original fabric. Furthermore, identifying "airspace" as not significant is not a practice that he had come across, especially in a suburban context.

Mr Hemingway agreed that one could prepare an incorporated plan to provide more direction about how development might be considered on the site, however that is not the role of the statement of significance.

(iv) Discussion and conclusion

The Panel considers that the statement of significance is clear and does not need to be changed. It identifies the entire building as having historic and aesthetic significance and goes further to specifically mention elements of the building that are of particular significance.

While it is usual practice to specifically mention parts that are not contributory within a statement of significance, these are usually elements of the building that are not original or have been highly modified.

One of the highlights of this building is both its intactness and integrity and it is a building that functions from front to rear, with pedestrians passing through the entire building. The Panel agrees with Mr Hemingway's position that specifically highlighting elements of a building that are original as "non-contributory" or having no role in the overall significance of the place, especially when they are integral to the function of the arcade building, does not make sense. It is sufficient to highlight features of particular importance to ensure that they be treated with extra sensitivity. However, the Panel does not consider that it is appropriate to allocate "not significant" to original fabric in anticipation of future development. The relative importance and function of the rear part of the building should be considered at the time a development proposal is prepared.

The Panel concludes that the statement of significance for 325 Centre Road, Bentleigh does not require changing and is adequate.

5.2 Former Methodist Church, 254 Neerim Road and 1A Toolambool Road (HO47)

(i) Statement of Significance



Exhibited Statement of significance

Land

254 Neerim Road and 1A Toolambool Road

What is significant?

254 Neerim Road and 1A Toolambool Road, Carnegie, the former Carnegie Methodist Church, is a small Federation Arts and Crafts inspired red brick and stucco building, with picturesque details. The former church retains some of its original fabric but has undergone internal and external alterations to accommodate two residences, including; the addition of a stair tower, the addition of windows to all facades, the removal of the slate roof over the rear vestry and the creation of balconies and the removal of gable infill detail.

The prominent corner setting contributes to the significance of the place but the adjacent developments and the conversion to residential use and removal of architectural details have reduced its aesthetic significance.

As the rendered elements of the former church façade are painted, it is appropriate to implement paint controls to ensure a complementary colour scheme is applied to the exterior of the building.

The original timber church at 1 Toolambool Road, though extant is not significant as it has been compromised by development surrounding this building.

How is it significant?

The former Carnegie Methodist Church is of local historical, aesthetic and social significance to the City of Glen Eira.

Why is it significant?

The former Carnegie Methodist Church, built 1914, is historically significant at a local level as it shares the site of the first timber Methodist Church (1886) in Carnegie, which it supplanted as the suburb became more established and populated during the Federation period. It reflects this period of growth in Carnegie and the Methodist origins of many of the early Carnegie settlers. [Criterion A]

The small red brick and stucco building is aesthetically significant as an unusual and picturesque design in the Arts and Crafts style. [Criterion E]

The former church is socially significant for its role in celebrating important life events in the Carnegie community for a number of generations and different congregations from 1914 till 2009. [Criterion G]

(ii) The issues

The issues are whether the:

- replica wooden church building, and its land is worthy of inclusion of the HO
- extent of the HO should be reduced
- Statement of Significance is adequate.

(iii) Evidence and submissions

Three submissions opposed the removal of the HO and one submission was received in support.

As background, Council explained that a planning permit application was issued in 2008 for the use and development of a childcare centre on the land at 1 Toolambool Road, which accommodated a dwelling and the original wooden church. At this time, the HO applied to part of this land (covering the 1880s wooden church) and to 254 Neerim Road, where the 1924 church is located. Following a series of amendments to the planning permit for the childcare centre, permission to demolish and reconstruct the 1880s wooden church was granted.

Council submitted that the timber church hall erected on the land at 1 Toolambool Road no longer constitutes original heritage fabric and is instead a reproduction circa 2012. The remainder of the land at 1 Toolambool Road included in the HO is developed with a contemporary childcare centre of no heritage value. For these reasons, Council submitted 1 Toolambool Road ought to be removed from the HO47, while 1A Toolambool Road and 254 Neerim Road remain included. Council's position is supported by Heritage Alliance, who prepared the proposed revised citation and statement of significance, which was exhibited in this Amendment.

One submission, opposing the removal of the HO, submitted that sections of the existing timber church on the land at 1 Toolambool Road have been altered through development, although the original structural design and style of the timber church have remained. They consider that it complemented the architectural and significance of 1A Toolambool Road and 254 Neerim Road (the former Methodist Church as a whole).

The submission argued that:

- on the northern side (rear) of 1A Toolambool Road the vestry slate roof was removed to create a balcony, windows and glass doors, which provides the primary light source for the ground, first and second floors
- to remove 1 Toolambool Road from the HO would greatly compromise the amenity of 1A Toolambool Road if it was sold and redeveloped in the future
- that ‘the original look’ of the wooden church is still visible as part of the childcare centre’s design and important to the way the whole parcel of land (1 Toolambool, 1A Toolambool and 254 Neerim Road) retains some of the original significance of the property.

A further submission submitted that the former wooden church is still perceptible behind the fencing and outdoor play areas for the children. Its overall height is harmonious with the brick church and adjoining properties in Toolambool Road and the large tree in the back of the childcare centre is a big asset and worthy of protection. 254 Neerim Road is part of the ensemble of the church complex.

Council’s heritage expert Mr Hemingway did not present any formal evidence in relation to this property. He did advise at the hearing that, to his knowledge, the wooden church was a replica and not to the same specifications as the original.

(iv) Discussion

The fact that the HO is proposed to be deleted because the design response has undermined the significance of the site, is a disappointing outcome. It appears that there was an intent to respond to the heritage significance of the site by acknowledging the original wooden church through reconstructing it however this was not executed in a manner that was sensitive to the original fabric of the site.

The Panel has several concerns with the Council’s approach to this property.

Firstly, the original statement of significance for this property highlights the history of the overall site and the sequential development of the church complex from the 1880s onward, including the various church buildings and their relationship to each other. This is a site with a long history within the context of Carnegie and it goes beyond just the 1914 church.

Secondly, the replica church building in its siting, and even with the modern landscape intrusions due to the childcare centre, still conveys as part of a complex of church buildings, with the 1914 church and 1886 timber church replica fronting Toolambool Road. In other words, it still “reads” as a complex.

Thirdly, the re-drafted statement of significance is very unclear in its wording regarding 1 Toolambool Road where it states, *“the original timber church at 1 Toolambool Road, though extant is not significant as it has been compromised by development surrounding this building.”* The Panel understands that the reason for deleting the HO is that the timber church is no longer original but an entire replica. The wording of the statement of significance is not

at all clear in this regard and instead refers to unsympathetic development around the building.

Regarding the role of the HO in protecting the amenity of 1A Toolambool Road, the Panel does not consider that this is the role of the HO and should not influence whether the place remains in the HO. What the HO should do, however, is manage the relationship between the buildings and other key parts of the church complex.

(v) Conclusions and recommendation

Council's heritage expert did not present any formal evidence in relation to this property, and while the Panel sought Mr Hemingway's opinion on general policy and practice of replicas, he was not able to provide the Panel with a definitive opinion on the matter.

If we are considering the wooden church on its own, then there is a case to argue that it no longer has original fabric or that the replacement building is not of such high integrity (such as the rebuilt St Kilda Pier kiosk) and the HO ought to be removed. The Panel considers however, that in the context of the overall church complex site, the replica has interpretive value and provides an understanding of the historical context and development of the site. It is still a heritage place; its historical context is still evident in the placement of the buildings and the spaces between them.

In this context, the Panel concludes that the HO should not be deleted and the statement of significance should be amended to clearly state that the timber church building is a replica and has an interpretive function in the context of the overall site.

The Panel recommends:

- 5. For Former Methodist Church, 254 Neerim Road, 1 and 1A Toolambool Road (HO47)**
 - a) retain 1 Toolambool Road (HO47) and Map 2HO**
 - b) amend the current Statement of Significance to clearly state that the timber church building is a replica and has interpretive value in the context of the overall site.**

5.3 Rosstown Hotel, 1084 Dandenong Road, Carnegie (HO157)

(i) Statement of Significance



Exhibited Statement of significance

Land

1084 Dandenong Road, Carnegie

What is significant?

The Interwar period Rosstown Hotel at the corner of Dandenong and Koornang roads, primarily the original two storey section with bellcast roof and the adjoining original single storey section with hipped roof section to Koornang Road. Of particular significance are the principal elevations to Dandenong and Koornang roads, including the parapets, tile clad roofs, the wide eaves and coved soffits of the bellcast roof, configuration of the original openings, French doors and fanlights to the balconies, balconies and their balustrades, and the tiled dado. The later, single storey sections to the south and west of the main building are not significant. As the rendered walls of the building are painted, it is appropriate to have paint controls so that a complementary colour scheme is applied to the building, especially in light of the original dado tiling.

How is it significant?

The Rosstown Hotel is of local historical and aesthetic significance to the City of Glen Eira.

Why is it significant?

Historically, the Rosstown Hotel is significant as a prominent Interwar period hotel built along the main, historic route from Melbourne to Gippsland, that replaced earlier buildings, the first having been established by 1878. The construction of a new hotel in place of an earlier Victorian one illustrates the rapid development and renewal which was occurring in Carnegie at this time. (Criterion A)

Built in 1926-27, the Rosstown Hotel is aesthetically significant as an intact Interwar period hotel constructed in a prominent position at the entrance to the Carnegie village from Dandenong Road. The resolved and contemporary design in the Georgian Revival style by Joy & McIntyre reflects a key growth phase in Carnegie and the desire for commercial buildings to reflect progressive tastes and trends. Of note are the bellcast roof with coved soffits and general level of intactness including pattern of openings and the dado tiles. (Criterion E)

(ii) The issues

The issues are whether the:

- exhibited extent of the HO on the hotel is justified
- revised extent adequately recognises the heritage values of the site.

(iii) Evidence and submissions

The owner objected to the application of the HO to the entire parcel of land at 1084 Dandenong Road, Carnegie and in their submission requested that the extent should relate only to that part of the building which is of heritage significance (and not the single storey contemporary extensions to the south and west which are acknowledged in the citation as not being of heritage significance).

In his evidence Mr Hemingway advised that he assisted Council with identifying a reduced extent of the HO to the north-east corner of the larger consolidated parcel of land at 1084 Dandenong Road, Carnegie. This related to the original terracotta tiled clad roof sections of the hotel – single and double storey – as well as the various elements which extend into the public domain over the footpath.

It was Council's position that generally it is common practice to apply the HO to the whole parcel of land, unless it is a large rural property. However, in this case, as the site is large, it

would also be possible to restrict the HO to the original/significant part of the hotel with some curtilage.

In responding to the submission, Council agreed to reduce the extent of the HO to extend five metres to the west of the building and south from the terracotta tile clad roof sections of the original fabric of the Hotel.

Council resolved at its meeting on 21 July 2020 to:

- modify the extent of HO applying to the land at 1084 Dandenong Road, Carnegie (HO157) in the manner shown in the amended planning scheme map
- inserting the following text in column 2 of the Schedule to Clause 43.01 in the column 'Heritage place',

The heritage place comprises the original fabric of the Rosstown Hotel (including the roof overhang with rainwater goods (downpipes and rainwater heads) and balconies to the street facades of Dandenong Road and Koornang Road, Carnegie).

Prior to the Hearing, the Panel was advised by the submitter that the matter was resolved to its satisfaction and did not wish to appear at the Hearing.

(iv) Discussion and conclusion

The original hotel building sits on the corner of a much larger site, which includes contemporary additions and carpark.

The approach that Council has taken in response to the submission, in refining the extent of the HO is appropriate in the context of the site and continues to recognise and protect original fabric and the site's context.

The Panel concludes that the proposed extent of the HO as proposed by Council and agreed by the submitter is justified.

(v) Recommendation

The Panel recommends:

6. For Rosstown Hotel, 1084 Dandenong Road, Carnegie (HO157):

- a) amend the HO Map to apply the Heritage Overlay to the original hotel building and 5 metres to the west and south from the terracotta tile clad roof sections.
- b) insert the following text in column 2 of the Schedule to Clause 43.01 in the column 'Heritage place':

The heritage place comprises the original fabric of the Rosstown Hotel (including the roof overhang with rainwater goods (downpipes and rainwater heads) and balconies to the street facades of Dandenong Road and Koornang Road, Carnegie) and a curtilage extending for a distance of five metres to the west and south from the terracotta tile clad roof sections of the original fabric of the Rosstown Hotel.

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	John Zhuang	29	Con Lakoumentas
2	South East Water	30	Neilos Tsarpalas (3 rd)
3	Environment Protection Authority	31	Neilos Tsarpalas (4 th)
4	Tamara Dermer	32	John Tsarpalas
5	Mark Keillor	33	John Tsarpalas (2 nd)
6	Alan Gribbin	34	Neilos Tsarpalas (5 th)
7	Yuanqing Jiang	35	Peter Tsarpalas
8	Mark Keillor (2 nd)	36	Neilos Tsarpalas (6 th)
9	Harry Moutsokos	37	Ravis Sharma
10	Angela Moutsokos	38	Eric Cohen
11	Suzette James-Nevell	39	Shaun Collard
12	Yong Zhu	40	Dongsheng Yuan
13	Suqiong Wang	41	Andrea Mastrogiannis
14	Chiang Li	42	Ross and Meredith Plunkett
15	Leif Nevell	43	Nicole Krischock
16	Melinda Green	44	Jeremy Reynolds
17	Stan Papageorgiou	45	Marie Cosgrave
18	Matthew Dry	46	Amanda Johns
19	Brett O'Mara	47	Denise McGowan
20	Rusham Pty Ltd	48	Mark Keillor (4 th)
21	Nimisha Sharma	49	Meryl Alexander
22	Anna and Belinda Plotkin	50	Jennifer and Robert Gault
23	Sian Holm	51	Chelci Cox
24	Mark Keillor (3 rd)		
25	Gregor Ptok		
26	Nikandros Lakoumentas		
27	Neilos Tsarpalas		
28	Neilos Tsarpalas (2 nd)		

Appendix B Document list

No.	Date	Description	Presented by
1	4/9/20	Council letter re Benon Pty Ltd	Marcus Lane Group
2	7/10/20	Benon Pty Ltd letter	Minter Ellison
3	19/10/20	Council's Part A submission	Marcus Lane Group
4	19/10/20	Mr Hemingway's expert evidence statement	Marcus Lane Group
5a	19/10/20	Plan identifying the location of submitters and areas affected by the Amendment in accordance with Direction 17: Bentleigh (25558.1)	Marcus Lane Group
5b	19/10/20	Plan identifying the location of submitters and areas affected by the Amendment in accordance with Direction 17: Bentleigh (25559.1)	Marcus Lane Group
5c	19/10/20	Plan identifying the location of submitters and areas affected by the Amendment in accordance with Direction 17: Carnegie (25553.1)	Marcus Lane Group
5d	19/10/20	Plan identifying the location of submitters and areas affected by the Amendment in accordance with Direction 17: Carnegie (25553.1)	Marcus Lane Group
6	19/10/20	Benon Pty Ltd letter confirming non-attendance at Panel as Council supports submission	Minter Ellison
7	19/10/20	Mr Briggs' expert evidence statement on behalf of Rusham Pty Ltd	Mr Stanojevic
8	27/10/20	Council Part B submission and attachments	Marcus Lane Group