

**Glen Eira Planning Scheme Amendment C214glen
Heritage Review and Thematic Environmental History**

Panel Report

Planning and Environment Act 1987

2 September 2021

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 to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

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

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

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

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Glen Eira Planning Scheme Amendment C214glen

2 September 2021



Con Tsotsoros, Chair



Philippa Crone, Member

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Glossary and abbreviations

Council	Glen Eira City Council
DELWP	Department of Environment, Land, Water and Planning
GEHS	Glen Eira Historical Society
Heritage Review	City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations
NCO	Neighbourhood Character Overlay
PE Act	<i>Planning and Environment Act 1987</i>
Thematic History 2020	City of Glen Eira Thematic Environmental History (Refresh) 2020
VCAT	Victorian Civil and Administrative Tribunal
VHR	Victorian Heritage Register
WW2	World War 2

Overview

Amendment summary

The Amendment	Glen Eira Planning Scheme Amendment C214glen
Brief description	The Amendment proposes to implement the recommendations of the <i>City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations</i> by applying the Heritage Overlay to four new heritage precincts and 34 individual heritage places
Subject land	Land in Bentleigh, Bentleigh East, Caulfield, Caulfield North, Caulfield South, Elsternwick, McKinnon, Murrumbeena and St Kilda East identified in Table 1
Planning Authority	Glen Eira City Council
Authorisation	18 September 2020, subject to conditions
Exhibition	29 October to 30 November 2020
Submissions	<p>Submissions were received from:</p> <ol style="list-style-type: none"> 1. Marcus Jankie 2. Isaac and Aliza Taubman 3. Environment Protection Authority 4. St John's Anglican Church 5. Katina and Peter Yiannoudes 6. Joe and Pesa Gottlieb 7. Susan Smith 8. Terry and Koralia O'Keefe 9. Hannah and Ari Nirim 10. Ron and David Popper 11. Arthur Zattelman 12. Yonah Baker 13. Robert Lehrer and Melissa Castan 14. Murrumbeena Baptist Church 15. Kira and Joseph Rogers 16. Anthony Rockman 17. National Trust of Australia (Victoria) 18. Glen Eira Historical Society 19. Arnold, Aharon Will and Clara Will 20. Adam Broder 21. Claudia Grimberg and Anthony Klotz 22. David Khoen 23. Jonathan Morton 24. Patrick Mader and Tullia Gillary

Panel process

The Panel	Con Tsotsoros (Chair), Philippa Crone
Directions Hearing	By video conference, 17 June 2021
Panel Hearing	By video conference, 26 July 2021
Site inspections	Unaccompanied, 22 July 2021
Parties to the Hearing	<ul style="list-style-type: none"> - Glen Eira City Council represented by Adeline Lane of Marcus Lane Group - Ari and Hannah Nirim - David Taubman - Glen Eira Historical Society represented by Anne Kilpatrick - Joe and Pesa Gottlieb represented by Joe Gottlieb - Joseph and Kira Rogers represented by Joseph Rogers - Murrumbeena Baptist Church represented by Brett Inder - National Trust of Australia (Victoria) represented by Felicity Watson - Susan Smith represented by Bruce Smith
Citation	Glen Eira PSA C214glen [2021] PPV
Date of this report	2 September 2021

Executive summary

Heritage is identified throughout planning, from the *Planning and Environment Act 1987* (the PE Act) through to State and local planning policies in the Glen Eira Planning Scheme (Planning Scheme). PE Act objectives include:

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

These objectives are reflected in State planning policies and Council's own local planning policies in the Planning Scheme. Clause 71.02-3 (Integrated decision making) of the Planning Scheme states:

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Glen Eira City Council (Council) is commended for acknowledging its responsibility set out in the PE Act and in planning policy to identify, assess and appropriately protect heritage of local significance. It sought to achieve this by engaging professionally qualified and experienced heritage consultants, Built Heritage Pty Ltd, to conduct its review. Built Heritage prepared the *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations* (Heritage Review). The term 'hidden gems' refers to pre-War heritage properties.

Early in the process, the heritage consultants identified shortcomings with the Glen Eira Thematic Environmental History. Council engaged the consultants to refresh the document.

In August 2020, Council adopted the Heritage Review and revised Thematic Environmental History.

Glen Eira Planning Scheme Amendment C214glen (the Amendment) proposes to:

- implement the recommendations of the Heritage Review by applying the Heritage Overlay to four new heritage precincts and 34 individual heritage places
- reference the City of Glen Eira Thematic Environmental History (Refresh) 2020 as a Background Document in the Planning Scheme.

Council exhibited the Amendment from 29 October to 30 November 2020 and received 24 submissions. General issues raised in submissions related to building condition and intactness, development opportunity and financial implications, maintenance and property value. Most submissions objected to the Heritage Overlay being applied to their property, the extent to which the overlay was proposed to be applied, elements of their property being categorised as significant or how their property was described in the heritage citation or statement of significance.

At its 27 April 2021 meeting, Council considered the submissions and resolved to note its intention, for the purpose of advocacy at the Hearing, to abandon applying the Heritage Overlay to any individual place and precinct which received an objecting submission. This includes places where submitters raised issues but did not object to the Heritage Overlay.

Strategic issues

The Heritage Review has applied a robust methodology and is generally based on well researched assessments to reach its findings. There is no apparent reason to question the Thematic History 2020 report, and it can be considered when assessing properties subject to the Amendment.

The Amendment, in its exhibited form:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- consistent with the relevant Ministerial Directions and Practice Notes
- well founded and strategically justified.

The Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in this report.

Council's intention to abandon applying the Heritage Overlay based on objecting submissions rather than strategic merit does not align with the PE Act objectives, State and local planning policy and Clause 71.02-3 of the Planning Scheme. The PE Act and Planning Scheme require strategic planning to consider the social, economic and environmental effects at a broader community level for present and future generations. Generally, they do not extend to private individual impacts which are separate to broader community concerns.

The Panel has recommended not to apply the Heritage Overlay to some of the proposed places based on strategic planning reasons set out in Chapters 5 and 6 of this report.

General issues

Issues of building condition, development opportunity, building alterations and maintenance, property value and private individual financial impact are not relevant when assessing the heritage significance of an individual place or a precinct.

Development opportunity, building alterations and maintenance are hypothetical issues which cannot be resolved during the planning scheme amendment stage. They should be considered during the planning permit application process when potential impacts can be assessed with available proposal details.

The Heritage Overlay should be applied to:

- identified heritage with local significance and not for the sole purpose of achieving neighbourhood character
- the entire extent of properties, consistent with Planning Practice Note 1 unless there is a special circumstance such as for 58 Norwood Road, Caulfield North.

Neighbouring properties do not affect the heritage significance of an individual place with the Heritage Overlay.

The Heritage Overlay satisfactorily addresses unpainted surfaces on heritage buildings through its requirement for a planning permit.

Heritage precincts

The proposed Wimbledon Estate Precinct (HO239), Findon Avenue Precinct (HO240) and Grimwade Court Precinct (HO241) have sufficient local heritage significance to justify applying the Heritage Overlay.

Wimbledon Estate Precinct (HO239)

Council should consider including 5 and 7 Bickhams Court as non-contributory properties through a separate process. Inappropriate development on these properties may affect the ability to understand the relationship between 9 Bickhams Court and other properties in the Precinct.

Findon Avenue Precinct (HO240)

The attic at 2 Findon Avenue is likely to have been added after the original house was built. Attics were not common for gabled house of that era and the attic's weatherboards are in better condition than expected for a house of that age. The addition does not affect the house's ability to contribute to the Precinct.

Individual heritage places

The Heritage Overlay should be applied to all exhibited properties except for:

- 335 Alma Road, Caulfield North (HO216)
- 30 Griffith Street, Caulfield (HO228)
- 40 Lumeah Road, Caulfield North (HO233)
- 44 Murrumbeena Road, Murrumbeena (HO235).

The properties supported by the Panel have sufficient local heritage significance to justify applying the Heritage Overlay.

195 and 197 Hawthorn Road, Caulfield North (HO207)

The Heritage Overlay should apply to both properties because they collectively contribute to the heritage place. The heritage citation should be revised to describe the property more accurately by identifying the non-original front fence at 195 Hawthorn Road and dwarf fence between the properties.

58 Norwood Road, Caulfield North (HO212)

The property is sufficiently intact and has local heritage significance to justify the Heritage Overlay. The Statement of Significance should be revised to note the building's facade has been altered through:

- removal of attic window
- rendering and painting the chimney stacks
- removal of some woodwork from the front battened gable wall
- replacing the roofing materials.

335 Alma Road, Caulfield North (HO216)

The property is not a comparable example of particular aesthetic characteristics and does not have sufficient local heritage significance to justify applying the Heritage Overlay.

30 Aroona Road, Caulfield (HO218)

The Statement of Significant should be revised to delete reference to the crazy paved stone driveway as a significant element.

53 Balaclava Road, St Kilda East (HO219)

The place meets Criterion E and the Statement of Significance accurately describes the place.

64 Balaclava Road, St Kilda East (HO220)

The Statement of Significance accurately describes the place but would benefit from referring to the minor alterations to the rear elevation.

124 Balaclava Road, Caulfield North (HO221)

The heritage citation accurately describes the place.

624 Centre Road, Bentleigh East (HO223)

The Heritage Overlay should be applied to the entire property. The Statement of Significance should be revised to delete references to the organ, revise details about the altar wall to reflect its actual materials, and to correct the reference to the spire.

61-63 Gordon Street, Elsternwick (HO227)

The place does not meet Criterion F and the Statement of Significance should be revised.

82 Lumeah Road, Caulfield North (HO234)

The Statement of Significance should be reviewed and revised to note the modifications and changes the building has experienced.

44 Murrumbeena Road, Murrumbeena (HO235)

The Murrumbeena Baptist Church building has not retained its design integrity following alterations which removed integral and significant elements. It no longer has sufficient local heritage significance to justify applying the Heritage Overlay.

49 Rosemont Avenue, Caulfield North (HO237)

The Heritage Overlay should apply to the entire property, consistent with Planning Practice Note 1. The Statement of Significance should be revised to note the recently installed metal security gate.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Glen Eira Planning Scheme Amendment C214glen be adopted as exhibited subject to the following:

- 1. Delete the Heritage Overlay from:**
 - a) 335 Alma Road, Caulfield North (HO216)
 - b) 30 Griffith Street, Caulfield (HO228)
 - c) 40 Lumeah Road, Caulfield North (HO233)
 - d) 44 Murrumbeena Road, Murrumbeena (HO235).
- 2. Amend the Heritage Overlay Schedule to not apply internal controls to 82 Lumeah Road, Caulfield North (HO234).**
- 3. Amend the Statement of Significant for:**
 - a) 195-197 Hawthorn Road, Caulfield (HO207) to identify the non-original front fence of 195 Hawthorn Road and the non-original dwarf wall between the two properties along the driveway
 - b) 58 Norwood Road, Caulfield North (HO212) to note alterations identified by the owners
 - c) 30 Aroona Road, Caulfield North (HO218) to delete reference to the driveway paving as a significant element
 - d) 64 Balaclava Road, Caulfield North (HO220) to identify the cantilevered overhang with altered fascia and potentially altered skylights
 - e) 624 Centre Road, Bentleigh East (HO223) to delete references to the organ, revise details about the altar wall to reflect actual materials and to correct the reference to the spire
 - f) 61-63 Gordon Street, Elsternwick (HO227) to delete reference to Criterion F
 - g) 82 Lumeah Road, Caulfield North (HO234) to:

- delete references to the building interiors being significant
 - identify alterations, namely removal of the front door, skylight and outside metal lamp post, new tiles at the front door and new crazy paving, the non-contributory front fence, the three timber framed single sliding glass doors located on the first floor verandah, large lattice soffit over the main entry (subject to further investigation and confirmation).
- h) 49 Rosemont Avenue, Caulfield North (HO237) to note the added white metal security gate located at the front entrance.

Further recommendations

The Panel makes the following further recommendation:

Amend the relevant heritage citations in the *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations* to make consequential changes resulting from recommendations in this report to Glen Eira Planning Scheme Amendment C214glen.

1 Introduction

1.1 The Amendment

(i) Amendment description

The Amendment seeks to implement the recommendations of the *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations* (Heritage Review). Specifically, the Amendment proposes to:

- reference the Heritage Review in Clauses 21.10-2 and 22.01-6
- apply the Heritage Overlay to four new heritage precincts and 34 individual heritage places shown in Table 1
- incorporate the Statements of Significance for the heritage places and precincts through Clause 72.04
- reference the City of Glen Eira Thematic Environmental History (Refresh) 2020 (Thematic History 2020) and Heritage Review as background documents through Clause 72.08.

Table 1 Exhibited heritage places and submissions received

Place/precinct		Criteria*	HO Ref	SC	Sub**
Bentleigh					
133 Tucker Road	St Elmo - house	A, B, E	HO215		-
Bentleigh East					
624 Centre Road	St John's Anglican Church	E	HO223	Int	1
Caulfield					
2 Edinburgh Avenue	House	E	HO225		-
23 Edinburgh Avenue	House	E	HO226		-
218 Kooyong Road	Robert Lodge - flats	E, F	HO231		-
Caulfield North					
440 Dandenong Road	Olgita – flats	E	HO205		-
158-166 Hawthorn Road	Shops	E	HO206		-
195-197 Hawthorn Road	Houses (pair)	E	HO207		1
575 Inkerman Road	Linden Flats	E	HO208		-
35 Labassa Grove	Meldrum house (former)	E, F	HO209		-
58 Norwood Road	Clarence Lodge - house	B, E, F	HO212		1
335 Alma Road	House	E	HO216		1
386 Alma Road	House	E, H	HO217		-
30 Aroona Road	House	E, H	HO218		1
124 Balaclava Road	Flats	D, E	HO221		1
16 Cantala Avenue	House	E, H	HO222		-
6 Labassa Grove	House	E	HO232		-

Place/precinct		Criteria*	HO Ref	SC	Sub**
40 Lumeah Road	House	E, F	HO233	Int	1
82 Lumeah Road	House	E, H	HO234	Int	1
70 Orrong Crescent	Fountain Court - flats	E, F	HO236		-
49 Rosemont Avenue	House	E, H	HO237		1
Caulfield South					
325/325a Bambra Road	Duplex	E	HO204		-
158-166 Hawthorn Road	Shops	E	HO206	Ext	-
30 Griffiths Street	House	E	HO228		1
6 Keeron Street	House	E	HO230		-
Elsternwick					
61-63 Gordon Street	House & Gordonlea Flats	E, F, H	HO227		1
McKinnon					
14-16 Clee Street	House	E, H	HO224		-
Murrumbeena					
475 Neerim Road	Bundara - house	A, B, E	HO211		-
44 Murrumbeena Road	Murrumbeena Baptist Church	F	HO235		1
St Kilda East					
1 Lockerbie Court	Flats	B, E	HO210		-
213 Orrong Road	Orrong Court - flats	A, B, D	HO213		-
273 Orrong Road	Craigellachie Flats	A, E	HO214		-
53 Balaclava Road	Greyfriars - flats	A, E	HO219		1
64 Balaclava Road	House	E, H	HO220		1
106 Hotham Street	St Margaret's Presbyterian Church	E, F	HO229		-
Precincts					
Aroona Road Modernist Precinct	43, 45, 47, 49 Aroona Road, Caulfield North	A, E, H	HO238		-
Wimbledon Estate Precinct	1/8, 2/8 Alexandra Street; 1, 1a, 3, 4, 9 Bickhams Court; and 2 Wimbledon Court, St Kilda East	A, E, H	HO239		2
Findon Avenue Precinct	2, 4, 6, 8, 10, 12, 14, 16 Findon Avenue, Caulfield North	A, E	HO240		1
Grimwade Court Precinct	1-6 Grimwade Court, Caulfield North	A, E	HO241		4

* Model criteria specified in Planning Practice Note 1 (see Chapter 2.4) | Sub = Number of submissions, SC: Schedule controls, Int: Internal controls, Ext: External controls | ** Number of submissions received

Environment Protection Authority, National Trust of Australia (Victoria) (National Trust) and Glen Eira Historical Society submissions raised issues regarding the entire Amendment.

(ii) Authorisation

Department of Environment, Land, Water and Planning (DELWP), under delegation from the Minister for Planning, authorised Council to prepare the Amendment on 18 September 2020. This was conditional Council revising the proposed:

- Clause 21.10 to include the proposed reference documents
- Clause 72.08 to refer to the background documents referenced in Clauses 21.10 and 22.01
- Explanatory Report, as marked up by DELWP.

1.2 Background

1996	Glen Eira Heritage Management Plan was prepared
2018	Council adopted the 2018 Planning Scheme Review workplan which included heritage projects
2019	
February	Council engaged Built Heritage Pty Ltd to conduct the Heritage Review
July	Council engaged Built Heritage Pty Ltd to review the Thematic History
2020	
11 August	Council adopted the Heritage Review and the Thematic History 2020
18 September	Minister for Planning authorised Council to prepare and exhibited the Amendment
29 October to 30 November	Council exhibited the Amendment
2021	
2 February	Council resolved to notify submitters to the informal consultation and provide them with a further opportunity to make a submission
12 February to 10 March	Twenty-eight people were invited to make a submission
27 April	Council considered all submissions and resolved to: <ul style="list-style-type: none"> - request the Minister for Planning to appoint a Planning Panel to consider all submissions received - note its intention to longer apply the Heritage Overlay to the three precincts and 14 properties which received objections

1.3 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 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
- Strategic issues
- General issues
- Heritage precincts
 - Wimbledon Estate Precinct (HO239)
 - Findon Avenue Precinct (HO240)
 - Grimwade Court Precinct (HO241)
- Individual heritage places.

Limitations

The Panel has not considered issues of potential privacy and copyright associated with the heritage citations in this report. They are outside the PE Act and are not relevant when assessing heritage significance.

In August 2020, Council decided to exclude properties from the Amendment which the Heritage Review assessed as having sufficient local significance to justify the Heritage Overlay. There were submissions which requested Council to reconsider its position and apply the Heritage Overlay to some of these properties. The Panel has not considered these properties because they do not form part of the Amendment.

2 Planning context

2.1 Planning policy framework

The following Victorian planning objectives in the PE Act and planning clauses in the Planning Policy Framework of the Planning Scheme are relevant to the Amendment. Council referred to most of these in its submission.

Victorian planning objectives

Section 4(1)(d) of the *Planning and Environment Act 1987* (the PE 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

- **Clause 15.01-5S** (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
 - Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
 - Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.
 - Encourage appropriate development that respects places with identified heritage values.
 - Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements.
 - Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Clause 21.10-02 (Heritage)

Clause 21.10-02 includes an objective to “*identify, protect, enhance and promote understanding of Glen Eira’s heritage*” with the following strategies:

- Protect places identified as having architectural, cultural or historical significance.
- Ensure sympathetic redevelopment and renovation of areas and places identified as having architectural, cultural or historic significance in the municipality.
- Enhance knowledge and popular understanding of Glen Eira’s architectural, cultural and historic heritage.

Clause 22.01 (Heritage)

Clause 22.01 includes the following objectives:

- To protect places identified as having architectural, cultural or historic significance and which demonstrate the various eras of Glen Eira’s development.
- To encourage retention, preservation and restoration of all of significant and contributory heritage places within Glen Eira.
- ...
- To ensure that additions and new buildings and works to a heritage place respect the significance of the place and/or precinct.
- ...

- To promote design excellence which supports the ongoing significance of heritage places.

2.2 Relevant planning documents

(i) Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050 to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. The following are relevant to the Amendment:

- **Outcome 4:** Melbourne is a distinctive and liveable city with quality design and amenity
 - **Direction 4.4:** Respect Melbourne's heritage as we build for the future
 - **Policy 4.4.1:** Recognise the value of heritage when managing growth and change
 - **Policy 4.4.4:** Protect Melbourne's heritage through telling its stories.

(ii) Glen Eira Council and Community Plan 2017-2021

The Council and Community Plan 2017-2021 (Council Plan):

- was prepared after consulting with 650 members of the community
- identified the impact of development on heritage as an issue
- sets out themes, long-term community goals and strategic objectives to achieve them.

One of the goals, 'A well planned City that is a great place to be', includes:

Goal: A well planned City is a great place to live.

...

Objective 1. Create prosperous, accessible and vibrant urban places

We will:

...

Ensure future development respects and celebrates our heritage and character by establishing new building and development guidelines.

...

Objective 2. Encourage development that benefits the community

We will:

- Review our heritage places and provide stronger development guidelines to preserve and enhance Glen Eira's heritage buildings and precincts.

The Council Plan sets out its 2017-18 commitments which includes:

We will develop and implement policies and controls that protect heritage, and the character of our residential areas.

(iii) State of Heritage Review: Local Heritage 2020

The State of Heritage Review sought to:

- clarify the current arrangements for local cultural heritage across Victoria
- recommend opportunities for improving how State and local governments work together to recognise, protect and manage local cultural heritage, and anticipate and prepare for future challenges

- improve community understanding of the benefits of local and State cultural heritage protection
- promote and encourage good heritage practice across government and in the broader community.

The State of Heritage Review conducted a stocktake of heritage places and precincts in Victorian municipalities, grouped by region. Glen Eira is in the Metro inner group, as shown in Figure 1 and Figure 2.

Figure 1 Heritage stocktake – Metro inner councils

Council (Type)	Council grouping	Council area (km ²)	Council population (2018)	Number of individual heritage places of state significance* (5/4/19)	Number of individual heritage places of local significance (5/4/19)	Total number of individual places (5/4/19)	Total number of precinct places (5/4/19)	Total number of heritage places (5/4/19)	Total number of heritage properties (7/1/19)
Bayside (C)	Metro Inner	37	105,718	20	571	591	28	619	2,181
Boroondara (C)	Metro Inner	60	181,289	66	455	521	73	594	14,805
Glen Eira (C)	Metro Inner	39	153,858	21	109	130	17	147	3,275
Melbourne (C)	Metro Inner	37	169,961	386	587	973	53	1,026	12,867
Port Phillip (C)	Metro Inner	21	113,200	133	288	421	35	456	16,878
Stonnington (C)	Metro Inner	26	116,207	55	372	427	85	512	10,266
Yarra (C)	Metro Inner	20	98,521	139	300	439	57	496	22,505
		239	938,754	820	2,682	3,502	348	3,850	82,777

Source: Extract from Table 3.2

Figure 2 Number of heritage studies, reviews and surveys in Metro inner councils



Source: Extract from Figure 3.2

2.3 Planning scheme provisions

The Heritage Overlay purposes are:

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

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works. The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit). The Schedule may also

identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

Relevant Ministerial Directions:

- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of the PE Act)
- Ministerial Direction 9 (Metropolitan Planning Strategy)
- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction 15 (Planning Scheme Amendments).

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

Planning Practice Note 1 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

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

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

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

Planning Practice Note 91 – Using the residential zones (December 2019)

Planning Practice Note 91 states:

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

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

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

The HO has different objectives from the NCO and is not intended to operate as a neighbourhood character control. However, heritage descriptors may also contribute to the neighbourhood character of an area.

3 Strategic issues

3.1 Supporting strategic work

(i) Glen Eira Heritage Management Plan

Architectural historian, Andrew Ward, prepared the Glen Eira Heritage Management Plan in 1996. Council prepared an addendum to the Plan in 2014. Mr Ward had previously prepared the City of Caulfield Urban Conservation Study early in 1990.

(ii) Thematic History 2020

Council submitted that early in the Heritage Review process, it became apparent that Glen Eira's more than 20-year-old Heritage Management Plan 1996 Volume 1 had insufficient detail regarding development themes, particularly Post-war history. In February 2019, Council engaged Built Heritage Pty Ltd to conduct a high level review of the Heritage Management Plan. The outcome of the review was presented in the Glen Eira Thematic Environmental History [Refresh] 2020 (Thematic History 2020).

Thematic History 2020 sets out themes and subthemes which are grouped into nine categories. Theme 2.5 (Migrating and making a home):

- refers to the migrants who decided to settle in one of Glen Eira's suburbs
- includes the 'Migrating to escape oppression' subtheme for migrants and refugees who arrived since the 1920s and after World War 2 (WW2).

Council adopted the Thematic History 2020 on 11 August 2020.

(iii) Heritage Review

In February 2019, Council engaged Built Heritage Pty Ltd to conduct the Heritage Review. Council adopted a version of the Heritage Review on 11 August 2020 which removed the following places:

- PW03 – 27 Aroona Road, Caulfield North
- PW08 – Lido Chambers, 219-229 Balaclava Road, Caulfield North
- PW11 – 780 Centre Road, Bentleigh East
- PW18 – Caulfield Synagogue, 572-4 Inkerman Road, Caulfield North
- PW22 – 30 Loch Avenue, St Kilda East
- PW24 – 58 Lumeah Road, Caulfield North
- PW29 – Kadimah Cultural Centre, 7 Selwyn Street, Elsternwick.

3.2 Strategic justification

(i) Submissions

At the Hearing, Council considered the adopted Heritage Review methodology, the Statements of Significance and Heritage Overlay Schedule to be thorough, rigorous and consistent with Planning Practice Note 1. It noted the Heritage Review appropriately adopts the Victoria's Framework of Historical Themes.

Council submitted that the Amendment will have positive social and economic effects through protecting significant heritage places for present and future generations, and thereby achieve net community benefit.

National Trust and Glen Eira Historical Society (GEHS) each submitted that the Amendment is strategically justified and supported by the Heritage Review. They considered that the places and precincts affected by the Amendment have sufficient local heritage significance and met the requirements for protection. Both organisations praised Council's work leading to the exhibited Amendment.

GEHS considered the Heritage Review to be *"thoroughly and appropriately researched, referenced and presented"* by a *"highly regarded company with built heritage expertise"*. It noted that the State of Heritage Review – Local Heritage (2020) identified Glen Eira as having the least heritage studies, reviews and surveys out of the seven 'Metro inner' councils (see Figure 2).

(ii) Discussion

The Panel commends Council for recognising that the PE Act obliges it to identify, conserve and enhance buildings, areas or other places of aesthetic, architectural or historical interest or special cultural value. It seeks to balance the present and future interests of all Victorians. This is reflected in the Planning Policy Framework, including Clauses 15.01 and 15.03.

The Thematic History 2020 reflects the thematic themes which are important to the Glen Eira community.

Any reference to identified heritage significance in this chapter refers to properties in the Heritage Review:

- found to have sufficient heritage significance to justify the Heritage Overlay
- which Council acknowledged when it adopted the Heritage Review and exhibited the Amendment.

The Panel has considered each proposed precinct and individual place with unresolved issues raised in submissions in the following chapters to determine:

- whether they have sufficient local heritage significance to justify applying the Heritage Overlay
- the accuracy of each relevant proposed heritage citation and statement of significance.

The Panel has considered whether the exhibited Amendment has sufficient strategic justification. It considers Council's approach since exhibition in Chapter 3.3.

To help achieve objectives in the PE Act and State and local planning policy, Council engaged experience and qualified heritage consultants to:

- conduct preliminary research on candidate places and precincts to assess whether they should be further investigated as having local heritage significance
- further assess places and precincts to confirm their heritage significance and to recommend whether the Heritage Overlay should be applied
- prepare citations including Statements of Significance to properties with such significance.

The Heritage Review follows a sound methodology, consistent with Planning Practice Note 1 and methodologies generally applied for heritage studies of this nature. Council acknowledged the

properties with heritage significance identified in the Heritage Review, by unanimously adopting the report in August 2020.

Consistent with planning policy, the Amendment seeks to preserve properties which are comparable to other examples and have sufficient heritage significance to justify the Heritage Overlay.

No submission presented information which persuaded the Panel to question the methodology. The Panel considers the Amendment, in its exhibited form, is strategically justified.

(iii) Finding

The Panel finds the exhibited Amendment to be strategically justified and supported by a robustly prepared heritage study.

3.3 Council approach since exhibiting the Amendment

At its 27 April 2021 meeting, Council resolved to note its intention to no longer apply the Heritage Overlay to the three precincts and 14 properties which received objections. This included properties where owners did not object to the Heritage Overlay being applied to part or all their land. The remaining precinct and properties which received no objections were unaffected.

(i) Submissions

At the Hearing, Council advocated its resolved intention to not apply the Heritage Overlay to properties with objecting submissions. It explained that it did not call an expert on heritage for parties to cross examine because of this resolved position. In response to questions from the Panel, Council submitted that its resolution was not based on any strategic reason and did not dispute the findings in the Heritage Review.

At the Hearing, several submitters supported Council's resolution to not apply the Heritage Overlay to their property. This includes one submitter who originally did not object to the Heritage Overlay being applied to part of their property.

National Trust and GEHS consider Council's approach since exhibition to be inappropriate and inconsistent with planning objectives and Planning Practice Note 1. National Trust referred to a letter from the Minister for Planning to the City of Bayside Mayor which stated:

I am advised that in late 2018, the Council abandoned Amendments C158 and C159, which were municipal-wide planning scheme amendments to apply the Heritage Overlay to 51 inter-war and post-war buildings, due to opposition from some property owners and members of the community. As a result, the council undertook a voluntary nomination process for proposed Amendment C187bays, where owners nominated their properties for heritage assessment and the council subsequently undertook a heritage assessment of places to determine its significance.

I have concern with the council's self-nomination approach to protection of heritage places in your municipality. As a planning authority, your council has a responsibility to ensure that buildings, areas and other places of scientific, aesthetic, architectural or historical interests are conserved. This objective is set out in section 1(d) of the Act and supported by council's duties as a planning authority under section 12. Further guidance is set out in Planning Practice Note 1 Applying the Heritage Overlay (August 2018).

Local communities expect local heritage places to be identified and protected, and landowners need certainty when making decisions to sell, purchase or improve their properties. Whilst I note the council's effort to protect the 19 buildings proposed as part of

Amendment C178bays, this self-nomination approach is not appropriate to protect places of heritage significance.

(ii) Discussion

The Panel accepts there may be strategic reasons for Council to no longer support the Heritage Overlay for some properties. This may include new information which questions the significance of these properties. No such information was presented.

Council has based its resolution on whether objections were received or not. The Panel considers this approach to be fundamentally flawed and inconsistent with its Council Plan, local heritage planning policies, state planning policy, the objectives of the PE Act and Clause 71.02-3 of the Planning Scheme.

Council Plan

The Council Plan responds to the broader Glen Eira community identifying heritage as an issue. Not applying the Heritage Overlay to properties with identified heritage significance would not enable Council to achieve its Objective 1 commitment to ensure development respects and celebrates heritage. Heritage would need to be appropriately recognised through the Heritage Overlay to enable Council to assess whether new development respects the heritage fabric.

The PE Act and planning policy

The PE Act and planning policy collectively seek a planning authority to conduct the necessary work to identify places which have sufficient significant to warrant protection. They do not seek to protect everything that is old – only those which meet the local significance threshold. The Amendment is well informed through a comprehensively prepared Heritage Review which used Planning Practice Note 1 criteria to determine such properties.

The PE Act and planning policy obligates a planning authority to recognise identified heritage significance through statutory provisions such as the Heritage Overlay for the existing broader community and for future generations. Not applying the Heritage Overlay to properties with professionally identified heritage significance would be inconsistent with:

- PE Act and planning policy objectives
- Planning Practice Note 1 which does not include objections from a property owner as a criterion for deciding whether the Heritage Overlay should be applied.

Net community benefit

Clause 71.02-3 requires an Amendment to deliver net community benefit. Council has not explained how the individual private impact of not applying to properties with objecting submissions outweighs the net community benefit of applying the Heritage Overlay to locally significant precincts and places for the broader present and future community of Glen Eira.

Based on available information, the Panel considers the net community benefit of achieving planning policies which seek to inform the community about the Glen Eira's heritage outweighs any individual impact. Chapter 4.2 explains how individual owners can continue to develop properties with the Heritage Overlay.

3.4 Conclusions

The Panel concludes:

- The Heritage Review has applied a robust methodology and is generally based on well researched assessments to reach its findings.
- There is no apparent reason to question the Council adopted Thematic History 2020 report, and it can be considered when assessing properties subject to the Amendment.
- The Amendment is:
 - supported by, and implements, the relevant sections of the Planning Policy Framework
 - consistent with the relevant Ministerial Directions and Practice Notes
 - well founded and strategically justified.
- The Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.
- Council's intention to abandon applying the Heritage Overlay based on objecting submissions rather than strategic merit does not align with the PE Act objectives, State and local planning policy and Clause 71.02-3 of the Planning Scheme.

4 General issues

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

4.1 Building condition

(i) The issue

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

(ii) Submissions

The owner of 335 Alma Road submitted that the property had been inspected by engineers and builders and substantial work was needed to comply with the Heritage Overlay requirements.

The owner of 2 Findon Avenue provided photos of 4 Findon Avenue to demonstrate the scale and nature of maintenance needed to bring the building up to a required standard. He submitted the scale of works may make it more cost effective to replace the building.

Council referred to the Advisory Committee final report into Heritage Provisions Review [2007] PPV which recommended that building condition, including structural integrity, should not be a consideration when assessing heritage significance.

(iii) Discussion

The Panel accepts that buildings subject to the Amendment are in varying condition. Some will need considerably more expensive works to improve their condition than others. However, the Panel was not provided with information to demonstrate that a property was structurally unsafe to the point where the building would need to be demolished by the time the Amendment is introduced into the Planning Scheme.

The Heritage Overlay enables an owner to maintain their property in its existing appearance without the need for a planning permit. It does not require a property owner, including the owner of 335 Alma Road, to undertake any works.

(iv) Conclusion

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

4.2 Development opportunity, building alterations and maintenance

(i) The issue

The issue is whether development opportunity, building alterations and maintenance are relevant when assessing the heritage significance of an individual place or a precinct.

(ii) Submissions

There were submissions which opposed the Heritage Overlay because they considered it would reduce existing development opportunities and restrict the ability to alter the dwelling. One submission stated:

Although we do not currently have any plans to redevelop the site, we feel very strongly that our interests and rights to determine the future of our property would be severely compromised if there were to be a heritage overlay.

One submitter sought Council to recognise, through its heritage policy or a statement of significance, that it would permit respectful alterations and additions.

Council acknowledged the Heritage Overlay would add a layer of additional planning control for affected properties, including those capable of consolidation and those with 'development potential'. Council considered this was appropriate to ensure that cultural heritage significance is recognised, properly documented and appropriately managed.

At the Hearing, the National Trust submitted the Heritage Overlay does not restrict owners from applying to alter their place. It referred to Ballarat PSA C58 [2004] PPV which states:

Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance.

The panel therefore finds that the Heritage Overlay should be applied to places of identified heritage significance without reference to the effect this may have on other planning objectives. Other issues and objectives should be considered within the context of heritage management policies or the decision-making process.

(iii) Discussion

No privately owned property in Victoria has unrestricted development rights. Properties subject to the Amendment currently have development restrictions and prohibitions through existing property title restrictions, Planning Scheme provisions and policies, and various legislation. For example, many of the properties are in the Neighbourhood Residential Zone which entirely eliminates any development opportunity for a building taller than 9 metres or two storeys. The Special Building Overlay applies to some of the properties, adding further restrictions.

The Heritage Overlay does not prohibit development. It enables a property owner to apply for future development, demolition, works and subdivision through a planning permit application. The permit application is needed so Council can ensure that any future development appropriately responds to existing heritage fabric. The Heritage Overlay enables property owners to maintain their properties in their current form without the need for a permit. Such owners would be unaffected.

The heritage policies at Clause 22.01 of the Planning Scheme sufficiently anticipate and respond to future alterations and additions to heritage places. Statements of significance should be used solely for their intended use without referencing potential alterations.

Any discussion regarding potential development opportunities in the future is hypothetical during the Amendment phase. This is because without detailed plans and a live permit application, such discussion cannot be appropriately informed. For example, there are rear extensions or other alterations to a dwelling that are considered appropriate in response to the heritage fabric. In that instance, the property owner would have achieved their development aspirations. Therefore, the

question of development opportunity can only be logically considered through a future permit application.

During the Amendment phase, the question to be asked is whether a property or precinct have sufficient local heritage significance to apply the Heritage Overlay. Planning Practice Note 1 does not include development opportunity, building alteration and maintenance as criteria for determining whether the overlay should be applied.

(iv) Conclusions

The Panel concludes that development opportunity, building alterations and maintenance:

- are not relevant when assessing the heritage significance of an individual place or a precinct
- are hypothetical issues which cannot be resolved during the planning scheme amendment stage
- should be considered during the planning permit application process when potential impacts can be assessed with available proposal details.

4.3 Heritage significance and neighbourhood character

(i) The issue

The issue is whether the neighbourhood character is a criterion for justifying the Heritage Overlay.

(ii) Submissions

There were submissions which considered the Heritage Overlay should not apply to their property as an individual listing because of the scale of and age of development on neighbouring properties.

(iii) Discussion

There are clear differences between an individual heritage listing, a heritage precinct, and neighbourhood character. The Heritage Overlay should:

- be applied to a place or precinct that achieves local significance by achieving at least one of the heritage criteria
- not be applied to achieve neighbourhood character.

Different policies and assessment criteria apply for determining neighbourhood character. While a heritage precinct will demonstrate a certain neighbourhood character, this is not the purpose of preserving the precinct.

(iv) Conclusions

The Panel concludes:

- The Heritage Overlay should be applied to identified heritage with local significance and not for the sole purpose of achieving neighbourhood character.
- Neighbouring properties do not affect the heritage significance of an individual place with the Heritage Overlay.

4.4 Heritage Overlay curtilage

(i) The issue

The issue is whether the Heritage Overlay should be applied to part of a property rather than its entire extent.

(ii) Submissions

There were several submissions which sought to apply the Heritage Overlay to only to the part of the property which they considered to be significant.

(iii) Discussion and conclusion

The heritage significance of an individual heritage place relies on sufficient curtilage around the heritage fabric. Planning Practice Note 1 refers to this being the entire property area for an urban property. What happens beyond this curtilage is not relevant. An individual place therefore does not rely on what happens on neighbouring properties.

Planning Practice Note 1 states:

The Heritage Overlay applies to both the listed heritage item and its associated land. It is usually important to include land surrounding a building, structure, tree or feature of importance to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item. The land surrounding the heritage item is known as a 'curtilage' and will be shown as a polygon on the Heritage Overlay map. In many cases, particularly in urban areas and townships, the extent of the curtilage will be the whole of the property (for example, a suburban dwelling and its allotment).

The Heritage Overlay therefore needs to apply to the entire property so that:

- there is sufficient curtilage around the heritage fabric
- Council can assess whether development proposed within this space responds sensitively to the existing heritage fabric.

There may be justified reasons to depart from DELWP's practice advice set out in Planning Practice Note 1. No submission persuaded the Panel there was a special circumstance for applying the Heritage Overlay to only part of the property.

(iv) Conclusion

The Panel concludes the Heritage Overlay should be applied to the entire extent of properties, consistent with Planning Practice Note 1, unless there is a special circumstance such as for 58 Norwood Road, Caulfield North.

4.5 Paint controls

(i) The issue

The issue is whether external paint controls should be applied to seven properties in Glen Eira.

(ii) Submissions

GEHS submitted that paint controls should be applied to:

- 133 Tucker Road, Bentleigh – unpainted bichromatic brick exterior (HO215)
- 325/325A Bambra Road, Caulfield South - unpainted brickwork exterior (HO204)

- 195-197 Hawthorn Road, Caulfield North – unpainted clinker brick features on rendered exterior (HO207)
- 35 Labassa Grove, Caulfield North – unpainted exterior stonework (HO209)
- 1 Lockerbie Court, St Kilda East – unpainted clinker brick features (HO210)
- 475 Neerim Road, Murrumbeena – unpainted bichromatic brick exterior (HO211)
- 273 Orrong Road, St Kilda East – unpainted clinker brick exterior (HO214).

GEHS explained that the unpainted brick exterior is a key feature of their heritage significance.

Council referred to Heritage Overlay Clause 43.01-1 which requires a permit to:

Construct a building or construct or carry out works, including:

- Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.

Council submitted the Amendment does not have to be changed because the Heritage Overlay already requires a permit to externally paint an unpainted surface.

(iii) Discussion and conclusion

The Panel agrees with GEHS that the unpainted brick exterior of the identified houses is a key feature of their heritage significance. It agrees with Council that the Heritage Overlay addresses this through its requirement for a planning permit to paint an unpainted surface.

The Panel concludes the Heritage Overlay satisfactorily addresses unpainted surfaces on heritage buildings through its requirement for a planning permit.

4.6 Property value and financial implications

(i) The issue

The issue is whether property value and financial implications are relevant when assessing heritage significance or when deciding whether to apply a Heritage Overlay.

(ii) Submissions

There were submissions which opposed the Heritage Overlay because they considered it would:

- reduce property value and limit the ability to sell
- affect the reasonable and economic use of the property
- cause undue economic hardship.

One submitter sought:

- financial assistance such as waiving council rates and charges
- a Council managed maintenance fund to support owners maintain their properties.

Council submitted that there is an inherent economic value in preserving heritage character identified through a robust and rigorous assessment, consistent with Planning Practice Note 1. Council acknowledged the Amendment would potentially increase the number of permit applications. It submitted that this would be offset by the public benefit from preserving the heritage places for the broader community over generations.

Council comprehensively referenced Planning Panel reports and judicial decisions which commented on financial implications. This included Melbourne PSA C207 [2014] PPV which states:

Where the social and economic effects raised in submissions are of a community nature, they may well be relevant matters. To meet the requirements of the Act, planning authorities and Panels will have to endeavour to consider those matters when preparing an amendment along with other relevant issues.

At the Hearing, the National Trust referred to Boroondara PSA C153 [2013] PPV which states:

The social and economic effects most likely to be relevant are those of a broad community nature rather than a personal kind. This has been the long-standing approach taken to such issues in planning decision making by both planning panels and VCAT. Personal economic effects (or the effects for a particular building) will continue to be considered at the permit stage.

The National Trust also referred to Frankston PSA C110 Part 2 [2010] PPV which states:

Council is required by the *Planning and Environment Act 1987* to identify and protect places of heritage significance. The Panel's principal role is to consider whether a property has heritage significance. If heritage significance has been clearly established, it must recommend that appropriate heritage protection be applied unless outweighed by community-wide social and economic considerations.

(iii) Discussion

Section 12(2)(c) of the *Planning and Environment Act 1987* requires a planning authority to take into account its social effects and economic effects when preparing a planning scheme amendment. These effects have been long recognised in planning as being relevant at a broad community nature rather than of private individual circumstances.

The Panel agrees with Council that no submission provided information which demonstrated the Amendment will result in negative economic impacts on the affected properties. This is not surprising because property value and financial implications are determined through many complicated, interrelated, and sometimes unapparent reasons. It is difficult to single out one over another. Reasons may include existing zone and overlay provisions and policy, location, property attributes, title restrictions, broader economic circumstances and whether the owner intends to develop their property. There is no evidence that heritage provisions alone reduce property value.

An owner who maintains their property would not be financially affected because the Heritage Overlay does not require a planning permit for such works.

There is no evidence the Amendment would result in a negative economic impact on the Glen Eira community. The Panel considers the social and economic benefits to the broader Glen Eira community from preserving heritage as sought by the PE Act and Planning Scheme would far outweigh any individual private economic impact.

(iv) Conclusion

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

4.7 Heritage citations

Chapters 5 to 6 make recommendations to Statements of Significance proposed to be incorporated into the Planning Scheme. These changes will consequentially affect the heritage citations. While not a formal recommendation, the Panel recommends:

1. **Amend the relevant heritage citations in the *City of Glen Eira Post-War and Hidden Gems Heritage Review 2020, Stage 2: Citations* to make consequential changes resulting from recommendations in this report to Glen Eira Planning Scheme Amendment C214glen.**

5 Heritage precincts

5.1 Wimbledon Estate Precinct (HO239)

Exhibited Statement of significance



What is significant?

The Wimbledon Estate Precinct comprises a group of post-WW2 houses in the cul-de-sacs of Bickhams Court and Wimbledon Court, and one adjacent block on Alexandra Street, built after the 1960 subdivision of what had been the Wimbledon Public Tennis Courts, established in 1923 by the eponymous Charles Bickham. With their stark rectilinear massing, flat roofs and large windows, the individual houses are all reflective of the prevailing modernist idiom of the time. Mostly completed during the 1960s (with a single slightly later example from 1972), the houses in the precinct were all designed for European émigré clients by architects of similar background. The following houses (including any original garages, carports, front fences and hard landscaping where still extant) are deemed to be contributory elements in the precinct: Bickhams Court: Nos 1, 1a, 3, 4, 9; Wimbledon Court: No 2; Alexandra Street: Nos 1/8 and 2/8 (semi-detached pair on corner site)

How is it significant?

Criterion A: Importance to the course, or pattern, of Glen Eira's cultural history

Criterion E: Importance in exhibiting particular aesthetic characteristics

Criterion H: Special association with the life or works of a person, or groups of persons, of importance in our history

Why is it significant?

The Wimbledon Estate Precinct is significant as one of very few cul-de-sac residential subdivisions in the Caulfield area that were created and developed from scratch in the post-WW2 era. By the 1950s, most of the north-western part of the present-day City of Glen Eira was already densely settled, leaving only a few atypical pockets of land for further expansion. The Wimbledon Estate, laid out in 1960 on the site of public tennis courts operated by the Bickham family since 1923, thus provided one of the last opportunities for homebuilders to establish themselves on a new subdivision within a well-established suburb.

Consequently, allotments were keenly sought-after and, without exception, would be developed by wealthy European émigré families to create a residential enclave that encapsulated Caulfield's post-WW2 migrant demographic. **(Criterion A)**

The Wimbledon Estate Precinct is significant as small but excellent collection of post-WW2 modernist houses. The earlier houses, erected between 1960 and 1967 and mostly designed by European-trained émigré architects, were all conceived in a consistent hard-edged modernist style, broadly characterised by bold rectilinear massing, flat roofs with broad eaves, and expansive windows. Within this dominant modernist idiom, most of the houses incorporated a degree of embellishment (such as feature walls of stone, slate or tile) that evoked the early '60s fad for applied ornament, famously dismissed by Robin Boyd as 'Featurism'. These contrast with the later house on the south side of Bickhams Court that, of monumental and expressionistic form, demonstrates a return to a purer and more unadorned approach. **(Criterion E)**

The Wimbledon Estate Precinct is significant for associations with a number of architects of Continental European background (including Holgar & Holgar, Robert Rosh, Erwin Kaldor and Harold Shafer) who, consequent to their strong personal and professional links to Caulfield's thriving post-WW2 Jewish émigré community, are known to have been notably active in this part of the present-day City of Glen Eira during the 1950s, '60s and '70s. **(Criterion H)**

(i) The issues

The issues are:

- whether the proposed Wimbledon Estate Precinct (HO239) in St Kilda East has sufficient local heritage significance to justify applying the Heritage Overlay
- whether 3, 5 and 7 Bickhams Court and 8 Alexandra Street should be included in the Precinct.

(ii) Submissions

The owners of 3 Bickhams Court and 2/8 Alexandra Street each objected to their property being included in the Precinct. The 3 Bickhams Court referred to other projects designed by Robert Rosh, one of the architects identified in the HO239 heritage citation and submitted:

- 335 Alma Road is a more unique design
- 21 Fellows Street, Kew is in a heritage precinct without a specific Heritage Overlay or any controls
- the Moorabbin Hebrew Congregation (Now L'Chaim Chabad) and the Kadimah Centre are not uniquely designed and a permit was granted to demolish the Kadimah Centre, demonstrating that Robert Rosh was not a noted designer.

The 3 Bickhams Court owner submitted:

- *"wealthy European émigré families"* residing in the area at the time does not have heritage significance
- the HO239 heritage citation contradicts itself by referring to Robert Rosh as an architect when he was not registered.

The 2/8 Alexandra Street owner submitted that the street has experienced changes which have diminished its unique character. He explained that 2A Bickhams Court had a second storey extension and 11 Bickhams Court was demolished. He considered 7 Bickhams Court and 1 Wimbledon Court did not significantly contribute to the Precinct's character.

In the report attached to its 27 April 2021 meeting agenda, Council responded to these submissions. The Council officers stated:

- the Precinct is highly unusual because it was developed entirely after WW2 rather than from demolishing an older home
- the Precinct's association with émigré designed homes bought by émigré families after WW2 is historically significant to Glen Eira
- Robert Rosh was talented, and his buildings have heritage significance even if he was not registered.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the Precinct.

At the Hearing, Council submitted that Robert Rosh trained and worked as a registered architect in Europe before relocating to Australia. It added that, though he was not a registered architect in Australia, 3 Bickhams Court is an excellent representative example of aesthetic values identified for the Precinct.

The Panel queried the non-contiguous Precinct which had 9 Bickhams Court separated by 5 and 7 Bickhams Court which have been excluded. The Panel asked Council whether those properties were needed to be included as non-contributory properties to protect the heritage fabric of the

Precinct. Council explained that properties were originally identified for their individual significance before it was appreciated how many places clustered around Bickhams Court. Council considered this to be more common with a serial listing than a Precinct.

Council submitted:

Council officers accept the Panel's observation that the unsympathetic development of 5 and 7 Bickhams Court, St Kilda East could lead to a lessening of the values of the precinct. Council officers also accept that 5 and 7 Bickhams Court, St Kilda East are located in a way that would, theoretically, befit their inclusion in the precinct as mapped.

Given these places have not been identified for inclusion in the Amendment, Council officers consider there would be some lack of procedural fairness to flow from any decision to include the properties at 5 and 7 Bickhams Court, St Kilda East at this late stage of the Amendment process.

The Panel queried the nature of works undertaken at 1 Bickhams Court. Council responded that Mr Reeves was aware of alterations to the house when conducting the Heritage Review. It noted HO239 heritage citation shows the renovations in a photo.

(iii) Discussion

The Wimbledon Estate Precinct is highly intact and achieves Criteria A, E and H. The Precinct land forms part of the former Wimbledon Public Tennis Courts which the Bickham family operated from 1923. The land was later subdivided to enable the housing estate.

Criterion H relates to the association with architects of Continental European background whose works were notable in the Glen Eira area in the 1950s, '60s and '70s. They were the preferred architects for building designs in the area during that era and form an important part of Glen Eira's local history.

The Panel disagrees that issuing a permit to demolish the Kadimah Cultural Centre at 7 Selwyn Street reflects the recognition or quality of Robert Rosh's work. The Heritage Review found the property met Criteria A, E, F and H. There is no evidence that Council excluded 7 Selwyn Street from the Amendment in August 2020 because it questioned the property's heritage significance or the building's design.

There is a relationship between 9 Bickhams Court and the remainder of the Precinct, though relatively weak. Insensitive development at 5 and 7 Bickhams Court could diminish this relationship, negatively affecting the ability to interpret 9 Bickhams Court as being part of the Precinct. This may result in the Heritage Overlay no longer being justified for this property.

The Panel suggests that Council consider including 5 and 7 Bickhams Court as non-contributory properties through a separate process. The Panel makes no formal recommendation because these properties do not form part of the Amendment and affected owners were not given the opportunity to express their views.

Regarding the Heritage Overlay (HO143 – Barry Street Precinct) at 21 Fellows Street, Kew, the Panel is uncertain what the submitter was referring to because the Heritage Overlay planning provisions apply.

(iv) Conclusions

The Panel concludes:

- The proposed Wimbledon Estate Precinct (HO239) in St Kilda East has sufficient local heritage significance to justify applying the Heritage Overlay.

- Council should consider including 5 and 7 Bickhams Court as non-contributory properties through a separate process.

5.2 Findon Avenue Precinct (HO240)

Exhibited Statement of significance



What is significant?

The Findon Avenue Precinct comprises a row of detached double-storey brick residences of grand scale and prepossessing architectural form, occupying elevated sites on the east side of the street. They were erected over a period of three years following the 1938 auction of allotments on the Cantala Estate, created from the subdivision of the eponymous mansion, Cantala, former home of the Miller family, which occupied fourteen acres on Dandenong Road. The houses, all built by wealthy families (some of whom engaged leading architects such as Edward Billson, Frederick Morsby and the firm of Yuncken, Freeman Brothers, Griffiths & Simpson), express a range of fashionable architectural styles of the day including Moderne, Functionalist and Georgian Revival. The following houses are deemed to be contributory elements in the precinct: Findon Avenue: Nos 2, 4, 6, 8, 10, 12, 14, 16

How is it significant?

Criterion A: Importance to the course, or pattern, of Glen Eira's cultural history
 Criterion E: Importance in exhibiting particular aesthetic characteristics

Why is it significant?

The Findon Avenue Precinct is historically significant for associations with the creation and early development of the Cantala Estate, which was the largest, most ambitious and most prestigious inter-war residential subdivision in Caulfield. Created from a fourteen-acre property that had been held by the Miller family since 1895, the Cantala Estate (released in three stages in 1933, 1938 and 1939) attracted considerable attention from the press and potential buyers. While allotments on the estate were all highly desirable for their proximity to Dandenong Road (and the electric tram line thereon), it was the elevated land along the east side of Findon Avenue that proved to be the most sought-after. These sites, sold and developed within only three years of the 1938 auction, were snapped up by wealthy families who proceeded to build suitably grand dwellings (some designed by noted architects) to exploit the elevated position and bayside views. This continuous row of eight dwellings now remains as the most extant collection of original houses on the entire Cantala Estate. **(Criterion A)**

The Findon Avenue Precinct is aesthetically significant as a cohesive group of stylish and palatial residences of the late inter-war period. Erected by wealthy families who engaged the services of leading architects and builders, the houses exhibit notable consistency through their imposing scale, common setbacks, elevated siting, and various elements (such as expansive windows, balconies and sun decks) that were incorporated to take advantage of bayside views. The houses demonstrate the pervasive influence of the fashionable architectural styles of the period, including outstanding individual examples of the Georgian Revival (No 10), Streamlined Moderne (Nos 4, 12) and Functionalist (No 16), and others (Nos 2, 6, 8 and 14) displaying a confident melding of different styles. Collectively, the houses form a consistent and substantially intact streetscape of uncommonly grand dwellings from the late 1930s and early 1940s. **(Criterion E)**

(i) The issues

The issues are:

- whether the Findon Avenue Precinct (HO240) has sufficient local heritage significance to justify applying the Heritage Overlay
- whether 2 and 4 Findon Avenue should be included in the Precinct.

(ii) Submissions

One submitter considered the Heritage Overlay should not be applied to properties in the proposed Findon Avenue Precinct because they did not have “*any significant iconic legacy*”.

The owners of 2 Findon Avenue made submissions on behalf of their property and 4 Findon Avenue. Regarding 2 Findon Avenue they submitted:

- the property was only included because it ‘conveniently bookends’ the row of houses
- there are similar style properties in the immediate area
- the house was not designed by a noted architect and does not have the features described in the HO240 heritage citation
- the house has been altered, including a front attic with window, rear extension and internal changes
- the Heritage Overlay must take into account the west side of Findon Avenue and Cantala Avenue.

Regarding 4 Findon Avenue, they submitted the building:

- was significantly and extensively damaged beyond repair
- dampness from structural defects has resulted in life-threatening conditions.

At the Hearing, the 2 Findon Avenue owner noted that he had an on-site meeting with Council. Council later clarified the meeting was between councillors and the owner.

In the report attached to its 27 April 2021 meeting agenda, Council responded to these submissions. Council stated:

- any house at the end of a streetscape can be termed a ‘bookend’
- the comparative properties in the immediate area are interspersed and do not form a cohesive heritage precinct like the Findon Avenue Precinct
- there is no evidence that 2 Findon Avenue was not designed by a noted architect, and the Precinct’s significance has not been diminished by not attributing an architect
- 2 Findon Avenue represents the architectural era and style of the Precinct, and its alterations are at the rear which cannot be seen from the street
- from the street, 2 and 4 Findon Avenue appear to be in excellent condition
- the Precinct does not need to consider:
 - properties outside its boundary, consistent with accepted methodologies
 - internal building alterations and condition
- the HO 240 heritage citation describes architectural styles and features at a precinct level and does not have to describe details for each house
- the Heritage Overlay will not prevent alterations to address water penetration and dampness.

Council advised that the heritage consultant would investigate the upper floor and attic window at 2 Findon Avenue to determine whether it is a later addition. If found to be a later addition, Council would revise the heritage citation to note this alteration.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the Precinct.

(iii) Discussion

The Panel considers that the Precinct achieves Criteria A and E because it is important to the course of Glen Eira's history and because it exhibits particular aesthetic characteristics. The subject properties, notwithstanding that a few have had some alterations, are sufficiently intact to be viewed as a cohesive heritage precinct associated with the Cantala Estate. The HO240 Statement of Significant described the estate as Caulfield's "*largest, most ambitious and most prestigious interwar residential subdivision*" created from a 14 acre property.

Unlike Victorian or Edwardian precincts which exhibit more consistent building styles, the Findon Avenue Precinct presents a more eclectic style of building designs. Irrespective of whether the design is Streamlined Moderne, Functionalist or a meld of different styles, the houses collectively create a cohesive precinct of its era. Several of the homes, including 2 Findon Avenue, have building names displayed on their front entry wall – a common practice in the first decade following WW2.

The house at 2 Findon Avenue has had alterations, mostly to the rear and side elevations. They are partly visible when viewed from an acute angle from the street. Having inspected the Precinct, the Panel considers the front attic window at 2 Findon Avenue is likely to be an addition. Attic windows were not a common feature of gabled house from that development era. The weatherboards on the attic walls appear to be in better condition than those expected from a house of such an age.

The Panel is cognisant that the heritage consultant intends to inspect the house to confirm whether the attic window is an addition. This should occur to reconcile their views with those of the Panel.

As discussed in Chapter 4.1, building condition is not relevant when assessing the heritage significance of an individual place. It may be relevant when assessing a planning permit to alter or demolish the building after the Heritage Overlay has been applied to the property.

The building at 4 Findon Avenue has not been declared uninhabitable or ordered to be demolished for safety reasons. The Panel is satisfied the heritage fabric will exist when the Heritage Overlay is applied.

(iv) Conclusions

The Panel concludes:

- The Findon Avenue Precinct (HO240) has sufficient local heritage significance to justify applying the Heritage Overlay and all exhibited properties should be included.
- The attic at 2 Findon Avenue is likely to have been added after the original house was built and does not affect the house's ability to contribute to the Precinct.

5.3 Grimwade Court Precinct (HO241)

Exhibited Statement of significance



What is significant?

The Grimwade Court Precinct comprises a cluster of six large detached brick houses built between 1935 and 1940 following the creation of a 1928 cul-de-sac subdivision from the former site of the Victorian mansion, St Aubins. The houses, built by different owners who selected their own architects, reflect the fashionable Moderne and Tudor Revival styles of the period. While varying in their articulation and detailing, they are broadly similar in form, scale and setback. The following houses are deemed to be contributory elements in the precinct: Grimwade Court: Nos 1, 2, 3, 4, 5, 6. The significant fabric is deemed to include the exterior of all six original houses (and original garages) as well as original brick walls to driveways and street boundaries, and other elements of the front garden that contribute to the inter-war character of the precinct.

How is it significant?

Criterion A: Importance to the course, or pattern, of Glen Eira's cultural history

Criterion E: Importance in exhibiting particular aesthetic characteristics

Why is it significant?

The Grimwade Court Precinct is historically significant as an exceptional example of an interwar cul-de-sac estate developed on the former site of a Victorian-era mansion. From the 1910s, this pattern of settlement became increasingly common in Melbourne's desirable inner-southern suburbs as demand for residential allotments rapidly outstripped the need for grand mansions in expansive grounds. Characteristically, sprawling Victorian-era properties were nibbled away by subdivision until the original residence remained with a nominal curtilage. Grimwade Court, created in 1928 when the mansion St Aubins (originally fronting Orrong Road) was finally demolished, was conceived as a high-end development, taking its name from the adjacent private school. Although subsequent development was delayed by the Depression, the cul-de-sac filled out in the second half of the 1930s as the blocks were snapped up and built upon by wealthy residents (most of whom already lived in the area) who saw a rare opportunity to furnish themselves with a grand residence in an exclusive new enclave. As such, Grimwade Court is quite distinct from contemporaneous cul-de-sac estates more typically created by a single builder/developer who erected all the houses and then sold them off individually. **(Criterion A)**

The Grimwade Court Precinct is aesthetically significant as an intact and cohesive cluster group of large detached brick dwellings, erected within a few years of each other in the later 1930s and early 1940s. Although designed by different architects for different clients, the six houses display a notable sense of consistency in their scale (ie double-storey), materials (ie, brick and terracotta tile), articulation (ie, asymmetrical double-fronted facades), setbacks and general sense of grandeur. With four of the houses designed in the Streamline Moderne idiom and two in the Tudor Revival mode, they collectively illustrate the two parallel trends in domestic architecture of the period, favouring progressive and conservative design respectively. Even within the framework of their stylistic similarities, the houses are distinct in their form and detailing. This melding of cohesion and individuality has formed a striking residential enclave, enhanced by the retention of original front walls, driveways, garages and front gardens that, with their expansive lawn areas, garden beds, low plantings and mature trees, remain highly evocative of the interwar period. **(Criterion E)**

(i) The issues

The issues are:

- whether the Grimwade Court Precinct (HO241) has sufficient local heritage significance to justify applying the Heritage Overlay
- whether 1, 3, 4 and 6 Grimwade should be included in the Precinct.

(ii) Submissions

Several owners objected to the Heritage Overlay being applied to the Grimwade Court Precinct and to their property. They submitted the Precinct:

- did not have a consistent character, with each property having a different style, building character, materials and form
- was no more historically significant than other streets in Caulfield North
- was not intact because several houses in Grimwade Court, including numbers 1, 3, 4 and 6 had been substantially altered.

Specifically:

- 3 Grimwade Court: external wall colour and front garden are not original
- 4 Grimwade Court: the paved driveway and front fence are not original
- 6 Grimwade Court: the property was substantially altered in the 1980s to include new external doors, new garage door, glazed elevations and altered roofing.

Attachment 3 to the 27 April 2021 Council meeting agenda responded:

- 3 Grimwade Court appears from the street as a substantially intact 1930s/early 1940s house retaining many characteristic details
- the houses at 4 and 6 Grimwade Court are substantially intact and contribute to the Precinct, even with the changes identified by their respective owners
- the heritage consultant confirmed the Precinct is substantially intact and the heritage citation accurately reflects the Precinct.

In the report attached to its 27 April 2021 meeting agenda, Council responded to these submissions. Council officers recommended no changes to the Amendment. At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the Precinct.

(iii) Discussion

Grimwade Court is a substantially intact heritage precinct which meets Criteria A and E. While some of the houses have been altered over the years, they continue to contribute to the streetscape and do not diminish the Precinct's significance. The HO241 heritage citation accurately reflects the Precinct. Grimwade Court is another fine example of an original estate with a grand Victorian mansion being demolished and subdivided to enable striking residences for wealthy residents. Capturing this heritage significance is consistent with the Thematic History 2020.

(iv) Conclusions

The Panel concludes that Grimwade Court Precinct (HO241):

- has sufficient local heritage significance to justify applying the Heritage Overlay
- should include all exhibited properties.

6 Individual heritage places

6.1 195-197 Hawthorn Road, Caulfield North (HO207)

Exhibited Statement of significance



What is significant?

The two houses at 195-197 Hawthorn Road, Caulfield North, comprised a detached pair of single-storey hip-roofed rendered brick dwellings in a hybrid style combining the horizontal emphasis, round corners and curved windows of the Streamlined Moderne with the fluted columns and applied ornament of the classical tradition. Similar without being identical, the two houses were erected in 1939 by local designer/builder J W Fairbanks & Son, as separate but attached residences for two sisters.

The significant fabric is defined as the exterior of both houses, the detached garage to No 195 (but excluding its front wall, which is a later infill), and the matching dwarf walls (and any original metal gates) along both street boundaries. The non-original garage at the rear of No 197, facing Blencairn Avenue, is not considered significant.

How is it significant?

Criterion E: Importance in exhibiting particular aesthetic characteristics

Why is it significant?

The two houses are aesthetically significant as a distinctive example of domestic architecture from the late 1930s, deftly combining key characteristics of the prevailing Streamlined Moderne style (eg rounded corners and unusually extensive use of curved glazing) with classical touches (ie fluted porch columns) and an uncommon degree of applied ornament (included brick stringcourses and moulded elements). The exuberance and unselfconsciousness of this hybrid design is testament to the fact that it was the work of a talented and enthusiastic designer/builder rather than a qualified architect, reflecting the more populist approach to residential architecture at the time. Designed to be similar without being identical, the two houses form a unique pair and an eye-catching element in the streetscape, enhanced by retention of their original front fences. **(Criterion E)**

(i) The issues

The issues are:

- whether 197 Hawthorn Road, Caulfield North has sufficient local heritage significance to justify applying the Heritage Overlay (HO207)
- whether the HO207 Statement of Significance accurately describes the property.
- the extent of property to which the Heritage Overlay should be applied.

(ii) Submissions

The owners of 197 Hawthorn Road objected to the Heritage Overlay being applied to their property. They submitted that 197 Hawthorn Road does not meet Criterion E because its aesthetic qualities:

- have been irreversibly downgraded through changes to houses in the immediate surrounding area
- have limited public or disciplinary recognition.

Building alterations and changes to the surrounding area referred to in their submission include:

- internal and external restoration works and an added rear garage
- many original houses along Hawthorn Road and 1 Blencairn Avenue have been replaced with larger buildings
- at 195 Hawthorn Road, the entire front yard has been concreted for off-site parking, its original front fence has been replaced, and a retaining wall and 1.8 metre paling fence along the 197 Hawthorn Road side boundary.

Regarding the property's recognition, the owners submitted that the houses at 195 and 197 Hawthorn Road:

- are not a pair and are not unique
- are on separate titles with no common or shared facilities
- are not known because of the builder or his reputation.

Since exhibiting the Amendment, Council proposed to revise the HO207 heritage citation and statement of significance to note:

- the non-original front fence of 195 Hawthorn Road
- the non-original dwarf wall between the two properties along the driveway.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to both properties.

(iii) Discussion

The distinctively paired properties at 196-197 Hawthorn Road are a comparable place which exhibit particular aesthetic characteristics that meet Criterion E. When read together, the properties collectively present as an intact example of the 1930s Streamlined Moderne style.

The Panel agrees with the HO207 heritage citation that *"the two houses are aesthetically significant as a distinctive example of domestic architecture from the late 1930s'...and 'this hybrid design is testament to...work of a talented and enthusiastic designer/builder rather than a qualified architect' "*.

The citation notes:

- the approximately 47 year-old builder who, as a transient carpenter/builder, relocated to Victoria in around 1918 to purchase and renovate properties
- the two properties were designed and constructed by the same carpenter/builder for two siblings and the buildings collectively exhibit similar and differing aesthetic characteristics demonstrating a uniqueness towards the post-war thematic history of Glen Eira.

The Panel agrees with Council's proposed changes to the heritage citation which acknowledge:

- the non-original front fence of 195 Hawthorn Road
- the non-original dwarf wall between the two properties along the driveway.

(iv) Conclusions and recommendation

The Panel concludes:

- The place at 195 and 197 Hawthorn Road, Caulfield North has sufficient local heritage significance to justify applying the Heritage Overlay (HO207).
- The Heritage Overlay (HO207) should apply to both properties because they collectively contribute to the heritage place.
- The HO207 Statement of Significance should be revised to describe the place more accurately.

The Panel recommends:

Amend the Statement of Significant for 195-197 Hawthorn Road, Caulfield (HO207) to identify the non-original front fence of 195 Hawthorn Road and the non-original dwarf wall between the two properties along the driveway.

6.2 58 Norwood Road, Caulfield North (HO212)

Exhibited Statement of significance



What is significant?

Clarence Lodge, at 58 Norwood Road, Caulfield North, is a large single-storey double-fronted hip-roofed Late Victorian villa in a hybrid Queen Anne style, with tall chimneys, prominent gable end, shaped bargeboards, canted bay window, leadlight windows and expansive return verandah with turned posts, lattice freeze and tessellated floor. Designed by architect R B Rieusset, the house was built in 1890 for successful Boom-era businessman and his wife, who lived there only very briefly before his business collapsed in 1891. The significant fabric is defined as the entire exterior of the house.

How is it significant?

Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history
 Criterion E: Importance in exhibiting particular aesthetic characteristics
 Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

Why is it significant?

Clarence Lodge is aesthetically significant as a distinctive and idiosyncratic example of Boom-era residential architecture. Its design freely adapted the typical forms and motifs of the prevailing Late Victorian villa style (eg double-fronted asymmetrical façade composition, return verandah and canted bay window), merged with those that are more indicative of the emerging Queen Anne style (eg overscaled gable end with shaped bargeboards, turned posts and tall chimneys). Within this unusual composition, several elements are particularly quirky, such as the verandah extended across the projecting bay, the canted highlight window above the verandah roof, and the turned timber finials supporting the gablet eaves. The house demonstrates a high degree of creative achievement as an early manifestation of the gradual shift towards the Federation style, which would dominate domestic architecture in Australia in the first decade of the twentieth century. It is rare as one of only a small number of houses in Melbourne from the late 1880s and early 1890s that can be considered as prototypes for this important aesthetic shift. **(Criteria B, E and F)**

(i) The issues

The issues are:

- whether 58 Norwood Road, Caulfield North is sufficiently intact with local heritage significance to justify applying the Heritage Overlay (HO212)
- whether the HO212 Statement of Significance accurately describes the property.

(ii) Submissions

The owners of 58 Norwood Road objected to the Heritage Overlay being applied to their property because it has been significantly altered. They submitted:

- the original slate roof with terracotta edging has been replaced
- the attic window has been removed
- woodwork on the front battened gable wall have been removed
- the original brickwork and chimneys have been rendered
- the verandahs have been extended to the south and west elevations
- the west facing extension has altered the roofline
- the rear south elevation has new windows.

In the report attached to its 27 April 2021 meeting agenda, Council responded to these submissions. Council stated:

- the heritage citation acknowledges the house has been altered
- despite the changes, the overall form of the house remains substantially intact when seen from the street
- the building's most distinctive and noteworthy element is its overall form, with its highly unusual asymmetrical triple-fronted façade and continuous verandah penetrating a canted bay window
- the dramatically altered rear elevation cannot be seen from Norwood Road
- standard methodologies for assessing intactness does not include a rear elevation.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing with its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

The building exhibits Criteria B, E and F through its distinctive architectural detailing in a hybrid Queen Anne style. The architect's grand design for a prominent businessman demonstrates a high degree of creative and technical achievement of the late Victorian era.

The building has had various alterations, predominantly to the west, east and south elevations. The relatively minor alterations to the building's façade have not diminished the ability to understand its original design. The building continues to be sufficiently intact and exhibits its original highly detailed architectural features.

The Panel considers the northern alterations, including the removal of the attic window, to be reversible. This would require having photos of the original building, or if not available, of a similar building, to faithfully restore its original fabric.

The Panel disagrees with the HO212 heritage citation that the entire building exterior is significant fabric. It should be revised to note the alterations identified by the owners to differentiate

between heritage fabric and non-significant elements. It would also assist anyone seeking to restore the building to its original state.

(iv) Conclusions and recommendation

The Panel concludes:

- 58 Norwood Road, Caulfield North is sufficiently intact with local heritage significance to justify applying the Heritage Overlay (HO212).
- The HO212 Statement of Significance should be revised to note the building's facade has been altered through:
 - removal of attic window
 - rendering and painting the chimney stacks
 - removal of some woodwork from the front battened gable wall
 - replacing the roofing materials.

The Panel recommends:

Amend the Statement of Significant for 58 Norwood Road, Caulfield North (HO212) to note alterations identified by the owners.

6.3 335 Alma Road, Caulfield North (HO216)

Exhibited Statement of significance



What is significant?

The house at 335 Alma Road, Caulfield North, is a two-storey flat-roofed beige brick house in the post-WW2 modernist style, with white marble cladding at the upper level, mosaic tiled columns and stone-clad dwarf walls. Erected in 1968 for a Polish-born clothing manufacturer and his wife, it was designed by Czech-born Robert Rosh. The significant fabric is defined as the entire exterior of the house as well as the contemporaneous brick boundary wall, letterbox and stone-clad dwarf walls to the front garden.

How is it significant?

Criterion E: Importance in exhibiting particular aesthetic characteristics

Why is it significant?

The house is aesthetically significant as a particularly unusual example of modernist residential architecture of the 1960s. The work of a Czech-born émigré designer who, while professionally qualified, did not become registered as an architect in Victoria, the house exhibits an idiosyncratic strain of modernism where the trademark rectilinear massing, balanced façade and generous fenestration is relieved by decorative embellishments that include mosaic tiled columns, concrete breeze block screen, stone-clad dwarf walls and, most strikingly of all, white marble cladding to the upper level of the street façade. Occupied by the original residents for nearly fifty years, this virtually unaltered house remains an eye-catching element in the streetscape. **(Criterion E)**

(i) The issues

The issues are:

- whether 335 Alma Road, Caulfield North has sufficient local heritage significance to justify applying the Heritage Overlay (HO216)
- whether the HO216 Statement of Significance accurately describes the property.

(ii) Submissions

The owner of 335 Alma Road objected to the Heritage Overlay being applied to their property.

Their reasons included:

- the Heritage Review is inaccurate and should be either peer reviewed, or a new study should be commissioned
- the architect wasn't registered and there is no record of their work, therefore the property has little heritage significance
- the building needs works.

Since exhibiting the Amendment, Council proposed to revise HO216 heritage citation to clarify the building's facade only has one column. At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

The Panel considers that 335 Alma Road does not compare well with other examples in the Glen Eira municipality, including those subject to the Amendment and designed by Robert Rosh.

The building has an interesting mix of materials, however this does not translate into exhibiting aesthetic characteristics to meet Criterion E. The Panel does not agree with the heritage citation that brick boundary walls and dwarf garden walls have a particular aesthetic characteristic.

The property therefore does not have sufficient local heritage significance to justify the Heritage Overlay (HO216).

(iv) Conclusions and recommendation

The Panel concludes that 335 Alma Road, Caulfield North:

- is not a comparable example of particular aesthetic characteristics
- does not have sufficient local heritage significance to justify applying the Heritage Overlay.

The Panel recommends:

Delete the Heritage Overlay from 335 Alma Road, Caulfield North (HO216).

6.4 30 Aroona Road, Caulfield North (HO218)

Exhibited Statement of significance



What is significant?

The house at 30 Aroona Road, Caulfield North, is a two-storey flat-roofed brick house in the post-WW2 modernist style, with a projecting upper storey that, supported on paired struts, forms a ground level undercroft. It incorporates expansive windows, two corner balconies with timber-lined eaves and a range of decorative finishes including rock-faced marble chips to the first floor spandrel, projecting brick courses at the lower level, feature stone cladding and concrete breeze block screens to the side elevations. Erected in 1963 for Czechoslovakian-born husband-and-wife clothing manufacturers, the house was designed by German-born architect Michael R E Feldhagen. The significant fabric is defined as the exterior of the house, and the crazy paved-stone driveway.

How is it significant?

Criterion E: Importance in exhibiting particular aesthetic characteristics

Criterion H: Special association with the life or works of a person, or groups of persons, of importance in our history.

Why is it significant?

The house is aesthetically significant as an exceptional example of modernist residential architecture of the early 1960s. While the expression of a two-storey house with an upper level projecting over a recessed lower level is a recurring motif in modernist architecture (represented by many examples in what is now the City of Glen Eira), this one is outstanding for its more distinctive and idiosyncratic articulation, which includes a subtle concave curve to the street façade, pairs of angled strut-like supports, corner balconies (rather than a full-width balcony) and an uncommonly varied application of decorative surface treatments that include rock-faced marble strips, feature stone cladding, projecting brick courses, concrete breeze block screens and a crazy paved driveway. With the house owned by its original family for many years, its exterior remains remarkably intact to the period, and is a striking element in the streetscape. **(Criterion E)**

The house is historically and architecturally significant as one of the most outstanding examples of the work of German-born architect Michael R E Feldhagen, a former employee of Dr Ernest Fooks who, reportedly at the urging of Fooks' clients, left to commence his own practice in 1963 and soon became sought-after as a designer of high-end residences, mostly for fellow European émigrés. While Feldhagen is said to have been notably active in Caulfield in the 1960s and '70s, few of his buildings have been conclusively identified therein. This standout example, with its uncommonly lively and virtually unaltered exterior, remains as his best known residential project. **(Criterion H)**

(i) The issues

The issues are:

- whether 30 Aroona Road, Caulfield has sufficient local heritage significance to justify applying the Heritage Overlay (HO218)
- whether the HO218 Statement of Significance accurately describes the place.

(ii) Submissions

The owners of 30 Aroona Road objected to the Heritage Overlay being applied to their property.

Reasons include:

- the building's modernist features are not significant enough to warrant protection and found in many houses throughout Caulfield
- the architect, Michael Feldhagen, was not registered and is not well known
- there are other examples of the architect's houses and apartments in Glen Eira
- the crazy paved driveway being replaced
- the interior has been substantially altered.

Since exhibiting the Amendment, Council proposed to revise the HO218 heritage citation and statement of significance to delete reference to the crazy paved stone driveway as a significant element. At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing with its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

The building is an exemplar example of post-WW2 modernist style designed by German-born architect Michael RE Feldhagen. It is one of few houses designed by Feldhagen, a residential designer which clearly exhibits particular aesthetic characteristics to the post-WW2 modernist style with a cantilevered upper floor, paired struts, and range of decorative finishes to the façade.

The property therefore meets Criteria E and H.

The building has had some alterations, but its street elevation remains intact. The Panel agrees with Council's post-exhibition change to the statement of significance to delete reference to the crazy stone which no longer exists.

(iv) Conclusions and recommendation

The Panel concludes:

- 30 Aroona Road, Caulfield has sufficient local heritage significance to justify applying the Heritage Overlay (HO218).
- The HO218 Statement of Significant should be revised to delete reference to the crazy paved stone driveway as a significant element.

The Panel recommends:

Amend the Statement of Significant for 30 Aroona Road, Caulfield North (HO218) to delete reference to the driveway paving as a significant element.

6.5 53 Balaclava Road, St Kilda East (HO219)

Exhibited Statement of significance



What is significant?

The Greyfriars flats at 53 Balaclava Road, Caulfield, is a development of forty-three flats in two-and three-storey hip-roofed cream brick blocks around a central garden area. The two blocks facing the street are expressed in a stark Functionalist style (linked by a garden wall), while those to the rear have angled stepped facades, exposed hipped roofs and open staircases/walkways. Erected in 1949-51 as Melbourne's first flats conceived on a co-operative system, they were designed by entrepreneurial architect Bernard Evans, who was also a director of the company that built them. The significant fabric is defined as the entire original exterior of the flats, including the garden wall that links the two flat-roofed front blocks. The front fence is not considered to be significant.

How is it significant?

Criterion A: Importance to the course, or pattern, of Glen Eira's cultural history

Criterion E: Importance in exhibiting particular aesthetic characteristics

Why is it significant?

The Greyfriars flats are historically significant as a milestone in post-WW2 apartment dwelling in what is now the City of Glen Eira. Designed in 1949, this complex of 43 units was the first major block of flats to be erected in the study area in the post-WW2 era, anticipating the significant influx of higher-density living that would transform the study area (and especially the former City of Caulfield) in the 1950s, '60s and '70s. Conceived on a then-innovative co-operative basis, whereby ownership was vested in a co-operative society in which each resident was a member, Greyfriars is historically significant as the first development of that type in Melbourne. This ushered in new modern era of own-your-own flats, which subsequently became the norm and ultimately lead to the introduction of strata title legislation in the late 1960s.

(Criterion A)

The Greyfriars flats are aesthetically significant as an unusual example of post-WW2 modernist architecture. While conceived as a single development, with a consistent palette of face brickwork (mostly cream), the individual blocks are expressed in contrasting forms. The two front blocks are articulated in a stark Functionalist mode, with bold rectilinear massing, corner balconies and roofs concealed by parapets, while the rear blocks have a more traditionally domestic character with exposed hipped roofs, stepped angled facades and open stairwells and walkways. With the flats arranged in a U-shaped configuration around a pleasant central garden/carpark area, Greyfriars remain as a highly distinctive example of a post-WW2 apartment complex. **(Criterion E)**

(i) The issues

The issues are:

- whether 53 Balaclava Road, St Kilda East meets Criterion E
- whether the HO219 Statement of Significance accurately describes the place.

(ii) Submissions

The owners of one of the apartments at 53 Balaclava Road supported the HO219 heritage citation's assessment that the property is "*important to the course, or pattern, of Glen Eira's cultural history*" (Criterion A). They disagreed that the property exhibited particular aesthetic characteristics (Criterion E).

The owners submitted that the HO219 Statement of Significance should be corrected to:

- describe the south block to the rear
- more accurately describe the windows and their orientation
- not describe the chimneys as 'prominent' features of the rear blocks because they are almost invisible from most angles on the ground level
- note that the building has been altered, including additions, over the last 70 years.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing with its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

The property is a group of 43 flats constructed in 1941-51, with intact Post-WW2 modern brick façade and elements, Period steel pressed windows, and themed gateway entry in themed brick style.

The Greyfriars multi-unit residential development is a sound example of the construction boom delivering higher-density living with importance to the course of Glen Eira's history (Criterion A). The property's 1950s high-density response to residential living with each block of flats surrounding a central garden and/or garden outlook exhibit particular aesthetic characteristics (Criterion E).

The statement of significance refers to the entire development, including all blocks irrespective of whether they are visible from the street. The statement accurately describes the place and does not have to be revised. The Panel acknowledges the southern block and other various elements are not clearly visible from the public realm. The Panel's inspection was limited to what it observed from the street. However, it expects these elements would be visible by residents and visitors from the common area of the property.

(iv) Conclusions

The Panel concludes:

- 53 Balaclava Road, St Kilda East meets Criterion E.
- The HO219 Statement of Significance accurately describes 53 Balaclava Road.

6.6 64 Balaclava Road, St Kilda East (HO220)

Exhibited Statement of significance



What is significant?

The house at 64 Balaclava Road, St Kilda East, is a two-storey skillion-roofed cream brick house in a stark post-WW2 modernist style, with asymmetrical street facade incorporating a wide stone-clad chimney, large windows and north-facing sun decks. Designed in 1951 by Austrian-trained architect Dr Ernest Fooks, the house was commissioned by a compatriot who was a successful canned fruit magnate, and whose family occupied it for three decades. The significant fabric is defined as the exterior of the entire house, along with the matching brick garden wall and boundary walls (with metal gates) along both street frontages. The garage to the rear, which occupies the footprint indicated on Fooks' drawings, is not considered significant.

How is it significant?

Criterion E: Importance in exhibiting particular aesthetic characteristics

Criterion H: Special association with the life or works of a person, or groups of persons, of importance in our history

Why is it significant?

The house is aesthetically significant as an early and unusually substantial example of post-WW2 modernist residential architecture. Designed by an architect who trained and even practiced in Austria before migrating to Australia in 1939, the house represents a confident and authentic articulation of the International Style, with its bold rectilinear massing, stark planar walls, broad-eaved skillion roof, expansive windows and sun deck above a columned undercroft. Atypically large for its time, this grand two-storey residence, occupying a prominent corner site at the junction of two major roads, remains a conspicuous element in the streetscape. **(Criterion E)**

The house is historically significant for associations with Austrian-trained architect Dr Ernest Fooks, who started private practice in Melbourne in 1948 and soon became sought-after as a designer of residential projects for fellow European émigré clients. Notably prolific in the former City of Caulfield (where he himself resided, in Howitt Street, from 1966 until his death), Fooks maintained a long personal and professional association with what is now the City of Glen Eira, including several art exhibitions held at the Caulfield Town Hall. Dating from 1951, the house is one of Fook's two oldest surviving buildings in the study area (along with another at 16 Cantala Avenue, also 1951) that, together, provide rare and significant evidence of the early presence of an architect whose work re-shaped the Caulfield area. **(Criterion H)**

(i) The issues

The issues are:

- whether 64 Balaclava Road, St Kilda East has sufficient local heritage significance to justify applying the Heritage Overlay (HO220)
- whether the HO220 Statement of Significance accurately describes the place.

(ii) Submissions

The owners of 64 Balaclava Road objected to the Heritage Overlay being applied to their property. They noted that Mr Fooks designed:

- his first houses in the late 1940s, mostly for Jewish clients who migrated from Europe
- over 40 blocks of flats over 30 years since 1950
- his own house in Caulfield in 1966 in a courtyard theme
- 124 Balaclava Road, and 43 and 47 Aroona Road, which are included in the Amendment
- the courtyard house design in the following years, including one in Balwyn in 1970 and another in Camberwell in 1971.

The owners disputed the property's heritage significance because:

- the dwelling:
 - is not an indicative example or a significant exemplar work of Mr Fooks so the Heritage Overlay would elevate his legacy beyond what is justified
 - does not appear in Harriet Edquist's book, Ernest Fooks, Architect
 - is not a single storey courtyard house or typical of Mr Fooks' domestic design
 - is not visible from the street so it cannot exhibit its particular aesthetic characteristics referred to in the HO220 heritage citation
- there is nothing significant about the original or current owners to justify the Heritage Overlay
- the heritage citation does not clearly explain how the property is locally significant.

The owners submitted the heritage citation was inaccurate because:

- the dates of the plans are incorrect and were dated several years after 1951
- there have never been any bedrooms downstairs
- the dwelling's interior:
 - has been substantially altered
 - has several art deco features including the staircase but it is not modernist
- the dwelling's exterior has been altered
- reference to the dwelling's 'grand proportions' is overstated.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

The property draws a special association with the life works of architect Dr Ernest Fooks (Criterion H). Dr Fooks was known for designing single storey dwellings, and this property offers an evolution in his work to two storeys, and commissioned by and for a local successful businessman.

The particular aesthetics (Criterion E) referred to in the heritage citation are screened from street view by a series of large shrubs and hedged trees. On its inspection, the Panel noted:

- intact Period detailed metalwork in the form of balustrades and gates

- intact Period brickwork
- intact feature stone cladding and accent elements
- altered windows with double glazing detracting from its appearance
- potentially altered rear balcony overhang.

The statement of significance describes the property well, however the included photo does not clearly represent its significant elements.

The building has had minor alterations to the side and rear elevation which do not affect its intactness. These include a cantilevered overhang with altered fascia and potentially altered skylights. The alterations should be identified in the Statement of Significance to reflect the place more accurately.

(iv) Conclusions and recommendation

The Panel concludes:

- 64 Balaclava Road, St Kilda East has sufficient local heritage significance to justify applying the Heritage Overlay (HO220)
- The HO220 Statement of Significance accurately describes the place but would benefit from referring to the minor alterations to the side and rear elevation.

The Panel recommends:

Amend the Statement of Significant for 64 Balaclava Road, Caulfield North (HO220) to identify the cantilevered overhang with altered fascia and potentially altered skylights.

6.7 124 Balaclava Road, Caulfield North (HO221)

Exhibited Statement of significance



What is significant?

The building at 124 Balaclava Road, Caulfield North, is a large flat-roofed two-storey cream brick block of flats in a stark Functionalist style. Occupying a corner site, it has bold rectilinear massing and elongated elevations with rendered banding, wide windows, corner balconies with balustrade walls, and entries with cantilevered slab canopies and tall multi-paned window bays. Built in 1950-51 as an investment property for a Polish émigré couple, the flats were designed by Palestinian émigré architect Mordechai Benshemesh. The significant fabric is defined as the exterior of the building and the matching dwarf wall along each of the two street boundaries. The garage block, to the rear, is not considered significant.

How is it significant?

Criterion D: Important in demonstrating the principal characteristics of a class of cultural or natural places or environments

Criterion E: Importance in exhibiting particular aesthetic characteristics

Why is it significant?

The block of flats is architecturally significant as an exceptional example of a modern apartment building in the minimalist tradition of progressive Continental European counterparts. Comprising seven compact and tightly-planned two- or three-bedroom units with private balconies and shared stairwells, the development was conceived for the existenzminimum lifestyle that was the norm in larger European cities. This authenticity is underscored by the fact that the building was commissioned by a Polish-born couple, designed by a Palestinian-born architect, and initially tenanted exclusively by Eastern European émigré families who would have been well accustomed to living in such premises. Designed in mid-1950, it can be considered as one of the earliest manifestations of the post-WW2 modernist apartment blocks that would become such a defining characteristic of the Caulfield area in the later 1950s, '60s and '70s. **(Criterion D)**

The block of flats is aesthetically significant as a highly confident expression of the European Functionalist style. This is evident in its stark rectilinear massing and uncommonly elongated street facades, where the innate horizontality is heightened by rendered banding, wide rectangular windows and the conspicuous articulation of concrete slabs to the floors and canopies of corner balconies. Characteristically, the strong horizontal emphasis is relieved by the stepped facades and the contrasting vertical focus on the two street entrances, where tall-multi-paned window bays articulate the stairwells within in the best Functionalist tradition. Occupying an uncommonly large corner site along a major thoroughfare, this prominent building remains an eye-catching and distinctive element along the Balaclava Road streetscape. **(Criterion E)**

(i) The issues

The issues are:

- whether 124 Balaclava Road, Caulfield North has sufficient local heritage significance to justify applying the Heritage Overlay (HO221)
- whether the HO221 Statement of Significance accurately describes the place.

(ii) Submissions

The owners of one of the apartments at 124 Balaclava Road objected to the Heritage Overlay being applied to the property and disagreed that it met Criteria D and E. They submitted that the HO221 heritage citation has issues, including:

- the term ‘functionalism’ is a confusing principle, and there is no explanation why the building achieves this style
- ‘stark example’ is misleading without agreement from the profession
- the significant fabric, being the building exterior and the matching dwarf wall along each of the two street boundaries is common in Glen Eira and surrounding areas.

Regarding the Criterion D assessment, the owners submitted:

- the Heritage Review author:
 - is expressing personal subjective opinion
 - should not presume what premises the owners were accustomed to
 - is biased because he refers to his own ‘paper’ about the architect
- the Citation inappropriately connects the owners’ and tenants’ European backgrounds.

Regarding the Criterion E assessment, the owners submitted:

- there is no explanation why the building is considered to have a Functionalist style
- weight has been put on the building’s location rather than its features.

The owners considered the property would not meet Criteria D and E if it applied the thresholds in the Victorian Heritage Register (VHR) Criteria and Threshold Guidelines for state place.

The owners submitted that there are many various types of residential buildings with common features to those at 124 Balaclava Road. They referred to 12 other local properties as examples, including 53 and 64 Balaclava Road which form part of the Amendment.

In the report attached to its 27 April 2021 meeting agenda, Council responded to this submission.

The Council officers stated:

- the heritage consultant:
 - maintained the term ‘functionalism’ has been correctly applied
 - maintained that European émigré families were far more accustomed to minimalist apartment living than Australian contemporaries when the building was constructed
 - is qualified to express their professional view on émigré architects and Melbourne’s European diaspora of the twentieth century
 - has never written a paper on Mordechai Benshemesh, and it cannot be concluded he is biased towards that architect because his organisation’s webpage has a library of architectural biographies
 - was not persuaded the submitter’s cited 12 buildings are comparable or better than 124 Balaclava Road
- it was never implied that the low walls were rare or unique in the study area or that every example is worthy for protection.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

This property displays as an excellent example for Functionalist Modern style with particular aesthetic characteristics (Criterion E) of Functionalist Modern style. The Panel agrees with the Council Officer's response to the submitter's issues regarding Criterion D. It has no reason to question the heritage citation's assessment.

The building compares well with, if not better than, the examples in the HO221 heritage citation. Heritage is founded on the methodology set out in Planning Practice Note 1 and applied through the Heritage Review. This methodology does not refer to a quota on the number of properties with the Heritage Overlay in the municipality or swapping one property for another comparable property.

The Panel does not comment on the Victorian Heritage Register Criteria and Threshold Guidelines because they are for assessing places of state significance.

(iv) Conclusions

The Panel concludes:

- 124 Balaclava Road, Caulfield North has sufficient local heritage significance to justify applying the Heritage Overlay (HO221).
- The HO221 Statement of Significance accurately describes the place.

6.8 624 Centre Road, Bentleigh East (HO223)

Exhibited Statement of significance



What is significant?

St John's Anglican Church at 624 Centre Road, Bentleigh East, is a post-WW2 modernist cream brick church with a truncated A-framed nave, spiky metal steeple, and facade with false arched windows, pebbled wall finish and mosaic tiled spandrels. Erected in 1961-62 to replace an existing church on the site dating back to 1873, the building was designed by architects Gawler, Churcher & Boardman (who had previously designed a new church hall for the same site). The significant fabric is defined as the entire exterior of the 1961-62 church building, and interior fittings as follows: the three stained glass windows from the old church, full immersion baptismal font, decorative iron grille between Pioneers' Chapel and choir stall, decorative iron altar rail, timber panelled wall behind the altar, and pendant light fittings in the nave. The other buildings on the site, namely the adjacent hall (by the same architects, but of little architectural interest), vicarage, kindergarten and toilet block, are not considered to be significant.

How is it significant?

Criterion E: Importance in exhibiting particular aesthetic characteristics

Why is it significant?

St John's Anglican Church is aesthetically significant as an exceptional example of ecclesiastical architecture in a lively sub-style of post-WW2 modernism characterised by a playful expression of non-structural elements, applied ornamental and decorative finishes. Famously dismissed by Robin Boyd as "Featurism", this sub-style was mostly associated with commercially-oriented buildings (eg shops, showrooms, motels, etc) and houses, and was rarely adopted for ecclesiastical buildings. St John's Church, with its truncated A-framed nave, false-arched arcade (with pebbled finish and mosaic tiled spandrels) and spiky metal-framed steeple evocative of the American 'Googie' style, is a notable (and notably intact) example of the Featurist approach, as atypically applied to a church. With its deliberately eye-catching design and prominent siting at the corner of two major roads, the building remains a distinctive element in the streetscape. The nave interior is notable for retention of original finishes and fittings including panelled nave wall, decorative ironwork, pendant light fittings and a cruciform full-immersion baptismal font (an element seldom found in Anglican churches). **(Criterion E)**

(i) The issues

The issues are:

- whether 624 Centre Road, Bentleigh East has sufficient local heritage significance to justify applying the Heritage Overlay (HO223)
- whether the HO223 Statement of Significance accurately reflects the place.

(ii) Submissions

St John's Bentleigh supported some external control of the building but opposed internal controls. It questioned the need for the additional controls considering:

- their record in respecting the building's heritage
- the need for churches to be free to manage their own affairs.

St John's Bentleigh requested the HO223 heritage citation be revised to:

- describe the real altar wall as plastered with timber trim, but not timber panelled
- refer to an organ rather than a pipe organ which does not exist
- refer to the spire having four tapering metal members rather than three, and note the pole associated with the phone tower equipment installed in or around the 1980s.

St John's Bentleigh included photos showing the church interior from different perspectives. In a later submission it stated:

Removing the adjective 'pipe' from the noun 'organ' will not be sufficient, because the original St John's organ was replaced many years ago, is not on site, and is in no way relevant to the present situation. The organ now in place, as repeatedly indicated, was only installed at St John's in the early 1980s.

In the report attached to its 27 April 2021 meeting agenda, Council responded to this submission. The Council officers stated:

- the heritage citation should be revised to:
 - update the description of the wall behind the altar
 - note the spires as having four tapering metal members rather than three
 - remove references to the organ from the heritage citation
- internal controls will not prohibit internal alterations.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

The St John's Bentleigh Church commands an importance to exhibiting particular aesthetics true to the post-WW2 modernist period of architecture with a strong a-frame nave, metal steeple and articulated facade. The building form offers architecturally technical attention to detail with a *"playful expression of non-structural elements"* which is synonymous with the modernist style. The church, as a place of worship, is identified as an eye-catching design and highly visible from the street.

The Panel agrees with Council's proposed changes to the HO223 heritage citation regarding the wall, spire and organ because they will more accurately describe the place.

The Panel has responded to issues of building alterations and Heritage Overlay curtilage in Chapters 4.2 and 4.4 of this report. Consistent with its findings, the Panel considers the internal

controls should apply to the church's interior and the Heritage Overlay should be applied to the entire property.

(iv) Conclusions and recommendation

The Panel concludes:

- 624 Centre Road, Bentleigh East has sufficient local heritage significance to justify applying the Heritage Overlay (HO223) to the entire property.
- The HO223 Statement of Significance should be revised to delete references to the organ, revise details about the altar wall to reflect its actual materials, and to correct the reference to the spire.

The Panel recommends:

Amend the Statement of Significance for 624 Centre Road, Bentleigh East (HO223) to delete references to the organ, revise details about the altar wall to reflect its actual materials, and correct the reference to the spire.

6.9 61-63 Gordon Street, Elsternwick (HO227)

Exhibited Statement of significance



What is significant?

The residential complex at 61-63 Gordon Street, Elsternwick, comprises a two-storey dwelling (No 63) and an adjacent two-storey L-shaped block of flats (No 61), consistently expressed with stepped façades, plain cream brickwork, low skillion roofs and large window bays. It was designed in 1956 by Austrian émigré architect Kurt Popper to provide a residence for his own family, with the adjacent flats as an investment. The significant fabric is defined as the exterior of both buildings and the brick boundary wall.

How is it significant?

Criterion E: Importance in exhibiting particular aesthetic characteristics

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period

Criterion H: Special association with the life or works of a person, or groups of persons, of importance in our history

Why is it significant?

The house and flats are aesthetically significant as a distinctive example of post-WW2 modernism. Considered as a cohesive single development, the two components display a consistent modernist expression of stark volumetric massing, planar walls, wide window bays and low skillion roofs with broad timber-lined eaves. At the same time, undue repetition is avoided, so that the house and the flats remain readily interpreted as two related but separate buildings. While the entire complex is characterised by a minimalism that hints at the architect's European background, the single dwelling to the north, which was his own residence, is granted emphasis with eye-catching feature walls of random stonework and dark-coloured brick. **(Criterion E)**

The house and flats are architecturally significant for their innovative design and planning. Described on the working drawings as a "maisonette and six flats", this unusual combination of a large but compact single family dwelling with an attached block of lettable flats represented a major departure from established traditions of multi-unit living in Melbourne. Slightly predating a building of similar concept at 218 Kooyong Road, Caulfield (Winston Hall Associates, 1957-59), this distinctive residential development represented a hybrid typology that was rarely seen in the study area the 1950s and remained uncommon even into the 1960s. **(Criterion F)**

The house and flats are historically significant for associations with Austrian émigré architect, who conceived them as a residence for his own family with a lettable investment property alongside. Popper, who began private practice in Melbourne in 1946, became sought-after as a designer of residential projects for fellow European émigré clients, and is acknowledged as a leading exponent of higher-density living in Melbourne (ultimately designing some of the first highrise apartment blocks in the CBD and inner suburbs). His own house in Gordon Street, where he lived for more than four decades before his death in 2000, provides evidence of the significant local presence of a resident architect who undertook a notable amount of work in what is now the City of Glen Eira (and especially Caulfield and Elsternwick), while the adjacent Gordonlea flats represents one of Popper's earliest (of many) multi-unit projects in the municipality. **(Criterion H)**

(i) The issue

The issue is whether 61-63 Gordon Street, Elsternwick has sufficient local heritage significance to justify applying the Heritage Overlay (HO227).

(ii) Submissions

The owners of 61 and 63 Gordon Street objected to the Heritage Overlay being applied to their property. They submitted their father, who was an architect, designed the house for their family, and he would not necessarily have wanted to see it preserved. They were concerned the Heritage Overlay would not be in their family's best interest.

In the report attached to its 27 April 2021 meeting agenda, Council responded to this submission. The Council officers stated:

- the claim that Mr Popper did not consider his house to be a notable example of his own architectural talents is not supported by the fact he chose to live there for half a century
- the Heritage Overlay does not inhibit the owner's rights to alter the property, provided they respect the place's heritage fabric.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing with its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

The Panel considers that 61-63 Gordon Street achieves Criterion H for its special association with the works of noted Architect, Kurt Popper, where he chose to live and practice for over 50 years.

Mr Popper demonstrated an entrepreneurial vision to develop his property with an attached adjoining six-flat building to be delivered as an investment. While some better examples exist in the municipality, the property:

- is comparable with them and has sufficient aesthetic characteristics to meet Criterion E
- reflects post-WW2 modernism with strong volumetric massing.

Mr Popper did a good job combining the buildings through consistent design elements. However, the Panel does not agree with the Statement of Significance that it has a high degree of creative or technical achievement to meet Criterion F.

(iv) Conclusions and recommendation

The Panel concludes that 61-63 Gordon Street:

- has sufficient local heritage significance to justify applying the Heritage Overlay (HO227)
- does not meet Criterion F.

The Panel recommends:

Amend the Statement of Significance for 61-63 Gordon Street, Elsternwick (HO227) to delete reference to Criterion F.

6.10 30 Griffiths Street, Caulfield South (HO228)

Exhibited Statement of significance



What is significant?

The house at 30 Griffiths Street, Caulfield South, is a two-storey orange brick dwelling of unusual sculptural form. Occupying a corner site, it is laid out on an irregular plan (based on a rotated 45-degree modular grid), extruded to form two contrasting and mostly blank street elevations with projecting wing walls, half-round stairwell bay, a Diocletian window and an asymmetrical roofline of separate skillions with flat or raked parapets. The house was erected in 1977-78 as a speculative project for Karl Fink's construction company, and was designed by his architect son, Leon Fink. The significant fabric is defined as the exterior of the entire house, including various brick walls that project from the house and extend along the street boundaries.

How is it significant?

Criterion E: Importance in exhibiting particular aesthetic characteristics.

Why is it significant?

The house is aesthetically significant as a distinctive example of modernist residential architecture of the late 1970s, showing the pervasive influence of the so-called Chamfer style that was popular for much of that decade. Its highly sculptural appearance is the result of a modular plan that was rotated by 45 degrees to respond to the corner site, then extruded into a series of irregular forms. The two street elevations, starkly and differently expressed, incorporate splayed corners, tapered wing walls, projecting half-round stairwell and an irregular skillion roofline with flat and raked parapets. The starkness is softened by the use of pale orange brick (rather than the concrete block or rendered finish more typically associated with the Chamfer style), and relieved by quirky details such as the projecting downpipes and Diocletian window to Goe Street, which hint at the influence of the emerging Post-Modernist style. Virtually unaltered since completion in 1978, the house remains an eye-catching element in a predominantly pre-war residential streetscape.
(Criterion E)

(i) The issues

The issues are:

- whether the property has sufficient local heritage significance to justify applying the Heritage Overlay
- whether the HO228 Statement of Significance accurately reflects the property.

(ii) Submissions

The owners of 30 Griffiths Street objected to the Heritage Overlay being applied to their property. They engaged a heritage consultant to assess their property and attached his letter to their submission.

Having inspected the house and reviewed the Heritage Review documents, the heritage consultant concluded that the house does not meet Criterion E and the HO228 heritage citation has errors. In his letter, he stated:

- it is his understanding the Heritage Review author had not visited the site to thoroughly inspect the house's interior or exterior
- the house has brown (not orange) brickwork
- the house is surrounded by predominantly Post-war housing in Griffiths Street and Goe Street; not Pre-war housing
- the house's projecting walls do not extend along the site's street boundaries
- the citation should pinpoint the exact construction year rather than a date range
- the 45 degree planning of the house is expressed internally and not evident from the public realm
- the house would be better described as Post Modern
- the so-called Chamfer-style referred to in the citation lacks importance in Glen Eira's Post-war built form period
- Planning Practice Note 1 emphasises the need to clearly justify the heritage place's significance
- there has been insufficient rigour applied to the investigation to clearly understand the building.

The owners accepted the heritage consultant's findings.

In the report attached to its 27 April 2021 meeting agenda, Council responded to this submission. The Council officers stated:

- the heritage consultant inspected the site, as demonstrated through the photo in the heritage citation
- the brick colour is a medium-neutral hue which can be described as orange, orange-brown or beige
- reference to the surrounding Pre-war streetscape does not impact the place's significance but it can be revised in the heritage citation to avoid confusion
- Council's heritage consultant referred to a photo which shows, from Goe Street, the dwarf wall projecting from the left side of the entry porch and intersecting with a dwarf wall that partly extends along the property boundary
- documents show the dwelling constructed between 1977 and 1979
- the architect, Leon Fink, confirmed in an interview that he had rotated the design to respond to the corner site

- Council's heritage consultant maintained that Chamfer-style is worthy of heritage protection in Glen Eira.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

The property at 30 Griffiths Street has an interesting history and association with its construction company, however, the HO228 heritage citation recognises the property solely for its aesthetic characteristics (Criterion E).

The submission's reference to the subject land being among properties of pre-war design is irrelevant because the property has been assessed as an individual place and not as part of a heritage precinct.

Regarding Criterion E, the Panel generally agrees with the heritage consultant's assessment attached to the submission. The house has some particular aesthetic characteristics of post-WW2 modern architecture, however it is insufficient to meet the threshold to justify the Heritage Overlay. Like other architects, Mr Fink used design features to take advantage of the exposure provided through the corner property. While interesting, this does not necessarily make the building a comparable example of other post-WW2 modern architecture. There are other stronger examples in the municipality.

The heritage citation refers to the house's projecting walls extending to the boundary. However, the Panel observed the walls being mostly separated from the building. It also references the internal arrangement and layouts as being virtually unaltered, however there is no supporting images or evidence to confirm this claim.

(iv) Conclusion and recommendation

The Panel concludes that 30 Griffith Street, Caulfield South does not have sufficient local heritage significance to justify applying the Heritage Overlay (HO228).

The Panel recommends:

Delete the Heritage Overlay from 30 Griffith Street, Caulfield (HO228).

6.11 40 Lumeah Road, Caulfield North (HO233)

Exhibited Statement of significance



What is significant?

The house at 40 Lumeah Road, Caulfield North, is a two-storey flat-roofed reinforced concrete house on an elongated and irregular plan. Its street frontage is dominated by a blank elliptical volume penetrated by a projecting rectilinear bay with fin-like mullions and mirrored glazing, with a steel front door and a simple trabeated concrete slab carport. Erected in 1990-94, the house was designed by architects Wood Marsh. The significant fabric is defined as the entire exterior and interior of the house, and other elements of its setting designed by Wood Marsh (including carport, front fence/gates and swimming pool). Controls over internal finishes (eg concrete walls, terrazzo floors, roughcast ceilings) and fittings (including formal staircase and original kitchen and bathroom fitouts) are deemed to be applicable because the architect has stated that the interior is inseparable from the totality of the design.

How is it significant?

Criterion E: Importance in exhibiting particular aesthetic characteristics

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period

Why is it significant?

The house is aesthetically significant as an outstanding and idiosyncratic example of modernist residential architecture of the 1990s. Starkly expressed with bold sculptural forms, a curved street facade, a limited palette of materials and minimalist detailing, the house defies convenient stylistic labels. While its massive raw concrete forms evoke the ruggedness of the Brutalist idiom, the projecting mirrored curtain-wall bay recalls the slickness of the International Style. The interior has prompted observers to make comparisons with Egyptian architecture and the work of the Italian Rationalists. A house that literally stopped traffic at the time of its construction, it remains a striking and wholly unexpected element in this suburban residential streetscape. **(Criterion E)**

The house is architecturally significant as a ground-breaking re-invention of the modern house. With a basic brief that effectively gave the architects a wholly free hand, the project represented a noted departure from contemporary trends in planning, materials, forms and finishes. With a cave-like foyer incorporating a grand curving staircase, and a vast entertainment area (for 350 guests) that doubled as a corridor, the interior planning challenged conventional notions of domestic living. Its limited palette of low-maintenance materials, and use of industrial finishes such as brushed metal sheeting, was then uncommon (and has only been embraced more widely since). Also unusually for the time (and still today), the project was conceived as a true totality of design, with its interior inseparable from the exterior, and the architects engaged to design furniture, fences and swimming pool, and even select the artwork. **(Criterion F)**

The house is architecturally significant as an important and influential early undertaking by the internationally-recognised partnership of Wood Marsh. One of the fledgling firm's first major projects, this high-end commission provided a rare opportunity to fully develop and articulate their architectural standpoints. Generating a flood of attention and publicity, and winning two prizes at the 1994 RAlA Awards, it remains one of the firm's best-known and most celebrated projects. It has continued to provoke scholarly and popular attention into the twenty-first century, with a photograph even gracing the front cover of the firm's recent monograph. **(Criterion F)**

(i) The issues

The issues are:

- whether 40 Lumeah Road, Caulfield North has sufficient local heritage significance to justify applying the Heritage Overlay (HO233)
- whether the HO233 Statement of Significance accurately describes the property.

(ii) Submissions

The owners of 40 Lumeah Road objected to the Heritage Overlay being applied to their property. They submitted:

- the Heritage Review relied on published material and an inspection from the street
- the property is no old enough to have sufficient heritage significance
- the HO233 heritage citation does not accurately describe the property, and incorrectly describes over 60 identifiable features
- a concrete house is not unique or unusual
- Woods Marsh did not design all elements of the property and its settings
- the building is not elliptical, the front internal staircase is not formal, the kitchen is standard and there is no front fence
- internal features have never been inspected
- references to a cave-like foyer and entertaining space for 350 guests are incorrect
- reference to the interior planning challenging notions of domestic living contradicts the design brief
- they would be happy to work collaboratively with Council to adopt an alternative approach to the Heritage Overlay.

In the report attached to its 27 April 2021 meeting agenda, Council responded to this submission. The Council officers stated:

- the Heritage Review applied an acceptable methodology for assessing the property's heritage significance
- there is no requirement for a building to reach a certain age to be considered for heritage significance
- the heritage consultant maintains:
 - at the time of construction, it was highly unusual to use reinforced concrete on such a scale
 - the interior design challenges conventional notions of domestic living
- the Statement of Significance refers to specific elements designed by the architects and does not claim they designed all elements
- in a 2014 interview, the architect referred to:
 - the front wing as an 'elliptical space' and 'elliptical form'
 - a cave-like foyer
 - a large entertaining space for 350 guests
- online photographs show a formal staircase and a kitchen with unusual non-standard elements
- the heritage citation refers to 'front fence/gate' to refer to the consolidated structure
- they would be happy to work collaboratively with the owners but not conditional to removing the Heritage Overlay.

Since exhibiting the Amendment, Council proposed to revise the HO233 heritage citation and statement of significance to:

- describe the house as being of ‘reinforced concrete and brick construction’
- replace reference to a ‘front fence’ with ‘gateway unit’.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the property.

At the Hearing, the Panel interrogated the issue of the building’s age with parties. Council and the National Trust submitted there is no age limit for considering heritage.

The National Trust referred to Federation Square as an example of heritage for a place completed less than 18 years ago. The National Trust provided Heritage Victoria’s recommendation and the Victorian Heritage Council’s determination.¹ Heritage Victoria’s recommendation stated:

The assessment of a place for heritage listing within a generation of its construction is uncommon. The [Act] does not specify a minimum age for places to be nominated, assessed or registered. The age of a place is not a criterion for inclusion in the Victorian Heritage Register.

The recommendation referred to the VHR Guidelines which state:

As a general principle, a generation (or approximately 25-30 years) should pass after the creation of a place or object before that place or object is considered for heritage listing at any level. The passing of time allows the enduring cultural heritage values of a place or object to be more rigorously and objectively assessed.

The Panel provided parties with Australian Bureau of Statistic figures which showed the median age for having a child to be between 31.2 and 33.3 years.²

(iii) Discussion

The owner of 40 Lumeah Road has questioned whether the 18-year-old building is sufficiently old to qualify as heritage. The VHR Guidelines applies the general principle of a generation (about 25 to 30 years). While the Guidelines are intended for assessing places of state heritage, this principle is equally applicable to local places.

The Panel considers that a local place has to be at least a generation old to be considered for the Heritage Overlay. It agrees with Council and the National Trust to the extent that there is no specific threshold number of years. The VHR Guidelines upper range of 30 years is roughly comparable to the actual generational figure of 31 to 33 years. Irrespective, 40 Lumeah Road falls well short of being about 25 to 30 years old and upwards.

The Panel then explored whether 40 Lumeah Road demonstrated exceptional circumstances to depart from this general rule. Federation Square is one such exception. The (then) 17 year-old place is of State significance (Victorian Heritage Register), owned by the State of Victoria, and open to the public. The public/civic architecture at Federation Square does not compare with the privately owned and publicly inaccessible domestic architecture at 40 Lumeah Road.

The Panel considers it inappropriate to apply the Heritage Overlay at this time because:

- there is no special justified reason to apply the overlay prematurely
- applying the overlay prematurely:

¹ Documents 10 and 11

² Document 4

- will blur the line between innovative and notably designed buildings and heritage buildings recognised for their aesthetics and high degree of creativity
- risks devaluing the appreciation of heritage places which genuinely warrant heritage protection.

The Panel accepts that the building has an innovative and unusual design. Council will be in a better position to assess whether this translates into heritage significance at the appropriate time in the future.

(iv) Conclusion and recommendation

The Panel concludes that 40 Lumeah Road, Caulfield North does not have sufficient local heritage significance to justify applying the Heritage Overlay (HO233).

The Panel recommends:

Delete the Heritage Overlay from 40 Lumeah Road, Caulfield North (HO233).

6.12 82 Lumeah Road, Caulfield North (HO234)

Exhibited Statement of significance



What is significant?

The house at 82 Lumeah Road, Caulfield North, is a two-storey flat-roofed house in a characteristic post WW2 modernist form, with the upper storey expressed as a rectilinear glass-fronted volume that projects over a recessed lower level. The upper level has a balcony with an unusual Moorish-style vaulted arcade, while the lower level has a blank wall (concealing a carport entered from the side) with a grand staircase leading to the front door at the first floor. It was erected in 1972-73 for a Polish-born businessman and his wife, to a design by compatriot architects Holgar & Holgar. The significant fabric is defined as the entire exterior, key elements of the original interior fabric (namely the built-in furniture, light fittings, conversation pit, and kitchen/bathroom fitouts), the original external paving (front and rear), driveway lamp-post and in-ground swimming pool.

How is it significant?

Criterion E: Importance in exhibiting particular aesthetic characteristics

Criterion H: Special association with the life or works of a person, or groups of persons, of importance in our history

Why is it significant?

The house is aesthetically significant as a highly idiosyncratic example of post-WW2 modernist residential architecture. While it adopts the trademark European modernist expression, with a glass-walled upper storey projecting above a recessed lower level, it incorporates some unusual detailing that hints at overseas influences rarely seen in Melbourne, except in other houses by Holgar & Holgar. An entirely blank wall at street level, concealing a triple carport entered from the side, is relieved by a full-width balcony at the upper level with a Moorish-style vaulted arcade which extends across a void containing a wide staircase to the front door. With a luxurious interior that remains substantially intact (including built-in furniture, conversation pit, imported light fittings and high-end bathroom and kitchen fitouts), it is an outstanding example of this rare type of glamorous post-WW2 residence, so strongly associated with Holgar & Holgar. **(Criterion E)**

The house is historically and architecturally significant for associations with the Polish-born husband-and-wife architectural partnership of Holgar & Holgar, which was notably active in Caulfield and environs in the 1960s, '70s and '80s. Dating from 1972-73, this house is one of best local examples of the partnership's high-end residential work from the peak period of their career in the 1970s. Occupied by its original owners for almost thirty years, it also exhibits a remarkably high degree of physical intactness, thus representing a rare survivor amongst the couple's extensive body of work in the City of Glen Eira. **(Criterion H)**

(i) The issues

The issues are:

- whether 82 Lumeah Road, Caulfield North has sufficient local heritage significance to justify applying the internal controls through the Heritage Overlay Schedule (HO234)
- whether the HO234 Statement of Significance accurately describes the place.

(ii) Submissions

The owners of 82 Lumeah Road supported the Heritage Overlay being applied to their property but objected to the proposed internal controls. They requested changes to the HO234 heritage citation because it did not identify all the property's alterations. The owners included historic and current photo evidence and descriptions of these alternations. This information showed the building has had:

- front door replaced
- internal bespoke timberwork panelling removed
- light fittings and skylight removed
- most external windows and doors replaced with floor to ceiling sliding door panels
- the futuristic kitchen removed
- flooding cause irreparable damage to the main bathroom
- the family bathroom colour scheme changed
- landscaping and works, including new crazy paving, and pool alterations.

The owners attached an assessment prepared by a professionally qualified heritage consultant. The assessment reiterated the alterations identified by the owners and provided further images and information to confirm the extent of alterations. Accordingly, the consultant advised that it would not be reasonable to apply the internal controls. He stated:

Internal heritage controls are rare under local planning schemes, nevertheless they are warranted in special circumstances where important and well preserved internal spaces and features remain from past eras. This is not the case in relation to the Kurtz House where the original interiors, although reasonably well recorded, have all but disappeared. The most critical surviving internal space, the conversation area, is wedded inextricably to the house external appearance and its retention as a space will be protected by external heritage controls.

In the report attached to its 27 April 2021 meeting agenda, Council responded to this submission. The Council officers proposed to revise the HO234 heritage citation and Statement of Significance to:

- delete the importance of the building's interiors
- delete external elements which have been confirmed to be removed or altered
- note the new front fence as a non-contributory element.

Council officers proposed to revise the Heritage Overlay Schedule to no longer apply internal controls.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

The owners have not objected to the Heritage Overlay being applied to 82 Lumeah Road. Their issues are limited to the internal controls and heritage citation.

The Panel agrees with the owners, their heritage consultant's assessment and Council, that the building's interior is no longer intact. There is compelling photographic and documentary evidence to support this. There is insufficient internal heritage fabric to justify the internal controls.

Like Council, the Panel accepts the external alterations to the building and property identified by the owners should be noted in the heritage citation. Again, they were supported by documented evidence.

During its inspections, the Panel observed the lattice entry soffit which appears to be a late addition due to its awkward construction alignment to both the vertical plane of breeze blocks and the horizontal plane of the vaulted balcony awning. Subject to further investigation and confirmation, this should also be noted as an alteration.

(iv) Conclusions and recommendations

The Panel concludes:

- 82 Lumeah Road, Caulfield North has sufficient local heritage significance to justify applying the Heritage Overlay (HO234).
- The HO234 Statement of Significance should be reviewed and revised to note the modifications and changes the building has experienced.

The Panel recommends:

Amend the Heritage Overlay Schedule to not apply internal controls to 82 Lumeah Road, Caulfield North (HO234).

Amend the Statement of Significance for 82 Lumeah Road, Caulfield North (HO234) to:

- a) delete references to the building interiors being significant**
- b) identify alterations, namely removal of the front door, skylight and outside metal lamp post, new tiles at the front door and new crazy paving, the non-contributory front fence, the three timber framed single sliding glass doors located on the first floor verandah, large lattice soffit over the main entry (subject to further investigation and confirmation).**

6.13 44 Murrumbeena Road, Murrumbeena (HO235)

Exhibited Statement of significance



What is significant?

The Murrumbeena Baptist Church at 44 Murrumbeena Road, Murrumbeena, is a large orange brick building in a stark post-WW2 modernist style, erected in two stages to the design of the same architect, Eric Lyon (formerly of Smith, Tracey, Lyon & Brock). The older portion, fronting Murrumbeena Road (1961-62) is a tall hall-like structure with zigzag roof, narrow copper spirelets and a façade of angled bays, while the rear addition (1967) is a smaller hip-roofed wing; both components have rose windows to the Sydney Street elevation, with coloured glazing. The significant fabric is defined as the exterior to the entire building to the extent of the original 1961-62 building and the 1967 addition. The subsequent rear addition, containing office space and such, is not considered significant.

How is it significant?

Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period

Why is it significant?

The Murrumbeena Baptist Church is aesthetically significant as an unusual example of post-WW2 ecclesiastical architecture incorporating historicist references in a modernist framework. By his own admission, Eric Lyon took inspiration from Milan's celebrated fifteenth century Late Gothic cathedral, built in the Flamboyant style characterised by a spiky roofline of pinnacles, spirelets and flying buttresses. For Murrumbeena, Lyon re-interpreted this intricate effect with a minimalist modernist sensibility, reducing it to a low zigzagging roofline (a motif popular in the early 1960s, mostly for commercial and industrial architecture) with a row of slender copper spirelets. Along Sydney Street, a parabolic arched entry bay and rose windows (with coloured glass in an abstract pattern) provide more generic historicist references. While the church has been altered by removal of the concrete block screens along Murrumbeena Road, it remains a distinctive and eye-catching example of post-WW2 ecclesiastical architecture, demonstrating a high degree of creative achievement in its deft melding of contemporary and traditional influences. **(Criterion F)**

(i) The issues

The issues are:

- whether 44 Murrumbeena Road, Murrumbeena has sufficient local heritage significance to justify applying the Heritage Overlay (HO235)
- the extent of property the Heritage Overlay should be applied to
- whether the HO235 Statement of Significance accurately describes the place.

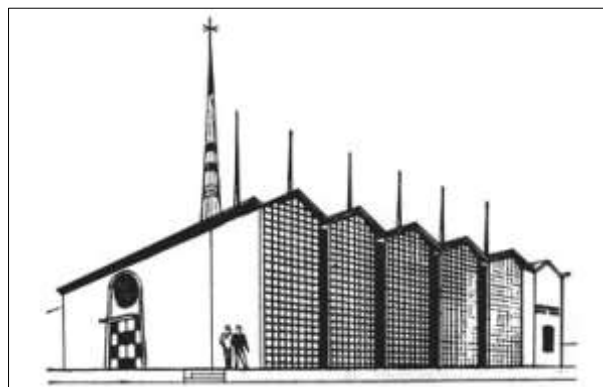
(ii) Submissions

Murrumbeena Baptist Church Community and Leadership (Murrumbeena Baptist Church) object to the Heritage Overlay being applied as exhibited to 44 Murrumbeena Road. It submitted:

- the 1967 annexe should not be part of the heritage
- the building has been substantially altered from its original design to:
 - demolish the cement brick matrix wall
 - remove the series of stained glass doors along the western elevation and replace it with a solid brick wall
 - relocate the church entrance and use the small arch entrance as an emergency exit
 - add further brick walls and gardens to hide the unattractive Murrumbeena frontage.
- the building's external appearance is fairly boring and unwelcoming, which contradicts what a church should convey
- the heritage citation's reference to the Milan Cathedral is vague because there is little resemblance between the two buildings
- a couple of obscure features do not justify applying the Heritage Overlay.

At the Hearing, Murrumbeena Baptist Church referred to a photo of the building's original glass windows and formal entry which have since been removed. They have been replaced with a similarly coloured full height brick wall.

Figure 3 Original perspective drawing for the Murrumbeena Baptist Church



Source: HO235 heritage citation, Heritage Review

The Church explained these alterations were needed to resolve high noise levels from Murrumbeena Road which impacted its ongoing church services. This elevation has been screened with shrubs.

In the report attached to its 27 April 2021 meeting agenda, Council responded to this submission. The Council officers stated:

- the 1967 annex should be included as significant fabric because it was designed by the same architect in a matching style
- the heritage citation acknowledges external alterations and concludes they have not defaced the building's "*distinctive and eye-catching post-WW2 church building*"
- a newspaper article quoted the architect being inspired by the Milan Cathedral.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

The Panel explored whether the church building at 44 Murrumbeena Road is sufficiently intact to be considered for the Heritage Overlay. It is unusual and unfortunate there are no photos to show how the building appeared in 1962 when it was completed. The Panel is uncertain whether the building was constructed entirely in line with the original perspective drawing shown in the heritage citation. Irrespective, the building has experienced considerable alterations.

The Panel considers the original heritage fabric lost through alterations were integral to the architect's original design, particularly his inspiration from the Milan Cathedral. While some significant elements exist in isolation, they are insufficient for an observer to appreciate the building's overall original design.

The building no longer presents itself to Murrumbeena Road. The building has lost important features and design elements along its western elevation which formed part of its design creativity and technical achievement. There was an attempt to sensitively respond to the existing building by selecting a matching brick colour to the added solid brick wall. However, the bricks appeared to have been laid in a relatively sloppy manner. The western façade's once grand presentation to Murrumbeena Road has transformed into one which the Murrumbeena Baptist Church has sought to screen behind vegetation.

The Panel agrees with the Murrumbeena Baptist Church that the solid brick wall creates a more enclosed and less welcoming building compared to one with more glazing and its original design features. The building's integrity has been further compounded by the alterations associated with relocating the church's entrance. This includes the front path under the porch which leads to a blank brick wall.

(iv) Conclusions and recommendation

The Panel concludes that 44 Murrumbeena Road, Murrumbeena:

- has not retained its design integrity following alterations which removed significant elements
- does not have sufficient local heritage significance to justify applying the Heritage Overlay (HO235).

The Panel recommends:

Delete the Heritage Overlay from 44 Murrumbeena Road, Murrumbeena (HO235).

6.14 49 Rosemont Avenue, Caulfield North (HO237)

Exhibited Statement of significance



What is significant?

The house at 49 Rosemont Avenue, Caulfield North, is a two-storey flat-roofed house of a characteristic post WW2 modernist form, with the upper storey expressed as a rectilinear glass-fronted volume (in this case, atypically embellished by an ornate perforated grille screen) that projects over a recessed lower level, supported on curving piers. The house was erected in 1972-73 for a Cypriot-born cinema magnate and his wife, to a design by Polish-born husband-and-wife architects of Holgar & Holgar. The significant fabric is defined as the entire exterior of the house, including rear verandah and boundary wall. The detached garage, while also designed by Holgar & Holgar, is a utilitarian structure of limited interest, and is not considered to be significant.

How is it significant?

Criterion E: Importance in exhibiting particular aesthetic characteristics

Criterion H: Special association with the life or works of a person, or groups of persons, of importance in our history

Why is it significant?

The house is aesthetically significant as a highly idiosyncratic example of post-WW2 modernist residential architecture. While it adopts the trademark European modernist expression, with a glass-walled upper storey projecting above a recessed lower level, it is overlaid with some unusual detailing that hints at overseas influences rarely seen in Melbourne, except in other houses by Holgar & Holgar. Rendered piers, curving to form a porch balustrade, recall the expressionistic work of Brazilian architect Oscar Niemeyer, while the full-width decorative screen at the upper façade evokes the glamorous 1960s residences of the Hollywood hills. An outstanding and remarkably unaltered example of this rare type of glamorous post-WW2 residence, so strongly associated with Holgar & Holgar, it remains in a striking element in the streetscape. **(Criteria E)**

The house is historically and architecturally significant for associations with the Polish-born husband-and-wife architectural partnership of Holgar & Holgar, which was notably active in Caulfield and environs in the 1960s, '70s and '80s. Dating from 1972-73, this house is one of the finest and most intact local examples of the partnership's high-end residential work from the peak period of their career in the 1970s. Remarkably intact on account of still being occupied by the family that commissioned it, the house has undergone only minor changes. Some of these, namely the rear verandah (1979) and boundary wall (1986) were also designed by Holgar & Holgar, demonstrating a rare sense of continuity where, for over a decade after completion of the house, the architects maintained an ongoing association with it. **(Criterion H)**

(i) The issues

The issues are:

- whether 49 Rosemont Avenue, Caulfield North has sufficient local heritage significance to justify applying the Heritage Overlay (HO237)
- the extent of property the Heritage Overlay should be applied to
- whether the HO237 Statement of Significance accurately reflects the place.

(ii) Submissions

The owners of 49 Rosemont Avenue objected to the Heritage Overlay being applied to their properties. They submitted:

- the property does not have sufficient heritage significance to justify the Heritage Overlay
- the family that commissioned the design and construction of the property continue to live there
- the side elevation to Crotonhurst Avenue makes a negligent contribution to the streetscape
- the rear elevation is only partially visible from the street
- the rear verandah was added later by the owners, but given it is largely obscured from public view, it should have less weight than the Rosemont Avenue façade.

The owners further added:

Whilst we acknowledge that the principal façade of high heritage value and do not content its significance, we submit that other elements of the property are not worthy of the same level of protection as the façade.

In the report attached to its 27 April 2021 meeting agenda, Council responded to this submission.

The Council officers stated:

- the front façade has high heritage value
- the HO237 heritage citation did not recommend internal controls
- applying the Heritage Overlay to the entire property is consistent with current methodologies
- the rear verandah and boundary wall are significant elements because they were also designed by Holgar & Holgar and are clearly elements of some aesthetic interest.

Council officers considered the later additions did not diminish their significance. If anything, they enhanced the broader significance of the place by demonstrating that the original architects retained involvement with the property over a period of many years. This is unusual.

At its 27 April 2021 meeting, Council resolved to note that it would advocate at the Hearing its intention to no longer apply the Heritage Overlay to the property.

(iii) Discussion

The property presents well as a comparable example of 1970s life works of architects Holgar & Holgar. The Rosemont Street elevation presents itself as a fine example of post-WW2 modern architecture which exhibits particular architectural elements.

The building's rear elevation, again designed by Holgar & Holgar, is partly visible from the street. During its inspection, the Panel observed a white metal security gate which did not appear in the photo in the Statement of Significance. This alteration does not detract from the building's overall

heritage fabric and striking design. The new gate should be identified as a non-significant element in the Statement of Significance.

Consistent with findings in Chapter 4.4 and with Planning Practice Note 1, the Panel considers the Heritage Overlay should apply to the entire property. Applying the overlay to part of the site may result in facadism or insensitive development on the unaffected part of the property.

(iv) Conclusions and recommendation

The Panel concludes:

- 49 Rosemont Avenue, Caulfield North has sufficient local heritage significance to justify applying the Heritage Overlay (HO237).
- The Heritage Overlay should apply to the entire property, consistent with Planning Practice Note 1.
- The HO237 Statement of Significance should be revised to note the recently installed metal security gate.

The Panel recommends:

Amend the Statement of Significance for 49 Rosemont Avenue, Caulfield North (HO237) to note the added white metal security gate located at the front entrance.

Appendix A Document list

No.	Date	Description	Provided by
2021			
1	23 June	Panel Directions and Timetable	Sarah Vojinovic, Planning Panels Victoria (PPV)
2	16 July	Council Part A submission	Jacqui Brasher, Council
3	22 July	Submitter map	Jacqui Brasher
4	23 July	Australian Bureau of Statistics (3301.0 – Births, Australia, 2016)	Sarah Vojinovic
5	23 July	Submission – Council Part B	Jacqui Brasher
6	23 July	Memorandum – Peer review of Thematic History	Jacqui Brasher
7a	23 July	Submission – National Trust of Australia (Victoria)	Felicity Watson
7b	23 July	Attachment 1 – Boroondara PSA C153 PPV report	Felicity Watson
7c	23 July	Attachment 2 – Frankston PSA C110 Part 2 PPV report	Felicity Watson
7d	23 July	Attachment 3 – Ballarat PSA C58 PPV report	Felicity Watson
7e	23 July	Attachment 4 – Letter from Minister for Planning to Bayside City Council regarding heritage matters	Felicity Watson
8	26 July	Submission – Susan Smith	Bruce Smith
9	26 July	Submission – Glen Eira Historical Society	Anne Kilpatrick
10	26 July	Heritage Council decision on Federation Square	Felicity Watson
11	26 July	Heritage Victoria Executive Direction recommendation for Federation Square	Felicity Watson
12	26 July	Submission presentation – Murrumbeena Baptist Church	Brett Inder
13	2 August	Council closing submission	Simone Jackson, Marcus Lane Group