

**Attachment 1: Amendment C308 - Hawthorn East Heritage Gap Study  
Summary of exhibition submissions and officers' response**

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**Note:** Submissions have been numbered in chronological order from the date received by Council.

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
<b>157 Auburn Road, Hawthorn and 3 Russell's Place, Hawthorn East</b>				
48	No	<p>The submitter objects to the recommendation to include the properties at 157 Auburn Road, Hawthorn and 3 Russell's Place, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• As outlined in the study, a key limitation is that places were only investigated externally from the public domain meaning that only the front façade and partial side elevations were viewed. The internal elements of the building have been extensively remodelled and therefore make it difficult to understand the former bakery operation.</li> <li>• No plans of the original shopfront have been sourced, which makes it difficult to appreciate the extent of external alterations.</li> <li>• 157 Auburn Road has been subject to layers of augmentation throughout its history which has significantly altered its external appearance. The 1934 interwar remodelling removed the ornate Victorian detailing of the original two storey building. Since this remodelling, there has also been further alterations which include: <ul style="list-style-type: none"> <li>○ The installation of contemporary window frames and glazing and material alteration to the doorway of the factory</li> <li>○ Ground floor alterations to accommodate a contemporary shop front</li> <li>○ There is no remnant signage that can be viewed from the public realm. This compares as a poor example in the context of the adjoining former Murphy Brothers' Grain Merchants.</li> <li>○ Openings and walls alongside Russell's Place and the rear laneway have been subject to several alterations including overpainting of bricks, sills and lintels on the southern elevation and a roller door to 3 Russell's Place.</li> </ul> </li> </ul> <p>What remains is an unremarkable example of</p>	<p>Officers provide a response to the submission:</p> <ul style="list-style-type: none"> <li>• The citation correctly identifies that internal areas of the building have been altered. No internal controls are proposed. The key Criterion that highlights the site as being important for its bakery associations are Criterion A and Criterion D. As remnant fabric relating to the historic use and the former use is noted in the detailing, as seen from the street, the investigation approach is acceptable, and no internal inspections are warranted.</li> <li>• While the existence of original and subsequent architectural plans is generally sought to fully appreciate any changes, they are seldom found. Physical evidence, along with a historical understanding of a site and architectural knowledge, is generally enough to formulate an opinion and conclude how a building has evolved. In most cases, physical evidence is preferred because it demonstrates what was actually carried out, whereas details on a plan might not have been undertaken.</li> <li>• The Victorian and interwar era fabric and later alterations have been identified and appropriately considered in the assessment of the site. Both Victorian and interwar fabric is recognisable, and both considered to be important to the history and evolution of the place. This evolution is correctly stated in the statement of significance under <i>What is significant?</i> At the site visit, the owner's representative asked that the significance of the Victorian and interwar era be further defined, and a weighting of importance given to each era. On consideration of this, one era is not more important than the other, and the information in the citation and statement of significance is sufficient to assist with any future assessment of a planning permit application. The comparative analysis has correctly identified other known bakeries, industrial buildings, stables and other known examples by the Swanson Brothers in the municipality and beyond and concluded that the site is either equal to or better</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<p>an interwar factory with contemporary changes following the cessation of the bakery use in the 1960s.</p> <ul style="list-style-type: none"> <li>The comparative bakery examples exhibit a better architectural quality when compared with the subject site.</li> <li>The application of heritage controls is inconsistent with Planning Practice Note 1 (Applying the Heritage Overlay).</li> </ul> <p>It is unclear why the highly intact Murphy Brothers' Grain Merchants building at 596 Burwood Road is included in a precinct Heritage Overlay (HO260) yet the subject property is significantly altered and proposed as individually significant.</p>	<p>than the comparators. This approach follows the adopted methodology as outlined in the study and sound heritage practice when determining levels of threshold for individual significance.</p> <ul style="list-style-type: none"> <li>The submission does not explain how the heritage controls have been inconsistently applied. As required by the study, the Planning Practice Note 1 (Applying the Heritage Overlay) has been appropriately applied.</li> <li>The Murphy Brothers' Grain Merchants building at 596 Burwood Road is identified as a significant building within the <i>Auburn Village Precinct, Hawthorn</i> Heritage Overlay (HO260). The Boroondara Planning Scheme places the same level of importance and consideration on an individually significant building in a precinct as it does on an individually significant building on its own. The two buildings are therefore identified as having the same level of significance. The owner's representative questioned if the site had been considered for inclusion in the <i>Auburn Village Precinct</i>. It is confirmed that the property was considered at the time and it was deemed appropriate to pursue protection of the site through a site specific Heritage Overlay.</li> </ul> <p>The owner's representative also raised an issue with the paint controls applied to the old painted sign on the rear elevation. The historical value of the sign was revisited and has been confirmed to contribute to the understanding of the historical use of the site. Symbols of the building's former use are still apparent on the building and have formed key parts of its significance. Control over the sign, as an identifier of the former bakery, is therefore warranted through the application of the paint control.</p>	
<b>452 Barkers Road, Hawthorn East</b>				
6	Yes	The submitter supports the recommendation to include the property at 452 Barkers Road, Hawthorn East in the Heritage Overlay on the basis that the residence is an intact original Queen Anne building	Officers note the submitter's support for the recommendation.	<b>No change recommended to Amendment C308.</b>

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		that has a beautiful garden setting. Its heritage value contributes to the beauty of the Higham Road and Barkers Road intersection.		
<b>64 Campbell Road, Hawthorn East</b>				
21	No	<p>The submitter objects to the recommendation to include the property at 64 Campbell Road, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• The property is located in Precinct 32 which is acknowledged as being an area with a mix of dwelling typologies. Council's approval of developments in the immediate vicinity has materially undermined the heritage style of the neighbourhood. The officer response to the preliminary consultation submission stated <i>'the interface of a place is not considered whether a place or precinct satisfies the threshold for the Heritage Overlay'</i>. The practice note is silent on this point; therefore the submitter does not support the officer response.</li> <li>• The following alterations have been undertaken to the property over several years: <ul style="list-style-type: none"> <li>○ Demolition of the original external laundry and construction of a new internal laundry extension to the western side of the house</li> <li>○ Enclosure of a south-eastern patio, installation of new ground floor windows and bi-fold doors, and removal of a south facing window</li> <li>○ Internal alterations</li> <li>○ Construction of dormer windows</li> <li>○ Construction of an additional bedroom at first floor which protrudes beyond the existing roof line</li> <li>○ Construction of a flat roof contemporary two car garage on the south western side of the property</li> </ul> </li> <li>• The assessments against Criterion D and E are not supported for the following reasons:</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• The interface of a place is not considered when assessing whether a place or precinct satisfies the threshold for the Heritage Overlay. Planning Practice Note 1 (Applying the Heritage Overlay) states that <i>'a heritage place could include a site, area, building, group of buildings, structure, archaeological site, tree, garden, geological formation, fossil site, habitat or other place of natural or cultural significance and its associated land'</i>. In addition, Clause 22.03 in the Boroondara Planning Scheme contains the following definition: <i>'Significant' heritage places are places of State, municipal or local cultural heritage significance that are individually important in their own right.</i> Therefore, it is appropriate to select individual properties for the Heritage Overlay where it can be demonstrated that the place satisfies the requirements set out in the practice note. In this case, the subject property is recognised as individually significant. Council's heritage consultant did not identify a precinct within this area of Hawthorn East.</li> <li>• The changes to the house and its site have been documented in detail in the place citation. These alterations have been taken into account when deciding that it is one of the best Federation houses in Hawthorn East and Boroondara. As part of the review of this submission, the property was visited and building permit plans from 1992 and 2002 re-examined. In addition, several additional alterations to the houses were noted, both those pointed out by the submitter and also the overpainting of the bricks was noted which was incorrectly described as smooth render in the place citation. Further details of</li> </ul>	<p><b>Make minor revisions to the place citation to clearly state the non-contributory alterations made to the house in 1992 and 2002, and note that the swimming pool, tennis court and garage are non-contributory. Also correct errors in description of the external details of the house.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<ul style="list-style-type: none"> <li>○ The property is not particularly special - as mentioned in the citation <i>'it is part of a large cohort of Federation houses in Boroondara demonstrating the key characteristics of the style'</i>. For example, there are in excess of thirty houses of this style within 2km of the subject property.</li> <li>○ Council's justification makes an unreasonably narrow reference to Hawthorn East (i.e. <i>'64 Campbell Road is one of a few large Federation houses to demonstrate this aspect of Boroondara's residential development in the Hawthorn East locality'</i>). The submitter believes that the assessment should be undertaken at the Boroondara wide level and not be suburb specific.</li> <li>○ There have been significant alterations to the dwelling since its construction in 1911 which has been noted in the study (i.e. <i>'there are visible alterations to the east, west and south elevations'</i>). This means that only the northern elevation has not been altered.</li> <li>● The draft Study (July 2018) proposed 94-98 Campbell Road South be included as a precinct extension to the Burke Road Heritage Precinct (HO144). However, this recommendation was abandoned as reported to the UPSC on 17 December 2018. This is further evidence of support for development in the immediate neighbourhood and the inconsistency, inequity and inappropriateness of maintaining including the subject property in the Heritage Overlay.</li> <li>● The comparative analysis is fundamentally flawed as none of the comparative properties are located within a developed streetscape or within Precinct 32.</li> <li>● It is inconsistent, inequitable and unreasonable to isolate this property for protection and impose restrictions on possible future redevelopment.</li> </ul>	<p>the various changes to the house as part of these renovations could be added to the citation for clarity. The non-contributory nature of these later changes is already stated in the statement of significance, but the non-contributory elements such as the swimming pool, tennis court, and garage could also be added for clarity in future management decisions.</p> <ul style="list-style-type: none"> <li>● It is agreed there are many Federation houses in Hawthorn East and the City of Boroondara more widely. However, as set out in the comparative analysis, the house at 64 Campbell Road is one of the best of these houses in the municipality. Given there are so many fine houses of this era, the threshold for local significance is higher in Boroondara than many other municipalities. Again, the property at 64 Campbell Road is considered an excellent example of its type across the municipality. While it is also of interest to note that this is a very substantial dwelling for Hawthorn East, this is not the primary basis for its local significance.</li> <li>● It is agreed that there have been alterations and extensions, as noted in the place citation. These were taken into account in the place assessment, and have been reconsidered. The additions have left the principal (north elevation) intact, and the rear dormers are pulled back from the west elevation (facing Havelock Road) so that the original massing of this side can also be appreciated. Overall, the alterations and additions have been sympathetic to the materials palette of the house and discrete in their location and massing, so they have not had an undue impact on the significance of the house.</li> <li>● The extension to HO144 Burke Road Precinct encompassing the eastern side of Burke Road was not supported by the Amendment C274 Independent Planning Panel (Camberwell Heritage Gap Study). The Panel found that the houses on the eastern side were more modest than the majority of those in the existing precinct (western side). The houses on the eastern side of Burke Road were interwar California Bungalows of a similar scale and architectural presentation to 94-98 Campbell Road South. As the</li> </ul>	

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			<p>addition of very similar houses in the precinct (HO144) on Burke Road was not supported by the Panel, it would be contrary to those findings to proceed with the addition of 94-98 Campbell Road to the precinct. For this reason, the HO144 precinct extension was abandoned as adopted by the UPSC on 17 December 2018.</p> <ul style="list-style-type: none"> <li>The purpose of the comparative analysis was to determine if 64 Campbell Road meets the threshold of local significance. To do so, the Planning Practice Note 1 'Applying the Heritage Overlay' (2018) states: <i>To apply a threshold, some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, including those previously included in a heritage register or overlay.</i> The "study area" for this heritage gap study was Hawthorn East, so this is the minimum area to be considered in the comparative analysis, not just Campbell Road or Precinct 32.</li> <li>The introduction of heritage controls in areas close to services is not necessarily a direct conflict as the Heritage Overlay does not outright prohibit further development. Council has a responsibility to protect valued heritage places and precincts. Council is carrying out the Hawthorn East Heritage Gap Study as part of the wider Municipal Wide Heritage Gap Study, a pro-active heritage assessment program of work across Boroondara on a suburb basis. Heritage is a key concern for residents of Boroondara and the Heritage Overlay is a recognised mechanism for protecting valued heritage places and precincts.</li> </ul>	
<b>40 Havelock Road, Hawthorn East</b>				
40	No	<p>The submitter objects to the recommendation to include 40 Havelock Road, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>The property was purchased due to its close proximity to Camberwell Junction, local amenities and public transport. Council's</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>The interface of a place is not considered when assessing whether a place or precinct satisfies the threshold for the Heritage Overlay. Planning Practice Note 1 (Applying the Heritage Overlay) states that 'a</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<p>approval of developments in the immediate vicinity has materially undermined the heritage style of the neighbourhood. The proposed heritage control is a contradiction of what has been approved in the immediate vicinity.</p> <ul style="list-style-type: none"> <li>The property was purchased with the intention to redevelop in the future. The imposition of the Heritage Overlay places an unreasonable restriction on the land and will push the residents out of the property due to incurred additional expenses, inability to develop the property and planning permit costs.</li> <li>Council has classified 'Adair House' however this is not on the contract, not a name on the land title nor has this property gone by this name in the recent past. Council is trying to create a historical narrative about this property which is not accurate. As far as the records go back this property is 40 Havelock Road, Hawthorn East not Adair House.</li> <li>The comparative analysis undertaken by council to justify the Heritage Overlay is fundamentally flawed.</li> </ul>	<p><i>heritage place could include a site, area, building, group of buildings, structure, archaeological site, tree, garden, geological formation, fossil site, habitat or other place of natural or cultural significance and its associated land</i>'. Therefore, it is appropriate to select individual properties for the Heritage Overlay where it can be demonstrated that the place satisfies the requirements set out in the practice note. In this case, the subject property is recognised as individually significant to the City of Boroondara as detailed in the background document. Council's heritage consultant did not identify a precinct within this area of Hawthorn East. The introduction of heritage controls in areas close to services is not necessarily a direct conflict as the Heritage Overlay does not outright prohibit further development. Council has a responsibility to protect valued heritage places and precincts. Council is carrying out the Hawthorn East Heritage Gap Study as part of the wider Municipal Wide Heritage Gap Study. Heritage is a key concern for residents of Boroondara and the Heritage Overlay is a recognised mechanism for protecting valued heritage places and precincts.</p> <ul style="list-style-type: none"> <li>Planning Practice Note 1 (Applying the Heritage Overlay) identifies the criteria for assessing places of heritage significance and refers only to matters relating to the application of the Heritage Overlay. In addition, recent Planning Panel decisions for heritage related planning scheme amendments have found that property values, increase of insurance premiums or council rates, future redevelopment opportunities and burden of planning permit requirements are not relevant when considering the application of the Heritage Overlay (see Panel reports Melbourne C207, Moreland C149, Boroondara C266).The only valid test for the application of the Heritage Overlay is whether a property has recognised heritage value that is suitable for protection. If so, the Heritage Overlay should be applied.</li> <li>The name Adair House has come from the first occupants of the property - William and Minnie May Adair. The name of the property is purely a historical</li> </ul>	

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			<p>connection and has no legal consequence. It can be removed if there is still a concern as it doesn't affect the findings or justification of the Heritage Overlay.</p> <ul style="list-style-type: none"> <li>The comparative analysis has correctly provided a context to the architectural style and identified other examples of the style, known to possess heritage significance, in which to provide comparison. This approach follows the adopted methodology as outlined in the study. Without further understanding of why or how the comparative analysis is flawed, it is difficult to respond.</li> </ul>	
<b>5 Higham Road, Hawthorn East</b>				
7	Yes	The submitter supports the recommendation to include 5 Higham Road, Hawthorn East in the Heritage Overlay on the basis that the house is almost identical to 7 Higham Road, Hawthorn East which is subject to Heritage Overlay (HO71). 5 and 7 Higham Road are highly intact and were constructed at the same time by one builder.	As detailed in the heritage citation, both houses have a return verandah, set between projecting bays on the front and south side elevations, a plan form typical of larger Victorian and Edwardian houses. Their close similarity in form and details makes it clear that Higham sisters engaged the same designer (whether this was an architect or master builder) (p.333).	<b>No change recommended to Amendment C308.</b>
<b>29 Leura Grove, Hawthorn East</b>				
51	No	<p>The submitter objects to the recommendation to include 29 Leura Grove, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>The existing dwelling is of a low significance that does not warrant an individually significant Heritage Overlay. Specifically, an assessment against each of the criterion is provided below: <ul style="list-style-type: none"> <li>Criterion A: The background document describes the existing property as having formed part of the original 'Shorland' estate however, it has been subdivided and developed into three lots (comprising 29 Leura Grove, 29A Leura Grove and 27 Leura Grove.) The original housing estate has since been demolished and none of the original structures remain.</li> </ul> </li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>The citation, assessment of criteria and the statement of significance identified Criterion A, D, E and F to be applicable and provide the heritage values for the site. There is an agreement with the submission that the site does not possess any rarity, research potential, social or associative significance. <ul style="list-style-type: none"> <li>The reference to 'Shorland' and its subsequent subdivision is correctly identified as being part of the site's history. The assessment against Criterion A focuses on the link to horticulturalist Thomas Cole and the remnant vegetation that provides evidence and links the site back to Cole's occupation of the land. Since the assessment was made, new information about</li> </ul> </li> </ul>	<p><b>Amend the citation as follows:</b></p> <p><b>Remove all references to the tree, historical significance (Criterion A) connected to remnant vegetation and associated tree controls in the Schedule.</b></p> <p><b>To link the design of the house to the architects Bridge, Hayden and Associates as this was confirmed verbally with owner at the site visit.</b></p> <p><b>Remove reference to</b></p>



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		<p>If the historical pattern of subdivision and/or the place was of high significance, 27A and 29A should also form part of the Heritage Overlay given that they formed part of the lot occupied by the original housing estate 'Shorland'.</p> <ul style="list-style-type: none"> <li>○ Criterion B: The property does not possess rare or endangered aspects of cultural or natural history</li> <li>○ Criterion C: The property does not have the potential to yield information that will contribute to our understanding of cultural or natural history.</li> <li>○ Criterion D: The property does not demonstrate principal characteristics of a class of cultural or natural places or environments.</li> <li>○ Criterion E: This criterion has been satisfied. The architecture exhibits characteristics of the 'International Style' developed in the 1920s and 30s, comprising rectilinear forms, weightless/floating form cantilevered on slender columns and stripped back ornamentation or decoration. It is noted that the property was designed and constructed in the 1960s. However, it is unsubstantiated in the Context report that the existing dwelling was designed by the architectural practice, Bridge, Hayden &amp; Associates. It states that there "no direct documentation identifies Bridge, Hayden &amp; Associates as the architects for the residence". This undermines the assessment of the existing dwelling against the criterion.</li> <li>○ Criterion F: The architecture is of aesthetic significance but not of technical significance or achievement. Under Criterion F, the Context report assesses the property as "an unusual and striking architectural composition, with its raised</li> </ul>	<p>the tree has been provided by arborist Simon Howe (28 August 2019) and verified by Dr Christina Dyson (Context). Howe confirms the species is a Monterey Cypress, not Cedar as first thought, and was possibly planted around 1945-1960. Both Howe and Dyson refer to the 1945 Melbourne aerial image which suggests the tree was planted after 1945, as it does not appear in the 1945 image. Based on the tree's size, it seems logical to estimate that the tree was planted after 1945 and by the 1960s. Planting in this date range means the tree was likely to have been planted contemporaneously with the construction of the current dwelling in c1966. Planted in close proximity to the dwelling, the large tree is not well suited to its location. It has been extensively pruned at the base to compensate for its location. Dyson confirms that although the tree may have been part of an early garden made for the c1996 dwelling at 29 Leura Grove, its poor siting means that it does not contribute to the significance of the place. On this basis and the identification of the tree as being from a later period, not associated with the Cole family, Criterion A no longer applies.</p> <ul style="list-style-type: none"> <li>○ The property through its setting, articulation of massing and detailing does demonstrate those principal characteristics of a residence designed in the late twentieth-century by an émigré architect. This intact example is found to be the most notable example of Bridge, Hayden &amp; Associates' single-dwelling residential work.</li> <li>○ The submitter agrees that the residence possesses aesthetic significance associated with the International Style. However, points out that the citation is clear that no direct association is made to the architectural practice, Bridge, Hayden &amp; Associates which undermines the assessment. In response, the comparative analysis has sufficiently identified other key players at this time and assessed the site against known examples of their work and reached a conclusion that the site has greater</li> </ul>	<p><b>technical significance (Criterion F) and include the architectural composition assessment into aesthetic significance (Criterion E)</b></p> <p><b>Remove the low walls and planter boxes from the Schedule.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<p>first-floor expressing an apparent weightlessness and its embellished curved façade". The description is of aesthetic significance. It does not demonstrate how the existing property is of technical significance.</p> <ul style="list-style-type: none"> <li>○ Criterion G: The property does not have a strong or special association with a cultural group for social, cultural or spiritual reasons.</li> <li>○ Criterion H: The property does not have an association with a person or a group or persons of prominence. This assessment accords with the Context report.</li> <li>• It is submitted that based on the assessment above, the existing property is of low heritage significance as it only meets one criterion (Criterion E). Moreover, assessment against the criterion is partly based on the existing property having been designed by Bridge, Hayden &amp; Associates which the Context report has not substantiated.</li> <li>• The cedar tree is recommended for tree controls on the basis that it is likely to have been planted by the Cole family. No evidence has been provided to substantiate this and thus, its proposed retention is based on speculation that the tree formed part of the original garden estate. It is noted that the cedar tree is not evident in the photographs of 'Shorland' (the original estate) in the Context report. Furthermore, the Cukierman family have advised that the tree was planted by them and was not a remnant tree from the Shorland estate.</li> <li>• The existing low wall planters should not form part of the Heritage Overlay control in requiring third party notification for its demolition. It is submitted that the low planter wall is not an outbuilding or fence, as demonstrated in Figure 3. The low planter wall is in fact a brick planter box that does not demarcate property, which a fence typically defines. The property would</li> </ul>	<p>similarities to works by Bridge, Hayden &amp; Associates. At the site visit the owner confirmed that the architects were in fact Bridge, Hayden &amp; Associates, and Hayden worked closely with their father on the design of the house and other buildings the family commissioned at this time. The submitter raises a valid point that that the "technical significance" is not clearly stated and those considerations listed under Criterion F are more applicable in Criterion E. At the site visit, an external inspection of the structure was undertaken, and only standard construction techniques were noted. With this in mind and comparison to other similar construction types identified in the citation, it is agreed that those considerations listed under Criterion F are more applicable in Criterion E.</p> <ul style="list-style-type: none"> <li>• As mentioned above the tree in the rear garden has been incorrectly identified as a Cedar and given its age has no historical connection to the Cole family. On this basis the tree controls should no longer be applied.</li> <li>• Following the site visit it is agreed with the submitter that the fence controls should be removed from the Schedule as contested. The low brick planters are original to the house and sufficiently mentioned in the citation to enable their protection without specific controls being applied.</li> </ul>	

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		<p>currently be described as not having a front fence. As such, it is inappropriate and futile to apply Clause 43.01-4 as this Clause applies to outbuildings and fences.</p>		
<b>336 Riversdale Road, Hawthorn East</b>				
18	No	<p>The submitter objects to the recommendation to include 336 Riversdale Road, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• The architectural features of the dwelling detailed in the citation are not present or so significantly altered that they are unrecognisable.</li> <li>• The double gables are not intact and have lost their finials and fretwork. The roof provides an example of a curious large design flaw in that there is very little space between the high plaster ceiling and short gable peaks. This makes the roof area poorly insulated and difficult to alter as well as provides many points for water ingress from the many valleys in the corrugated iron roof design.</li> <li>• The fretwork under the verandah is almost non-existent. The lattice fretwork on the front posts has been removed. The door entry is a standard design.</li> <li>• The decking of the verandah has been drastically altered and the return verandah has been removed. The wrap around was cut in half during the 20<sup>th</sup> century to expand the dining room. It is only the façade section wrap around that has survived.</li> <li>• There is no parapet, corner entry or bay windows as mentioned in the study.</li> <li>• There were never dormer windows and there is no usable attic space.</li> <li>• One of the two chimneys has been destroyed.</li> <li>• The Indian Block style weatherboard painted in lead is still extant only on the front façade.</li> <li>• The interior has no unusual details or rare</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• While there are some alterations to the exterior of this house, all of the architectural features described in the place citation are still in existence. This was confirmed by an on-site inspection on 27 August, 2019.</li> <li>• It is agreed that the tops of the finials have been lost. This is a very minor alteration. It is also agreed that the precinct citation mentions "timber fretwork" in the two front gables. It would be better to describe it as half-timbering in ornamental patterns. There is no evidence there was fretwork in the gables. While the roof form may make it difficult to insulate the house, this does not impact on its heritage value.</li> <li>• It is agreed that only the fretwork to the central gablet of the verandah survives, while the remainder has been lost. This alteration was not noted in the place citation. Other alterations noted during the site visit include: replacement of the front door (with a salvaged one stripped of details), replacement of the joinery of the front door sidelights and highlights as well as the glazing, removal of decorative mouldings between the windows and their highlights, and new concrete front steps. Note that the changes to the front door and front windows and loss of verandah fretwork are considered the changes with the most negative impact on the significance of this house. This is in contrast with the understanding of the house's intactness when it was assessed. The statement of significance notes that: <i>The house is also distinguished by its high level of integrity and low level of alterations.</i> This no longer appears to be the case.</li> </ul>	<p><b>Due to external alterations, remove the recommendation for a site-specific Heritage Overlay.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<p>architectural features and the rear of the house was modified in the 1980s/90s.</p> <ul style="list-style-type: none"> <li>The corrugated iron roof, weatherboard skin and hard plaster interior will be difficult to repair and maintain in the future.</li> </ul>	<ul style="list-style-type: none"> <li>It is agreed that most of the verandah floor has been changed from tongue-and-groove boards to but-jointed boards. More importantly, the size of the verandah floor has been extended well beyond the verandah roof at the east and west ends. It is agreed that the verandah return has been partially infilled using the same shiplap boards as the rest of the house and an original window. This appears to be an early alteration.</li> <li>It is agreed that this house does not have all the typical features of Federation villas, as discussed in the comparative analysis. The house is, however, acknowledged as an unusual example of its era, so the lack of typical features (parapet, corner entry, bay window) only serves to emphasise its unusual design.</li> <li>It is agreed that this is not an example of an attic-storey villa, which is mentioned in the comparative analysis.</li> <li>At the site visit the submitter acknowledged that this is an incorrect statement which was included in error. Both original chimneys survive.</li> <li>This house has an unusual type of timber cladding, best described as shiplap. It is present on the front and side elevations.</li> <li>It is agreed that a rear extension was constructed in 1991. It is a single-storey skillion, with little or no impact on the original part of the house or views from the street.</li> <li>The house is unusual in its form and details, as expressed in the comparative analysis. It is, however, less intact in its details than first believed. As a generally modest dwelling that was considered to be distinguished by its decorative details, this lack of intactness calls into question its local significance in the Hawthorn East context.</li> <li>All properties require on-going maintenance to protect their amenity and value, whether in the Heritage Overlay or not. Officers note a planning permit is not required to carry out works, repairs or routine maintenance which do not change the external appearance of a heritage place or which are undertaken to the same details, specifications and</li> </ul>	

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
			materials.	
<p><b>Brickfields Environs Precinct</b></p> <p>The Brickfields Environs Precinct is of historical significance as tangible evidence of the influence of both public transport and employment centres on the construction of housing in Hawthorn East. The Hawthorn Brickworks, which operated from 1883 until 1972, also drew residents who were employed at the brickworks (Criterion A).</p> <p>The Brickfields Environs Precinct is significant as a collection of houses that illustrate typical working-class housing from the late Victorian period until World War II. The predominant style in the late nineteenth century and the first years of the twentieth century was the Italianate (Criterion D).</p> <p>The Brickfields Environs Precinct is significant for its associations with the Fritsch and Holzer families, who owned the Hawthorn Brickworks and were influential in the development of housing around it (Criterion H).</p> <p>The Auburn Bowls Club, founded in 1886, is a contributory place in the precinct for its social values as a very long and ongoing venue for community sporting and recreational activities, for both the women and men of this area, and for its associations with the Fritsch and Holzer families (Criterion G &amp; H).</p> <p><b>Total number of submissions:</b> 1 supporting, 2 objecting</p> <p><b>Officer recommendation:</b> Retain the Brickfields Environs Precinct in Amendment C308boro</p>				
5	No	<p>The submitter objects to the recommendation to include 21 Aberdeen Street, Hawthorn East in the Heritage Overlay on the basis that the property does not meet the criteria and the architectural significance of the house does not fit in with the neighbourhood. The application of the Heritage Overlay to this property is not supported. However, the protection of heritage areas from McMansions is supported.</p>	<p>Planning Practice Note 1 (Applying the Heritage Overlay) states that a place can be included in the Heritage Overlay if it is identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay. The purpose of the Heritage Overlay is not to prevent a particular development style such as McMansions, rather it is a tool used to consider how demolition, buildings and works impact the heritage significance of a place or precinct.</p> <p>The house at 21 Aberdeen Street is a timber Edwardian house, built prior to 1918. It has typical features of this style, including a high hipped roof, projecting front bay, verandah continuous with the main roof, and turned timber verandah posts. It has an unusual decorative detail in that the projecting rom bay has a hipped roof with central gablet resting on timber struts.</p> <p>It is agreed that there are external alterations to this house. Council's building permit records record that the house was covered in aluminium siding in 1973 (BP 11241/1973). When this kind of siding is installed, the original cladding of the house is retained beneath it, though mouldings that stick out are usually removed.</p>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
			<p>There are no permits prior to 1973 for the replacement of the windows. As enlargement of windows requires a building permit, this indicates that the window openings have remained the same size as original, though the original timber sashes have been replaced with the current aluminium units. The roof has been reclad in corrugated Colourbond, but this is similar to the appearance of painted galvanised steel. Overall, this house is highly legible as Edwardian era, and contributes to the heritage significance of this precinct. While there are many Victorian houses on Aberdeen Street, this is not the only Edwardian house. Others include single-fronted semi-detached pairs at 10-16 Aberdeen Street, and a double-fronted Edwardian house at 18 Aberdeen Street. This house is more intact, but also more conventional in its massing than 21 Aberdeen Street.</p>	
34	Yes	<p>The submitter supports the recommendation to include the Brickfields Environs Precinct in the Heritage Overlay. The submitter appreciates Council's efforts to protect heritage across the municipality.</p>	<p>Officers note the submitters' comment.</p>	<p><b>No change recommended to Amendment C308.</b></p>
35	No	<p>The submitter objects to the recommendation to include 29 Caroline Street, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• The subject site contains a three storey brick apartment building with flat roofing (c1970s). The building has no heritage value which is appropriately recognised in the Statement of Significance which identifies the subject site as non-contributory.</li> <li>• The immediately surrounding area along the northern side comprising the properties at 27, 31-33 and 35 Caroline Street are also identified as non-contributory to the precinct. The buildings vary between two and three levels in scale which were constructed during the 60s-80s period. None of these properties exhibit any heritage characteristics; therefore it is</li> </ul>	<p>It is agreed there is a group of non-contributory apartment buildings on the north side of Caroline Street, which make no contribution to the heritage significance of the precinct or its valued character. If they had been located at the west end of the street, then they would have been excluded from the precinct boundary. However, due to their central location on Caroline Street, between groups of contributory houses to the west and east, and across from more contributory houses, future development on these non-contributory sites could have a negative (more intrusive) impact on the heritage precinct. For this reason, the decision was made to keep them within the precinct so that future development can be managed with consideration of its impact on the surrounding streetscape.</p>	<p><b>No change recommended to Amendment C308.</b> <b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
		recommended they are excluded from the precinct.		
<p><b>Burwood Road Estate Precinct</b></p> <p>Burwood Road Estate Precinct illustrates the rapid growth in the northern part of Hawthorn East that followed the opening of the Auburn and Camberwell railway stations in 1882. After the estate was subdivided in 1885 and 1888, rows of timber cottages were built rapidly, with more than half of them completed by 1888 and all but one of the others by 1903 (Criterion A).</p> <p>The precinct is of architectural significance for its collection of Victorian Italianate cottages and houses that illustrate the modest yet stylish dwellings occupied by trade and service-industry workers of Hawthorn East in the nineteenth century (Criterion D).</p> <p>While most of the houses in the precinct have quite standard Victorian Italianate forms and details, their rapid construction by a small group of builders has created by an unusually high level of overall consistency in the streetscapes, as well as a small point of difference (Criterion E).</p> <p><b>Total number of submissions:</b> 1 partially supporting</p> <p><b>Officer recommendation:</b> Retain the Burwood Road Estate Precinct in Amendment C308boro</p>				
25	Partial	The submitter partially supports the recommendation to include the Burwood Road Estate Precinct in the Heritage Overlay. The submitter is unclear why the Heritage Overlay is proposed for the Burwood Estate Precinct as the previous report circulated as part of preliminary consultation did not recommend heritage controls for the precinct. In the views of the submitter, the exhibited amendment is proposing a different control which poses issues from a natural justice perspective.	The Burwood Road Estate Precinct was included in the draft Hawthorn East Heritage Gap Study as considered by the UPSC on 17 December 2018. Officers phoned the submitter on 4 June 2019 to clarify the submission and advise the precinct was included in the draft Study. The submitter advised they received a letter during preliminary consultation and recalled the inclusion of the precinct in the study, however misread the draft Schedule to the Heritage Overlay which didn't recommend additional controls be activated in the precinct (i.e. fence, tree controls etc.).	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>
<p><b>Essington Estate and Environs Precinct</b></p> <p>The precinct demonstrates the transition of Hawthorn East from a place of substantial gentlemen's estates to closer suburban development in the late nineteenth and early twentieth centuries (Criterion A).</p> <p>The precinct provides a particularly strong representation of the domestic styles popular in the first two decades of the twentieth century. This includes the continuation of the Italianate style beyond the nineteenth century, though more up-to-date details such as red face brick and turned timber posts indicate the later date of these examples (Criterion D).</p> <p>The precinct contains many fine Queen Anne houses, large and small, many with distinctive details such as fretwork with a Japanese influence, pierced details or sunburst patterns within arches, corner porches treated like towers, and bas-relief ornament to a front gable (Criterion E).</p>				

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
<p><b>Total number of submissions:</b> 1 partially supporting, 3 objecting</p>				
<p><b>Officer recommendation:</b> Retain the Essington Estate and Environs Precinct in Amendment C308boro subject to the following:</p> <ul style="list-style-type: none"> <li>Note in precinct citation that the gates of 44 &amp; 46 Harold Street are not original</li> <li>Downgrade 32 Mayston Street, Hawthorn East from contributory to non-contributory</li> </ul>				
1	No	<p>The submitter objects to the recommendation to include 44, 46 and 48 Harold Street, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>Council has promoted consolidation of these properties to encourage medium density development as part of the Camberwell Junction Structure Plan.</li> <li>In September 1994, Council advised that it did not propose any additional controls on these sites and encouraged redevelopment.</li> <li>The properties are generally dilapidated and would cost millions of dollars to refurbish.</li> <li>In March 2017, Council informed residents of the planning reforms of the zones in terms of mandatory heights that apply in the GRZ4.</li> <li>The study states that the front fences at 44 and 46 Harold Street are original. This is incorrect as most of the pickets have been replaced and new gates have been erected. Additionally, the posts are rotten and supported by stakes.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>The matters for consideration in this instance are whether an individual property or precinct should be recommended for inclusion in a Heritage Overlay. Heritage protection is balanced with other objectives of planning, including encouraging development close to public transport or activity centres. The introduction of heritage controls in areas close to services is not necessarily a direct conflict as the Heritage Overlay does not outright prohibit further development.</li> <li>Officers accept that planning policies change over time. As such, in the time that has passed since September 1994, heritage practice and its importance to the Boroondara community has also changed. Council is committed to protecting valued heritage properties and precincts in Boroondara through initiation of the Municipal Wide Heritage Gap Study.</li> <li>The structural integrity of a building is not a matter for consideration in heritage assessments. The assessment is focussed on intactness of a building as viewed from the public realm. Nonetheless, if the Heritage Overlay is introduced on a permanent basis, matters such as structural integrity can be considered during the planning permit process. In addition, Clause 62.02-2 of the Boroondara Planning Scheme states that a Planning Permit is not required to undertake repairs and routine maintenance to an existing building.</li> <li>Council notified land owners affected by the Victorian Governments' reformed residential zones which were introduced in the Boroondara Planning Scheme by Amendment VC110 in March 2017.</li> </ul>	<p><b>Note in precinct citation that the gates of 44 &amp; 46 Harold Street are not original.</b></p> <p><b>Refer submission to panel for consideration.</b></p>



Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
			<ul style="list-style-type: none"> <li>The replacement of the gates should be noted in the precinct citation. However, the fences including the posts are of importance as some of the small number of Edwardian picket fences to survive. While some pickets may have been replaced, as this has been in-kind, the fences have retained their integrity. If one or more fence posts are structurally unsound, they can be replaced by new posts of identical dimensions and details.</li> </ul>	
3	No	<p>The submitter objects to the recommendation to include the Essington Estate and Environs Precinct in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>The housing stock in the precinct has fallen into disrepair and been subject to substantial infill development, especially on the southern side of Harold Street.</li> <li>The precinct is located in a well serviced area within close proximity to Camberwell Junction and public transport options. Therefore, the precinct has the potential to significantly contribute to planning imperatives relating to densification, 20 minute neighbourhoods and transit oriented development. The application of the Heritage Overlay will prevent this from occurring.</li> <li>Council's heritage consultant has identified only two individually significant properties in the precinct. The majority of the properties in the precinct are unremarkable Edwardian cottages which are well represented in the inner ring suburbs of Melbourne.</li> <li>The Heritage Overlay will lead to more houses falling into disrepair.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>The structural integrity of a building is not a matter for consideration in heritage assessments. The assessment is focussed on intactness of a building as viewed from the public realm. Nonetheless, if the Heritage Overlay is introduced on a permanent basis, matters such as structural integrity can be considered during the planning permit process. In addition, Clause 62.02-2 of the Boroondara Planning Scheme states that a Planning Permit is not required to undertake repairs and routine maintenance to an existing building. It is agreed that there is substantial infill development on the south side of Harold Street, hence why only the properties at 44, 46, 48 and 52 Harold Street, Hawthorn East are recommended for inclusion in the Heritage Overlay.</li> <li>The matters for consideration in this instance are whether an individual property or precinct should be included in a Heritage Overlay. The introduction of heritage controls in areas close to services is not necessarily a direct conflict as the Heritage Overlay does not outright prohibit further development.</li> <li>It is agreed that there is a much smaller number of individually significant properties (five in total) than there are contributory graded properties in the proposed precinct. This is almost always the case for heritage precincts. The purpose of a heritage precinct is to protect well preserved streetscapes of typical buildings. The Essington Estate and Environs Precinct has been identified as one of the best preserved areas of Edwardian residential</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
			<p>development in Hawthorn East and Boroondara more generally.</p> <ul style="list-style-type: none"> <li>All properties require on-going maintenance in order to protect their condition and amenity, whether located in the Heritage Overlay or not. The Heritage Overlay does not compel a property owner to maintain a property to a specific standard.</li> </ul>	
36	Partial	<p>The submitter partially supports the amendment, however objects to the recommendation for the following reasons:</p> <ul style="list-style-type: none"> <li>There may be a lot of information that professionals who work in the field can understand, however a lay person with no interest in the planning controls and administration, cannot easily understand the implications of the amendment.</li> <li>It is not clear how the proposed controls will impact on future renovation of the property and the long term benefits gained from being included in a Heritage Overlay.</li> </ul>	<p>Officers note the submitters' comments and provide a response below.</p> <ul style="list-style-type: none"> <li>Officers emailed the submitter on 7 June 2019 clarifying the next steps post exhibition as well as responding to subsequent questions by the submitter. To ensure the community is informed about any proposed controls, Council undertakes preliminary consultation which offers an opportunity for feedback to be considered prior to Council determining whether to proceed to a formal planning scheme amendment process. The notification of the proposed controls comprises information on the Boroondara website and hard copy letters are issued at various milestones (i.e. commencement of preliminary consultation, exhibition and invitation to UPSC/Council meetings). This includes a copy of the Boroondara Heritage Overlay Factsheet which provides an overview of definitions and implications of the proposed control in lay terms. Additionally, the contact details of Council's Strategic Planning Department are provided on the website and in the letter correspondence, should an interested party require further information or assistance. The planning documentation must comply with the Ministerial Direction (Form and Content of Planning Schemes) and therefore it is not possible to simplify the terminology of the amendment documentation.</li> <li>The Heritage Overlay does not preclude opportunity for redevelopment, rather it is a mechanism to consider whether the proposed works will have an impact on the place and/or precinct. A number of properties in the existing Heritage Overlay have obtained planning approval for partial demolition, alterations and additions. To this effect, the Heritage</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
			<p>Overlay sets a planning permit trigger for external alterations to enable Council to assess the potential impact of proposed alterations and additions. As a planning permit is not required for internal works, there is nothing that prohibits an owner to improve the internal amenity of the property through modern technologies or environmentally sustainable practices. A long term benefit gained from inclusion in a precinct Heritage Overlay is that the heritage character of the area will be protected for current and future generations.</p>	
45	No	<p>The submitter objects to the recommended contributory grading of 32 Mayston Street, Hawthorn East for the following reasons:</p> <ul style="list-style-type: none"> <li>• The dwelling has had several alterations including:                             <ul style="list-style-type: none"> <li>○ Replacement of façade windows with aluminium frames and shutters</li> <li>○ Replacement and reconfiguration of the front door</li> <li>○ Painting of the façade face brick</li> <li>○ Construction of a new verandah/carport, driveway and paving</li> <li>○ Internal changes to accommodate wheelchair access</li> </ul> </li> <li>• Clarity is sought in relation to the requirements of the Heritage Overlay.</li> </ul>	<p>Officers note the submitters' comments and provide a response below.</p> <ul style="list-style-type: none"> <li>• Council's building permit records document that the aluminium front windows and "refacing" was carried out in 1968. At some point, the front verandah was replaced with a smaller porch. In 1997 the verandah was reinstated, and a single-storey rear extension constructed. The submitter also notes that the front door has been replaced (it is not visible from the footpath behind the screen door). While the submitter states that the bricks of the front façade have been overpainted, more importantly closer examination of this house reveals that the front façade brickwork was entirely reconstructed in the 1968 works. The new bricks have been keyed into the original side walls. While the overall form of this house is in keeping with the late Victorian development of the precinct, as the front façade brickwork, windows, door and verandah are all new, it is agreed that this house is too altered to contribute to the significance of the precinct.</li> <li>• The Heritage Overlay does not preclude opportunity for redevelopment, rather it is a mechanism to consider whether the proposed works will have an impact on the place and/or precinct. A number of properties in the existing Heritage Overlay have obtained planning approval for partial demolition, alterations and additions. To this effect, the Heritage Overlay sets a planning permit trigger for external alterations to enable Council to assess the potential</li> </ul>	<p><b>Downgrade 32 Mayson Street, Hawthorn East from contributory to non-contributory.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
			<p>impact of proposed alterations and additions. As a planning permit is not required for internal works, there is nothing that prohibits an owner to improve the internal amenity of the property through modern technologies or environmentally sustainable practices.</p>	
<p><b>Longford Estate and Environs Precinct</b></p> <p>Longford Estate and Environs Precinct is of historic significance for illustrating the influence of the opening of the Hawthorn Station in the development of the area. The desirability of being close to a railway station and horse tramway in the pre-automotive era is demonstrated by allotment sizes and consistency of early Victorian Italianate dwellings in the precinct, indicating construction within a short period of time (Criterion A).</p> <p>Architecturally, the housing stock of the precinct is largely Victorian Italianate style, mostly small examples of the style displaying characteristic elements such as chimneys with a rendered cornice, bracketed eaves low-pitched hipped roofs, front verandahs with slender posts or columns and cast-iron ornamentation (Criterion D).</p> <p><b>Total number of submissions:</b> 7 objecting</p> <p><b>Officer recommendation:</b> Retain the Longford Estate and Environs Precinct in Amendment C308boro subject to downgrading 48 Harts Parade, Hawthorn East from contributory to non-contributory, and deleting 362, 364, 366 and 368 Auburn Road, Hawthorn East from Amendment C308boro.</p>				
2	No	<p>The submitter objects to the recommendation to include 315 Auburn Road, Hawthorn in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• The house has not been inspected by Council or a heritage consultant as part of the process.</li> <li>• The house has been significantly altered internally and externally. Imposing internal alteration controls without an inspection is lazy.</li> <li>• The house has not been painted externally and future requirements that impose painting controls (i.e. painted in heritage colours) will create additional costs. Additionally, any proposed paint controls will devalue the property. Similarly, if the new planning controls require reinstatement of the original roof tiles, this is not supported.</li> <li>• The house is on the old path of the Hawthorn Creek and is subject to flooding. The soil is highly reactive and significant cracks in the original part of the dwelling are evident. At some point, the damage to the dwelling caused</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• The background document, <i>Hawthorn East Heritage Gap Study (March 2019)</i> under subheading 'Approach and Methodology' (p.4) discusses in detail how heritage places and precincts were identified and recommended for inclusion in the Heritage Overlay. In summary, a suburb survey was carried out by bicycle and on foot by Council's heritage consultant. The property at 315 Auburn Road, Hawthorn was surveyed from the street and has been identified as contributory to the Longford Estate and Environs Precinct. The house at 315 Auburn Road is one of a pair (with 313 Auburn Road) of double-fronted bichrome brick Italianate double-fronted houses. It is highly intact externally, apart from the replacement of roofing slates with glazed terracotta tiles, and the construction of a single-storey extension behind the original hipped roof section. The pair is among the finest dwellings in this precinct.</li> <li>• The heritage assessment is focussed on intactness</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
		<p>by the subterranean conditions coupled with Council's poor management of storm water and tree planting may require the dwelling to be demolished in the future. If this is required, it should not be prevented by the provisions of the Heritage Overlay as the dwelling has not been inspected as stated above.</p> <ul style="list-style-type: none"> <li>• The property value will be impacted by the requirements of the Heritage Overlay.</li> <li>• Council has failed to detail the specific reasons of how the dwelling is of heritage significance, did not inspect the property and has not explained how the proposed controls will impact the property owner. A blanket one size fits all approach is lazy and dictatorial.</li> <li>• Council should compensate the property owner for the imposition of the proposed controls.</li> <li>• Council has not detailed the benefits of the Heritage Overlay.</li> </ul>	<p>of a building as viewed from the public realm and does not require an internal inspection. Officers usually undertake an internal inspection only when Internal Alteration Controls are recommended. There are no internal controls recommended for this property, so internal renovations (i.e. refurbishment of kitchen, replacing floor boards, internal painting etc.) do not require a planning permit. It is noted that the submitter has not provided details about the significant external alterations that have occurred to the property, but this may refer to the rear extension. Extensions of this size and location are frequently allowed for contributory dwellings in heritage precincts.</p> <ul style="list-style-type: none"> <li>• The Heritage Overlay does not require a property owner to reinstate original heritage features such as the roof or original paint scheme. However, should the property owner wish to paint the external elevations of the dwelling, a planning permit is required to paint an unpainted surface.</li> <li>• The structural integrity of a building is not a matter for consideration in heritage assessments. The assessment is focussed on intactness of a building as viewed from the public realm. Nonetheless, if the Heritage Overlay is introduced on a permanent basis, matters such as structural integrity can be considered during the planning permit process.</li> <li>• Council has prepared the City of Boroondara Flood Mapping Study which was adopted by Council on 11 June 2019 following consultation with affected property owners. However, it is noted that 315 Auburn Road is not affected by the existing Special Building Overlay (SBO) or identified in the Flood Mapping Study. Council is currently working with Melbourne Water to develop a plan to align the strategies of both organisations. If the landowner wishes to improve the drainage of their property, a planning permit may be required to construct and carry out works. However, if the drainage works are underground or are considered routine repairs and maintenance, a planning permit is not required.</li> <li>• The impact to property value is not a consideration when determining whether a property should be</li> </ul>	

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			<p>included in the Heritage Overlay or not. Planning Panels for similar heritage amendments have considered private economic impacts. The Panels have consistently concluded that impacts on land values or the individual financial circumstances of the land owner are outside the scope for consideration (e.g. Melbourne C207 Panel, Moreland C149 Panel and Boroondara C266 Panel). The only valid test for the application of the Heritage Overlay is whether a property has recognised heritage value that is suitable for protection. If so, the Heritage Overlay should be applied.</p> <ul style="list-style-type: none"> <li>• The historical significance of the precinct is outlined in the background document, <i>Hawthorn East Heritage Gap Study, March 2019</i>. In summary, the precinct has satisfied Criterion A (Historical Significance) and Criterion D (Representiveness) (p.115 of the background document). A response to the identification of the precinct is provided in point 1 and an explanation of the Heritage Overlay requirements is provided in point 8.</li> <li>• Council is bound by the legislative requirements of the <i>Planning and Environment Act 1987</i> (the Act). Under Part 5 of the Act, the right to compensation is possible under section 98(1). However, there is only one type of planning scheme amendment that can give rise to a compensation claim which is an amendment to reserve land for a public purpose. Therefore, there is no opportunity to seek compensation.</li> <li>• The Heritage Overlay does not preclude opportunity for redevelopment, rather it is a tool used to consider whether the proposed works will have an impact on the place and/or precinct. A number of properties in the existing Heritage Overlay have obtained planning approval for partial demolition, alterations and additions. To this effect the Heritage Overlay sets a planning permit trigger for external alterations to allow Council to assess the potential impacts of the proposed alterations and additions. As a planning permit is not required for internal works, there is nothing that prohibits an owner to improve the internal amenity of the property through modern</li> </ul>	

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			<p>technologies or environmentally sustainable practices. A long term benefit gained from inclusion in a precinct Heritage Overlay is that the heritage character of the area will be protected for current and future generations to appreciate.</p>	
14	No	<p>The submitter objects to the recommended contributory grade of 48 Harts Parade, Hawthorn East for the following reasons:</p> <ul style="list-style-type: none"> <li>The property should be classified as non-contributory as it does not satisfy Criterion A. It is not an original build from the 1920s/30s era. The dwelling does not satisfy Criterion D as it is not of Victorian Italianate or Edwardian Queen Anne style.</li> <li>This property was subdivided from 532 Tooronga Road, Hawthorn East with a new dwelling constructed in circa 1950s/60s.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>It is agreed that the house at 48 Harts Parade does not date from the 1920s or 30s. Council's building records were checked, and a permit for a new dwelling was granted in 1944 (BP 473/1944). The completed dwelling is visible in a December 1945 aerial photo. Since that time, the 1944 house has been altered with the addition of a room over its garage (and the attached garage may also be a later addition), as well as overpainting of the brickwork.</li> <li>It is agreed that 48 Harts Parade was created by subdividing off the rear yard of the 1930s house at 523 Tooronga Road. The 1944 building permit date is not as late as the 1950s/60s, as stated by the submitter, but it does fall outside of the interwar period as defined in the citation (to 1942). As this house is slightly later than the defined valued period of the precinct, and because it has been altered since its construction, it is considered appropriate to downgrade it to Non-contributory.</li> </ul>	<p><b>Downgrade 48 Harts Parade, Hawthorn East from contributory to non-contributory.</b></p> <p><b>Refer submission to panel for consideration.</b></p>
15	No	<p>The submitter objects to the recommendation to include 360 Auburn Road, Hawthorn in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>The dwelling on the site has been substantially altered and is not intact.</li> <li>The site and immediate surrounds fail to meet the threshold of Criterion A or D.</li> <li>The analysis that underpins the amendment lacks sufficient justification.</li> </ul>	<p>Since this precinct was originally assessed, four contributory houses on the western side of Auburn Road (Nos. 360, 364, 366 and 368) have been demolished. This means that there are five non-contributory properties at Nos. 360-368 (NB: No. 362 has always been non-contributory).</p> <p>As there are no contributory or significant properties in the row between 360 and 368 Auburn Road, officers recommend this row be deleted from the extent of the precinct. Officers are recommending that the properties at 356 and 358 Auburn Road, Hawthorn East be retained as contributory properties to the precinct consistent with the exhibited amendment. Both properties remain in place in</p>	<p><b>Retain 356 and 358 Auburn Road in Amendment C308.</b></p> <p><b>Delete 360, 362, 364, 366 and 368 Auburn Road from Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
			the context of surrounding demolition which has occurred.	
27	No	<p>The submitter objects to the recommendation to include 356 Auburn Road, Hawthorn in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• In October 2017, during preliminary consultation on the draft Hawthorn Heritage Gap Study the property was not identified as an individually significant place or as part of a nominated heritage precinct.</li> <li>• The property does not meet the following HERCON Criterion: <ul style="list-style-type: none"> <li>○ Criterion A: There is insufficient heritage evidence to demonstrate that the property is important to the course or pattern of cultural or natural history. The property is not Victorian Italianate in style and it does not illustrate the influence of the opening of Hawthorn Station.</li> <li>○ Criterion B: The property does not possess uncommon, rare or endangered aspects of cultural or natural history.</li> <li>○ Criterion C: There is no evidence that the property has the potential to yield information that will contribute to an understanding of cultural or natural history.</li> <li>○ Criterion D: The property is surrounded by too many non-contributory places to demonstrate the principle characteristics of a class or cultural or natural places or environments. The non-contributory properties are 325, Units 1-5 350, Units 1-7 346, 360, 362, 364, 366 Auburn Road (Western side) and 317, 319, 323, 325 and 353 Auburn Road (Eastern side).</li> <li>○ Criterion E: The property is not unique and has been altered substantially internally and externally including a new porch entrance area and front fence.</li> <li>○ Criterion F: The property does not sufficiently demonstrate a high degree of</li> </ul> </li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• Officers agree that the property was not identified as an individually significant place or within a precinct as part of the draft Hawthorn Heritage Gap Study. An extract of the letter dated 13 July 2018 which was sent to the property owner as part of preliminary consultation of the draft Hawthorn East Heritage Gap Study is provided below: <p><i>We acknowledge that you received a letter as part of the Hawthorn Heritage Gap Study on 4 October 2017 detailing that your property was not identified as an individually significant heritage place or part of a nominated heritage precinct. However, a precinct has since been identified as part of the Hawthorn East Heritage Gap Study.</i></p> <p>When this part of Auburn Road was first surveyed as part of the Hawthorn Heritage Gap Survey, the presence of early (Victorian, Edwardian, interwar) houses that could potentially be contributory to a precinct was noted. However, the properties on Auburn Road were not in sufficient quantity to form a precinct on their own. It was found at the next stage of the Municipal-Wide Heritage Gap Study that the properties on Auburn Road could contribute to heritage precincts that extended into Hawthorn East.</p> </li> <li>• It is agreed that the house at 356 Auburn Road is not a Victorian Italianate dwelling, but a brick 1920s dwelling. Houses of the interwar era are also recognised as contributing to this heritage precinct. The property does not meet the HERCON criteria for individual heritage significance, and is instead graded as contributory to a wider heritage precinct that is of local significance.</li> <li>• Officers are recommending that the properties at 356</li> </ul>	<p><b>Retain 356 and 358 Auburn Road in Amendment C308.</b></p> <p><b>Delete 360, 362, 364, 366 and 368 Auburn Road from Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>



Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
		<p>creative or technical achievement at a particular period.</p> <ul style="list-style-type: none"> <li>○ Criterion G: The property does not have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.</li> <li>○ Criterion H: The property does not have any special association with the life or works of a person or group of persons, of importance in history.</li> </ul> <p>Therefore, it is requested the property is downgraded to non-contributory or removed from the precinct.</p>	<p>and 358 Auburn Road, Hawthorn East be retained as contributory properties to the precinct consistent with the exhibited amendment. Both properties remain in place in the context of surrounding demolition which has occurred. It is recommended the precinct boundary be amended to the western side of Auburn Road to exclude the non-contributory properties at 360-368 Auburn Road.</p>	
46	No	<p>The submitter objects to the recommendation to include 364-366 Auburn Road, Hawthorn in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• The buildings at 364-366 Auburn Road, Hawthorn were demolished in accordance with an approved demolition permit earlier this year. Further, a planning permit application for the construction of a three-storey apartment building on the site is currently under assessment at Council. This significantly diminishes the merit of including the site within the Heritage Overlay, even as a non-contributory site.</li> <li>• Moreover, 364-366 Auburn Road abuts 362 Auburn Road to the north which is identified as non-contributory. While the property at 368 Auburn Road is identified as contributory, a demolition permit has been granted for this site and it understood that it will be demolished imminently. Therefore, this further diminishes any heritage significance attributed to this row of properties and the entire western side of Auburn Road. It is noted the heritage character on the eastern side of Auburn Road is identifiable as many of the dwellings are intact and contribute to the precinct.</li> <li>• Given the above, the inclusion of the western</li> </ul>	<p>Since this precinct was original assessed, four contributory houses on the western side of Auburn Road (Nos. 360, 364, 366 and 368) have been demolished. This means that there are five non-contributory properties at Nos. 360-368 (NB: No. 362 has always been non-contributory).</p> <p>As there are no contributory or significant properties in the row between 360 and 368 Auburn Road, officers recommend this row be deleted from the extent of the precinct. It is considered that the deletion of these properties from the precinct on the western side of Auburn Road does not impact on the streetscape on the eastern side of Auburn Road.</p>	<p><b>Retain 356 and 358 Auburn Road in Amendment C308.</b></p> <p><b>Delete 360, 362, 364, 366 and 368 Auburn Road from Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		side of Auburn Road is not justified and therefore it should be removed from the Heritage Overlay.		
49	No	<p>The submitter objects to the recommendation to include 368 Auburn Road, Hawthorn in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>A Building Permit was obtained in December 2018, prior to the introduction of interim controls, which permits the total demolition of all existing buildings and structures on-site. The legal demolition of the existing building will void any merit for a 'contributory' grading to this site, whilst also significantly diminishing the validity of including the property within the heritage precinct, particularly given the site is located at the westernmost edge of the proposed heritage precinct with no direct 'contributory' or 'significant' graded abutments.</li> <li>Furthermore, the recent demolition of 364-366 Auburn Road, Hawthorn and the non-contributory grading of 362 Auburn Road significantly dilutes any contribution that these properties have to the precinct. Accordingly, it is requested the subject site and adjoining 'non-contributory' graded properties are removed from the precinct.</li> </ul>	<p>Since this precinct was original assessed, four contributory houses on the western side of Auburn Road (Nos. 360, 364, 366 and 368) have been demolished. This means there are five non-contributory properties at Nos. 360-368 (NB: No. 362 has always been non-contributory).</p> <p>As there are no contributory or significant properties in the row between 360 and 368 Auburn Road, officers recommend this row be deleted from the extent of the precinct. It is considered that the deletion of these properties from the precinct on the western side of Auburn Road does not impact on the streetscape on the eastern side of Auburn Road.</p>	<p><b>Delete 360, 362, 364, 366 and 368 Auburn Road from Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>
53	No	<p>The submitter objects to the recommendation to include 358 Auburn Road, Hawthorn in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>There is insufficient evidence to support the property being important to cultural and natural history.</li> <li>There are numerous non-contributory properties along the western and eastern sides that negate consistency of cultural or natural places or environment.</li> <li>The area of Auburn Road between Riversdale Road and Scott Street has developed based on</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>Agreed that the Victorian house at 358 Auburn Road does not, by itself, meet the threshold of local significance (and there are no claims of natural significance). Instead, it has been classified as contributory to the Longford Estate and Environs Precinct. This means that it helps to illustrate the themes that make the precinct as a whole important to Boroondara's cultural heritage. This house assists to illustrate the 19<sup>th</sup> century development of this part of Hawthorn/Hawthorn East, and its Italianate form is</li> </ul>	<p><b>Retain 356 and 358 Auburn Road in Amendment C308.</b></p> <p><b>Delete 360, 362, 364, 366 and 368 Auburn Road from Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
		<p>the zone and height controls supported by Council. There is no consistency in housing types along the extent of Auburn Road.</p> <ul style="list-style-type: none"> <li>• The property at 358 Auburn Road, Hawthorn has been extensively renovated and modified with significant changes to original form.</li> <li>• The property does not have an association with a community, cultural group, person or persons of importance.</li> </ul>	<p>representative of the most popular house style of that period.</p> <ul style="list-style-type: none"> <li>• Since this precinct was original assessed, four contributory houses on the western side of Auburn Road (Nos. 360, 364, 366 and 368) have been demolished. This means that there are five non-contributory properties at Nos. 360-368 (NB: No. 362 has always been non-contributory).</li> <li>• Officers are recommending that the properties at 356 and 358 Auburn Road, Hawthorn East be retained as contributory properties to the precinct consistent with the exhibited amendment. Both properties remain in place in the context of surrounding demolition which has occurred. It is recommended that the precinct boundary be amended to the western side of Auburn Road to exclude the non-contributory properties including those which have since been demolished.</li> <li>• Agreed there is a visible two-storey extension at the rear of the house. It has been positioned two rooms back from the front façade, allowing the retention of nearly the entire original house (minus rear lean-to), including its M-hipped roof form and symmetrically placed chimneys. The front façade also appears to be entirely intact, retaining sash windows with sidelights, four-panel front door with sidelights and highlight, wide shiplap timber cladding, and cast-iron verandah detail. While there may have been extensive alterations to the interior, as no internal controls are proposed, this is not taken into account. Overall, the house is of an intactness that is acceptable for a contributory property, and can still contribute to the precinct.</li> <li>• The property has not been recommended as a contributory property to the precinct on the basis of associational significance. As such, this matter is not a relevant for consideration with respect to the recommendation to include this heritage precinct in the Heritage Overlay.</li> </ul>	
<p><b>Smith's Paddock (Burwood Reserve) Precinct</b>                      Smith's Paddock (Burwood Reserve) Precinct is of historic significance for illustrating the influence of the opening of the Auburn and Camberwell railway stations in 1882, both on its topography and in the burst of development that followed it in the late nineteenth century. Smith's Paddock was subdivided into 125 lots in 1886 to create the precinct (Criterion A).</p>				

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<p>Architecturally, the housing stock in the precinct is dominated by the Victorian Italianate style, with the large and small examples of the style displaying characteristic elements such as low-pitched hipped roofs, chimneys with a rendered cornice, bracketed eaves (many with raised panels between them), front or return verandahs with slender posts or columns and cast-iron ornament, double-hung sash windows often with sidelights, and four-panelled front doors with raised cricket-bat mouldings (Criterion D).</p> <p>'Dartford' at 23-25 Burwood Avenue, Hawthorn East, is of aesthetic significance for its elaborate decoration, applied to a substantial but standard Italianate villa form. Details of note include the Venetian Gothic cream brick arches above the front windows, the terracotta acanthus-leaf capitals between the windows, and the cast (possibly terracotta) classical cornice below the eaves (Criterion E &amp; H).</p> <p><b>Total number of submissions:</b> 1 objecting</p> <p><b>Officer recommendation:</b> Retain the Smith's Paddock (Burwood Reserve) Precinct in Amendment C308boro: Remove Tree Controls from the HO Schedule</p>				
13	No	<p>The submitter objects to the recommendation to include the Smith's Paddock (Burwood Reserve) Precinct in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• Many of the buildings in the precinct have been altered with additions including first floor extensions which have diluted the heritage significance.</li> <li>• A building is either significant in its own right or it is not of heritage value. Many of the contributory buildings are not unique and the single fronted Victorian buildings are extensively protected in most inner suburbs.</li> <li>• Blanket precincts are a blunt tool for protecting significant buildings and misguided when including contributory buildings to maintain the precinct.</li> <li>• The application of internal alteration controls is not understood as the façade has only been assessed by Council.</li> <li>• It is recommended contributory heritage places are removed from the Heritage Overlay.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• There are often different levels of heritage significance within a precinct, ranging from individually significant, to contributory and non-contributory. In some cases, a building constructed during the valued period of a precinct has been so altered that its original form can no longer be understood, and it no longer contributes to the precinct's heritage significance. This is evident in the precinct citation where properties are listed as non-contributory, contributory or significant. The submitter has not provided evidence to suggest that the external appearances of the dwellings in the precinct are extensively altered. It is accepted that over time, some minor alterations and/or additions such as extensions to the rear may have occurred and this is reflective of the recommended contributory heritage grade applied to most of the properties in the precinct. The properties which have been altered to the point where they are unrecognisable or previously demolished are graded as non-contributory to the precinct.</li> <li>• Planning Practice Note 1 (Applying the Heritage Overlay) identifies the criteria for assessing places of heritage significance. There are two tools to protect places of heritage significance in the Heritage Overlay. Either a site specific Heritage Overlay is applied to individually significant places or a precinct Heritage Overlay is applied to protect streetscapes</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
			<p>which comprise primarily contributory properties. Properties in a precinct can be "typical" examples of their style and era, and together they create an area that is of significance. In saying this, an individually significant place can be included within a heritage precinct. This approach is considered best practice and has been supported by various Planning Panels.</p> <ul style="list-style-type: none"> <li>The submitter's assertion that blanket precincts are applied to protect individually significant places is factually incorrect. It is not uncommon for a precinct with contributory buildings to be recommended for the Heritage Overlay which is elaborated in point 2. If a precinct is not identified, however an individually significant place is recommended for protection, a site specific Heritage Overlay is applied.</li> <li>Planning Practice Note 1 (Applying the Heritage Overlay) provides specific guidance to when internal alteration controls should be activated and states that this provision should be applied sparingly and on a selective basis to special interiors of high significance. For example, the property at 14 Rathmines Road, Hawthorn East (Victoria Road Precinct) has been recommended with internal alteration controls for the church organ. It is noted that no property in the Smith's Paddock (Burwood Reserve) Precinct has been recommended with internal alteration controls.</li> <li>This is not strategically justifiable and conflicts with the guidance provided in Planning Practice Note 1 (Applying the Heritage Overlay).</li> </ul>	
<p><b>Stonyhurst &amp; Athol Estates Precinct</b></p> <p>Historically, the Stonyhurst and Athol Estates Precinct provides important evidence of the development of Hawthorn East in response to the opening of the railway in the late nineteenth century, and to subsequent intensification of suburban development that followed, associated with the intensive boom in residential subdivision between 1910-40, and the population expansion between 1911 and 1933 (Criterion A).</p> <p>Architecturally, the precinct is significant as a representative example of intact areas of medium and smaller homes in the south of Boroondara from the interwar period in a range of interwar architectural styles, including California Bungalow and interwar Old English, Mediterranean and Spanish Mission revival styles (Criterion D).</p> <p><b>Total number of submissions:</b> 1 partially supporting, 3 objecting</p>				

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<p><b>Officer recommendation:</b> Retain the Stonyhurst &amp; Athol Estates Precinct in Amendment C308boro subject to the following:</p> <ul style="list-style-type: none"> <li>• Delete 1A-5A Miami Street from the precinct.</li> <li>• Downgrade 7 and 7A Fairmount Road to Non-contributory.</li> </ul>				
20	No	<p>The submitter objects to the recommendation to include 347 Auburn Road, Hawthorn in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• A letter was sent by Council on 4 October 2017 detailing that the property is not identified as an individually significant place or part of a nominated precinct. It seems as though this sudden shift in judgement has been dictated by a minority of property owners in the vicinity of the property.</li> <li>• There are some property owners in the precinct that wish to protect their homes from further redevelopment. However, that in itself does not justify the imposition of Heritage Overlays.</li> <li>• Population and housing growth need to be fostered to ensure Boroondara remains a thriving city.</li> <li>• It is inequitable that others have had the freedom and choice to develop and facilitate the process of urban renewal for additional modern housing; however these controls restrict this opportunity.</li> <li>• The properties in the immediate vicinity are mostly non-contributory. This means that the subject property will be locked in with properties that can further develop which could potentially cause overshadowing. However, it won't be possible to develop the property if the Heritage Overlay is applied which unfair and inequitable.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• The submitter is correct that the property was not identified as an individually significant place or part of a precinct as part of the draft Hawthorn Heritage Gap Study. An extract of the letter dated 13 July 2018 which was sent to the property owner as part of the preliminary consultation of the draft Hawthorn East Heritage Gap Study is provided below:</li> </ul> <p><i>We acknowledge that you received a letter as part of the Hawthorn Heritage Gap Study on 4 October 2017 detailing that your property was not identified as an individually significant heritage place or part of a nominated heritage precinct. However, a precinct has since been identified as part of the Hawthorn East Heritage Gap Study.</i></p> <p>When this part of Auburn Road was first surveyed, as part of the Hawthorn Heritage Gap Survey, the presence of interwar houses that could potentially be Contributory to a precinct was noted. However, those examples on Auburn Road were not numerous enough to form a precinct on their own. It was only when the next stage of the Municipal-Wide Gap Study was carried out, that it was realised that the interwar properties on Auburn Road were part of the same development as adjacent areas in Hawthorn East and could contribute to that heritage precinct.</p> <ul style="list-style-type: none"> <li>• In principle, Council is seeking to protect heritage properties and precincts by applying the mechanism of the Heritage Overlay which is in the interest of the community. In accordance with section 12 of the <i>Planning and Environment Act 1987</i> (the Act), a planning authority (Council) must implement the objectives of planning in Victoria, review regularly the</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
			<p>provisions of the planning scheme and prepare amendments to a planning scheme. As Council is committed to protecting valued heritage in Boroondara, the recommendation to include these properties in the Heritage Overlay is appropriate and aims to achieve the objectives of the Boroondara Heritage Action Plan (2016).</p> <ul style="list-style-type: none"> <li>• Heritage protection is balanced with other objectives of planning, including encouraging housing growth close to public transport or activity centres. The introduction of heritage controls is not necessarily a direct conflict as the Heritage Overlay does not outright prohibit further development or negatively impact the prosperity of the city.</li> <li>• The individual circumstance of a property owner in terms of redevelopment opportunity is not a relevant consideration to determine whether the Heritage Overlay should be applied. The purpose of the Heritage Overlay is not to preclude opportunity for redevelopment, rather it is a tool used to consider whether the proposed works will have an impact on the place and/or precinct.</li> <li>• It is common practice for non-contributory properties to be included in the Heritage Overlay as part of a precinct even though these buildings do not hold any heritage value in their own right. Their inclusion in the Heritage Overlay will ensure that future redevelopment of these properties do not detrimentally impact on the heritage significance of adjoining contributory and significant heritage places or the broader precinct. This is particularly important where the non-contributory properties face contributory properties at the edge of the precinct or adjoin an existing Heritage Overlay. Where a grouping of non-contributory properties on one side of a street on the edge of a precinct, it may be acceptable to remove this group. In saying this, these decisions should not be broadly applied and need to be made on a case-by-case basis.</li> </ul> <p>Planning Practice Note 1 (Applying the Heritage Overlay) does not provide any guidance on how a precinct boundary should be drawn or how many non-contributory places can be included in a precinct. The</p>	

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			<p>Panel for Amendment C177 (Surrey Hills South Heritage Overlay) found that <i>'the delineation of a heritage precinct should be more than a formulaic, cartographic or number crunching exercise'</i> (p.23). Officers agree with this statement and consider it inappropriate to apply a 'Swiss cheese' approach (i.e. excising non-contributory places in and on the edge of a precinct) as unsympathetic design responses may threaten the scale and cohesion of a predominately consistent heritage streetscape. On this basis, officers are satisfied that the precinct boundary as currently proposed is appropriate and aligns with best practice principles.</p> <p>As noted by the submitter, it is acknowledged that there is a concentration of non-contributory places in the north-west section of Miami Street. However, given this precinct directly abuts the Longford Estate and Environs Precinct to the north and north-west, excising these properties would create a gap between the proposed precincts. Additionally, the properties at 1A-5A Miami Street, Hawthorn East are all under 500 square metres and therefore would require a planning permit under the zone for the construction of buildings and works. As these properties are graded non-contributory, full demolition is appropriate subject to replacement buildings sympathetically respecting the surrounding heritage precinct.</p> <ul style="list-style-type: none"> <li>In terms of amenity impacts such as overshadowing, if an allotment is less than 500m<sup>2</sup>, an assessment will be undertaken at the time of a planning permit application. If the allotment is over 500m<sup>2</sup>, the appointed building surveyor will assess these impacts under the Building Regulations.</li> </ul>	
23	No	<p>The submitter objects to the recommendation to include 12 Miami Street, Hawthorn East in the Heritage Overlay for the following reasons:</p> <p>The property was built in 2007 and is a modern design which does not have any historical significance. Therefore, the interim Heritage Overlay</p>	<p>The interim Heritage Overlay was introduced by the Minister for Planning under section 20(4) of <i>the Planning and Environment Act 1987</i>. The purpose of interim heritage controls is to protect the places and precincts from demolition while the permanent controls are progressed. Therefore, deletion of the interim control contradicts the purpose of why it was introduced in the first place.</p>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>



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		<p>should be removed from the property.</p>	<p>The property is recommended as a non-contributory place to the precinct. On this basis, it is agreed that the property has no heritage value. It is common practice for non-contributory properties to be included in the Heritage Overlay as part of a precinct even though these buildings do not hold any heritage value in their own right. Their inclusion in the Heritage Overlay will ensure that future redevelopment of these properties does not detrimentally impact on the heritage significance of adjoining contributory and significant heritage places or the broader precinct. This is particularly important where the non-contributory properties face contributory properties at the edge of the precinct or adjoin an existing Heritage Overlay.</p> <p>Planning Practice Note 1 (Applying the Heritage Overlay) does not provide any guidance on how a precinct boundary should be drawn or how many non-contributory places can be included in a precinct. The Panel for Amendment C177 (Surrey Hills South Heritage Overlay) found that <i>'the delineation of a heritage precinct should be more than a formulaic, cartographic or number crunching exercise'</i> (p.23). Officers agree with this statement and consider it inappropriate to apply a 'Swiss cheese' approach (i.e. excising non-contributory places in and on the edge of a precinct) as unsympathetic design responses may threaten the scale and cohesion of a predominately consistent heritage streetscape. On this basis, officers are satisfied that the precinct boundary as currently proposed is appropriate and aligns with best practice principles.</p>	
24	Partial	<p>Officers note the submitter has selected that they do not support the amendment; however it appears they are supportive of heritage protection in general as outlined below in point 1. However, the submitter objects to the recommendation to include 27 Fairmount Road, Hawthorn East in the Heritage Overlay following reasons:</p> <ul style="list-style-type: none"> <li>• The protection of significant heritage properties with rich and unique architecture or historical significance is supported.</li> <li>• The property at 27 Fairmount Road, Hawthorn</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• The property at 27 Fairmount Road was reassessed in the context of the precinct. With the exception of the front fence and garage, which are later additions, the dwelling retains original features and remains legible as one of a group of brick California Bungalows on Fairmount and Tooronga roads built to very similar designs. All feature characteristic elements of the style in different combinations, with some repeated elements occurring, including terracotta tile hip and</li> </ul>	<p><b>Delete 1A-5A Miami Street from the precinct.</b></p> <p><b>Downgrade 7 and 7A Fairmount Road to Non-contributory.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<p>East is a Californian bungalow which has had significant alterations that are not original which include a new garage, replacement windows, front fence, extension and new window openings.</p> <ul style="list-style-type: none"> <li>• The property was purchased without a Heritage Overlay and this proposal will devalue the property and make it difficult to sell.</li> <li>• It is requested that the property be downgraded to non-contributory. This is consistent with the grading of ten properties in close proximity to the property (i.e. Nos. 21, 22, 24, 25, 26, 26A, 28, 28A, 29 and 32 Fairmount Road). It is clear from the number of non-contributory properties there is no heritage precinct in this pocket.</li> </ul>	<p>gable roofs, projecting gables with timber strap work. It is considered that 27 Fairmount Road is a key building within this group and that it is therefore appropriately assessed as Contributory to the precinct. Given the cluster of Non-contributory properties at the eastern end of Fairmount Road, consideration has been given to excising the dwellings from 22-32 Fairmount (south side) and 21-29 Fairmount (north side). The challenge is that one property within each grouping is a high Contributory building within the precinct: 27 Fairmount (with 11, 16, 17, 23, Fairmount and 477 Tooronga) and 30 Fairmount (with 3, 9, 15, 18, 29 Fairmount Road and 471, 479 Tooronga Road). Each of these dwellings is a key example of the main groupings of interwar Bungalows that characterise the Fairmount Road (Stonyhurst Estate) part of the precinct, noted in the description section of the Citation. Their retention within the precinct as Contributory properties is therefore considered important and appropriate. The two options would therefore be (1) to tighten the precinct boundary to exclude the neighbouring Non-contributory properties at 22-28A and 32 Fairmount or retain the southern precinct boundary on the basis that it is contiguous with the southern boundary of the historic subdivision of the Stonyhurst Estate (shown in Figure 2 of the citation). While it is agreed that there is a cluster of Non-contributory properties at this end, there are two key Contributory buildings in the cluster and a sense of unity to the precinct is provided by the mature street trees. Since the initial field survey, the rear of 473 Tooronga Road has been demolished (Building Permit approval 19-75810), including a carport (built 1981), one chimney and the rear part of the roof. The north and east elevations which face the street will remain largely intact, with the exception of the loss of the chimney. A large tree that formerly screened the rear of 473 Tooronga Road has also been removed. The plans submitted do not show what is proposed for the rear of the dwelling at 473. In spite of the demolition at the rear of the building, it is still considered worthy of a Contributory grading. Like 30 Fairmount, 471 Tooronga Road is part of an important group of dwellings within the precinct built to a similar</p>	

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			<p>design. The dwelling has been extended at the rear (double storey addition) in 1992 (BP 221/92 (9776)). The double storey rear extension is not prominent in views from the street and therefore does not compromise the dwelling's contribution to the precinct. 7A Fairmount Road was undergoing alterations at the time of the original assessment. These alterations are now complete. The combination of changes, comprising a rear second storey addition and prominent pergola structure at the front of the dwelling has compromised the legibility of the original form and character of the asymmetrical duplex, which now makes a modest contribution to the precinct. In light of these changes it is felt that 7 and 7A Fairmount Road should be downgraded to non-Contributory. Having reassessed the precinct it is considered that there is value in tightening the boundaries by excising the non-contributory properties at 1A, 1, 3, 5 and 5A Miami Street so that the northern boundary of the precinct is consistent with the northern boundary of the historic subdivision of the Athol Estate (shown in Figure 4 of the citation).</p> <ul style="list-style-type: none"> <li>Private economic impacts are not a valid consideration when determining whether a property should be included in the Heritage Overlay or not. Planning Panels for similar heritage amendments have consistently concluded that impacts on land values or the individual financial circumstances of the land owner are outside the scope for consideration (e.g. Melbourne C207 Panel, Moreland C149 Panel and Boroondara C266 Panel). The only valid test for the application of the Heritage Overlay is whether a property has recognised heritage value that is suitable for protection and enhancement. If so, the Heritage Overlay should be applied.</li> </ul>	
43	No	<p>The submitter objects to the recommendation to include 24 Miami Street, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>The property has been inspected by a structural engineer who has confirmed that the dwelling is structurally unsound. Therefore, it is</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>The structural integrity of a building is not a matter for consideration in heritage assessments. The assessment is focussed on intactness of a building as viewed from the public realm. Nonetheless, if the</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<p>recommended the Heritage Overlay is removed from the property.</p> <ul style="list-style-type: none"> <li>The cost of rectification would be considerable, outweighing the benefits of the expense.</li> </ul>	<p>Heritage Overlay is introduced on a permanent basis, matters such as structural integrity can be considered during the planning permit process. In addition, Clause 62.02-2 of the Boroondara Planning Scheme states that a Planning Permit is not required to undertake repairs and routine maintenance to an existing building.</p> <ul style="list-style-type: none"> <li>The cost of rectification works are not a relevant consideration when applying the Heritage Overlay.</li> </ul>	
<p><b>Victoria Road Precinct</b></p> <p>Victoria Road Precinct demonstrates the influence the opening of a railway line had on the development of suburbs in the late nineteenth century in Melbourne. The opening of Auburn Station in 1882 was instrumental in the rise in preference for and desirability of living within the precinct and directly contributed to the influx of middle class residents to the area. This is demonstrated by the differing subdivision patterns in the precinct and the predominance of late-nineteenth and early-twentieth century housing stock (Criterion A).</p> <p>Architecturally, the housing stock in the precinct is dominated by the Victorian Italianate style, with the large and small examples of the style displaying characteristic elements such as low-pitched hipped roofs, rendered cornices to chimneys and bracketed eaves (Criterion D).</p> <p>14 Grandview Grove, Hawthorn East is architecturally and aesthetically significant for its elaborate form and decoration that was applied to a substantial Victorian Italianate style with unusual form (Criteria D and E).</p> <p><b>Total number of submissions:</b> 4 partially supporting, 17 objecting</p> <p><b>Officer recommendation:</b> Retain the Victoria Road Precinct in Amendment C308boro subject to the following:</p> <ul style="list-style-type: none"> <li>Delete 5-15 Grandview Grove from the Victoria Road Precinct but ensure the full width of the street to the property boundaries is within the precinct boundary.</li> <li>Downgrade 1 Grandview Grove to non-contributory.</li> <li>Downgrade 54 Lilydale Grove to non-contributory.</li> <li>Remove tree controls from 122 Victoria Road (Canary Island Date Palm).</li> </ul>				
4	No	<p>The submitter primarily objects to the recommendation to include tree controls for the Canary Palm at 122 Victoria Road, Hawthorn East for the following reason:</p> <ul style="list-style-type: none"> <li>The root system, whilst not considered too invasive, does extend as wide as the leaf canopy. As such the root system is now materially interfering with the bluestone foundations of the house. This interference is causing extensive cracking and slowly impacting the structural integrity of the house. The house, also of contributory value, may be</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>Council's heritage consultant is recommending that the tree control associated with the Canary Island Date Palm and reference in the Statement of Significance be deleted from the amendment on the basis that the tree roots are causing damage to the structure of the house.</li> <li>The Heritage Overlay does not preclude opportunity for redevelopment, rather it is a tool used to consider whether the proposed works will have an impact on the place and/or precinct. A number of properties in the</li> </ul>	<p><b>Remove Tree Controls from 122 Victoria Road (Canary Island Date Palm).</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<p>compromised of its structural integrity due to the tree.</p> <ul style="list-style-type: none"> <li>The submitter also states that old houses are incredibly inefficient to cool and heat. While they are aesthetically pleasing, modern building technologies must be prioritised to improve environmental conditions.</li> </ul>	<p>existing Heritage Overlay have obtained planning approval for alterations and additions, including works that seek to improve the environmental sustainability of a building (i.e. solar panels). As a planning permit is not required for internal works, there is nothing that prohibits an owner to improve the internal amenity of the property through modern technologies or environmentally sustainable practices.</p>	
8	Partial	<p>Officers note the submitter has selected that they do not support the amendment; however it is clear they are partially supportive as outlined below in point 1. However, the submitter objects to the recommendation to include 2 and 2A Cambridge Street, Hawthorn East in the Heritage Overlay following reasons:</p> <ul style="list-style-type: none"> <li>The protection of contributory and significant buildings in the precinct is supported.</li> <li>The inclusion of 2 and 2A Cambridge Street as non-contributory places is not supported. The precinct boundary should excise these properties as they are not of heritage significance and located on the edge of the precinct. It is recommended that the precinct commence at 4 Cambridge Street, Hawthorn East.</li> </ul>	<p>It is common practice for non-contributory properties to be included in the Heritage Overlay as part of a precinct even though these buildings do not hold any heritage value in their own right. Their inclusion in the Heritage Overlay will ensure that future redevelopment of these properties does not detrimentally impact on the heritage significance of adjoining contributory and significant heritage places or the broader precinct. This is particularly important where the non-contributory properties face contributory properties at the edge of the precinct or adjoin an existing Heritage Overlay. Where a grouping of non-contributory properties on one side of a street on the edge of a precinct, it may be acceptable to remove this group. In saying this, these decisions should not be broadly applied and need to be made on a case-by-case basis.</p> <p>Planning Practice Note 1 (Applying the Heritage Overlay) does not provide any guidance on how a precinct boundary should be drawn or how many non-contributory places can be included in a precinct. The Panel for Amendment C177 (Surrey Hills South Heritage Overlay) found that <i>'the delineation of a heritage precinct should be more than a formulaic, cartographic or number crunching exercise'</i> (p.23). Officers agree with this statement and consider it inappropriate to apply a 'Swiss cheese' approach (i.e. excising non-contributory places in and on the edge of a precinct) as unsympathetic design responses may threaten the scale and cohesion of a predominately consistent heritage streetscape. On this basis, officers are satisfied that the precinct boundary as currently proposed is appropriate and aligns with best practice principles.</p> <p>As the subject properties are graded non-contributory, full demolition is appropriate subject to the replacement</p>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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			<p>buildings sympathetically respecting the surrounding heritage precinct. When reviewing the exhibited map in isolation, it appears as though these properties are on the edge of the precinct. However, they adjoin an existing Heritage Overlay precinct (HO161) to the north. For the reasons outlined above, the inclusion of 2 and 2A Cambridge Street in the precinct is strategically justified.</p>	
11	No	<p>The submitter objects to the recommendation to include the Victoria Road Precinct in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• Planning Practice Note 1 (Applying the Heritage Overlay) provides guidance on the application of a Heritage Overlay. The Statement of Significance fails to establish sufficient significance to justify the Heritage Overlay.</li> <li>• The precinct is fragmented and lacks cohesiveness. The citation incorrectly states that the eastern end of Victoria Road was influenced by the opening of Auburn Station. Camberwell Station is in fact the closest to these properties, demonstrating the extent of the precinct is too great.</li> <li>• It is recommended that the precinct is refined to smaller cohesive areas or the proposed precinct exclude properties not related to the influence of Auburn Station. This includes the eastern end of Victoria Road closer to Camberwell Station (i.e.125 Victoria Road onwards). Alternatively, it is recommended that the non-contributory buildings at 137-147 Victoria Road be excised which has occurred at 101-119 Victoria Road, Hawthorn East.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• The significance of the precinct is articulated in the Statement of Significance as demonstrating suburban development from the late nineteenth century, influenced by the development of the railway and opening of Auburn Station in 1882. The housing stock that demonstrates the ongoing subdivision and sale of land of larger Victorian villas and mansions from this time includes Victorian Italianate style dwellings, as well as dwellings in Edwardian and interwar styles, including several duplexes, smaller bungalows and cottages. The finer grained subdivision of the ancillary roads includes accommodation for brickmakers and other workers in the area.</li> <li>• The areas of the precinct with Non-contributory buildings have been reassessed, taking into consideration the views expressed in Submission 11 (and Submission 37 below). Following reinspection some refinement of the precinct boundary is proposed. The precinct boundary has been re-drawn to excise the flat buildings at 5-15 Grandview Grove. This is consistent with the exclusion of the larger group of flat buildings on Victoria Road from the precinct (at 101-119 Victoria Road). Inclusion of 96 Victoria Road as a Contributory property was also reconsidered, given the neighbouring property at 98 Victoria Road has been demolished since the precinct boundary was proposed. While demolition of 98 means that 96 Victoria Road is somewhat isolated, the dwelling is still a good and largely intact (in views from the street) example of an interwar Bungalow which contributes to the heritage values of the precinct.</li> </ul>	<p><b>Delete 5-15 Grandview Grove from the Victoria Road Precinct.</b></p> <p><b>Downgrade 1 Grandview Grove to non-contributory.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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			<ul style="list-style-type: none"> <li>The group of Non-contributory properties at 137-119 Victoria Road has been reassessed in light of the views expressed in Submission 11. As this is a smaller group of Non-contributory properties than the group at 101-119 Victoria Road, its excision from the precinct is not considered warranted. Exclusion of 137-147 Victoria Road is not recommended given their proximity to individually significant places.</li> </ul>	
12	No	<p>The submitter objects to the recommended extent of the Victoria Road Precinct for the following reasons:</p> <ul style="list-style-type: none"> <li>The Statement of Significance fails to explain how the precinct is significant and does not justify the extent of the Heritage Overlay.</li> </ul>	<p>The significance of the precinct is articulated in the Statement of Significance as demonstrating suburban development from the late nineteenth century, influenced by the development of the railway and opening of Auburn Station in 1882. The housing stock that demonstrates the ongoing subdivision and sale of land of larger Victorian villas and mansions from this time includes Victorian Italianate style dwellings, as well as dwellings in Edwardian and interwar styles, including several duplexes, smaller bungalows and cottages. The finer grained subdivision of the ancillary roads includes accommodation for brickmakers and other workers in the area.</p>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>
16	No	<p>The submitter objects to the recommendation to include 4, 6 and 8 Albert Street, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>These properties are completely surrounded by high density apartments. It is noted there were some properties removed from the Victoria Road Precinct which was adopted by Council on 17 December 2018.</li> <li>The Heritage Overlay should not be retrospectively applied to a zone that seeks to facilitate higher density.</li> <li>The properties are overshadowed by the adjoining apartment building at 12 Albert Street.</li> <li>It is unfair for Council and the State Government to 'have it both ways' in terms of approving higher density apartments on one block and restricting the growth of these properties.</li> <li>The properties are disconnected from the core</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>While it is agreed that the setting surrounding 4, 6 and 8 Albert Street has changed with the construction of new apartment buildings, these three houses are largely intact examples of Victorian houses, and provide a cohesive gateway into the precinct (along with the Victorian houses at Nos. 3-7 on the east side of Albert Street). The bluestone sills, parts of the verandah floor, and front steps at 8 Albert have been over-painted in a bluestone grey colour; the verandah posts have been replaced at 6 Albert; 4 Albert Street is highly intact including original verandah posts. The submitter correctly states some properties in Victoria Road were removed from the precinct which was adopted by the UPSC on 17 December 2018. This specifically relates to the removal of Avenue Victoria and 101 to 119 Victoria Road from the Victoria Road Precinct. The reasons for removing these properties</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<p>of the precinct (north of the railway) which has many cohesive streetscapes. Therefore, it is recommended that the precinct boundary be amended to exclude properties south of the railway line.</p> <ul style="list-style-type: none"> <li>• It is requested that the Mayor and Local Councillor visit the properties to experience the impact of the neighbouring buildings on these properties.</li> <li>• The designs of the new buildings adjoining the properties are unattractive and detract from the character of the neighbourhood.</li> </ul>	<p>from the precinct are provided in the UPSC report dated 17 December 2018 (officer response to submission 4, p.59). In summary, these properties were removed due to the low level of contribution to the precinct and substantial cluster of infill development centrally located in the precinct. The properties of contributory value that adjoin the properties removed from the precinct (i.e. Avenue Victoria and 101-119 Victoria Road) remain included in the Victoria Road Precinct.</p> <p>In this case, the property to the south of the subject properties at 12 Albert Street, Hawthorn East has not been included in the precinct given it has no heritage value. The interface of a place or precinct is not considered when assessing whether a place or precinct satisfies the threshold for the Heritage Overlay. In reality, the boundary of the Heritage Overlay must end at a certain point and this is usually where disruption to the heritage fabric is evident. This is not dissimilar to other areas in the municipality where a heritage precinct adjoins an area zoned for higher density (i.e. Cranmore Estate and Environs Precinct in Hawthorn which adjoins Glenferrie Road Commercial 1 Zone). Therefore, excising the properties at 4, 6 and 8 Albert Street, is not warranted as they contribute to the heritage character of the precinct and, with the properties at 3-7 Albert Street, provide a gateway into the precinct.</p> <ul style="list-style-type: none"> <li>• The introduction of heritage controls in areas close to services is not necessarily a direct conflict as the Heritage Overlay does not outright prohibit further development. Council's Statutory Planning Department can apply some discretion to make a decision in relation to the zoning and overlay controls. For example, this discretion can include whether the zoning facilitation of higher density outweighs the need to preserve heritage fabric.</li> <li>• The amenity impact to adjoining properties was considered as part of the Planning Permit application of 12 Albert Street. However, this matter is not relevant to the consideration of whether places are of heritage significance.</li> </ul>	



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			<ul style="list-style-type: none"> <li>The properties south of the railway line in Albert Street and Lilydale Grove are consistent with the character and identified values of the precinct. Continuation of the precinct boundary south of the railway line is therefore appropriate.</li> <li>The section of Albert Street south of the railway line and the properties at 4-8 and 3-7 Albert Street were revisited and the impacts of surrounding new development on the setting of the precinct reconsidered. Notwithstanding the development at 12 Albert Street, the properties on both sides of the street at 4-8 and 3-7 Albert Street are consistent with the identified values of the precinct and contribute to the significant character of the precinct.</li> </ul>	
19	Partial	<p>The submitter partially supports the amendment, however objects to the recommendation to include Lilydale Grove in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>There are aspects of the background work that is sound, particularly of the areas with consistent streetscapes.</li> <li>The study is inaccurate in its description of properties in Lilydale Grove and therefore justification for the inclusion of Lilydale Grove in the Heritage Overlay is flawed.</li> <li>Lilydale Grove has an inconsistent streetscape in terms of architectural styles. Majority of properties have tall solid high front fences which conceal potential heritage fabric.</li> <li>The properties at 64 and 66 Lilydale Grove are altered from their original state.</li> <li>Lilydale Grove is physically removed from the balance of the Heritage Overlay area as result of the railway line and does not read as part of the Victoria Road Precinct.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>The description with respect to the properties in Lilydale Grove has been reviewed in response to the submission, and the site revisited. No factual errors were found in the part of the description that mentions the Victorian or Edwardian cottages. The use of 'modest' in relation to the Victorian cottages has been qualified as meaning 'modestly-scaled', and mention of chimneys has been added to the citation. The semi-detached Edwardian dwellings at 64 and 66, 68 and 70, 72 and 74, 76 and 78 Lilydale Grove have been added to the description. Only some examples were previously listed. There is value in adding the four pairs at Lilydale Grove because they are good examples. The striking roof form at 68-70 Lilydale Grove is similar to that at 2-4A Station Street (HO120, HO120, HO121, HO122) in the north-western part of the precinct.</li> <li>The historic and architectural values of the precinct derive from development across a range of periods from c1890s to the interwar period. Housing stock from each of these periods is represented in Lilydale Grove. While it is agreed there is a mix, this is consistent with the identified values of the precinct. The presence of tall front fences to some of the properties was considered during the original assessment. It is agreed</li> </ul>	<p><b>Text changes to the citation as follows:</b></p> <ul style="list-style-type: none"> <li><b>Clarifying the modest scale of the Victorian cottages, and addition of text in relation to the chimneys.</b></li> <li><b>Addition of 64 and 66, 68 and 70, 72 and 74, 76 and 78 Lilydale Grove to the description.</b></li> </ul> <p><b>Downgrade 54 Lilydale Grove to non-contributory.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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			<p>that some fabric of the buildings is concealed as a result, but there is sufficient visible from the public domain to appreciate the values of the precinct. In the reassessment of this part of the precinct, the changes to the façade at 54 Lilydale Grove (parapet added, window opening altered, window replaced, overpainted). While the polychrome chimneys remain intact and visible from the street, overall the dwelling no longer reads strongly as a Victorian era cottage. It is recommended that 54 Lilydale Grove therefore be downgraded to non-contributory.</p> <ul style="list-style-type: none"> <li>The alterations at 64-66 Lilydale Grove are noted (including replacement of roof fabric, replacement of verandah timbers at 64). The alterations are not considered to be of an extent that has diminished their integrity.</li> <li>It is agreed that the railway presents as a barrier between the south and north areas of the precinct. However, in terms of housing stock (a mix of Victorian, Edwardian and interwar) and the history of the precinct's development there is strong cohesion between Lilydale Grove and the balance of the precinct on the northern side of the railway.</li> </ul>	
22	No	<p>The submitter objects to the recommendation to include 14 Rathmines Road, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>It is requested the building not be listed as individually significant or included in a precinct.</li> <li>While there are no current plans that conflict with the listing (alterations to the exterior etc.) the proposed changes could limit the functionality of the building as a community centre in the future.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>The submitter has not provided any evidence to suggest that the building is not of heritage significance.</li> <li>The Heritage Overlay does not preclude opportunity for redevelopment, rather it is a tool used to consider whether the proposed works will have an impact on the place and/or precinct. A number of properties in the existing Heritage Overlay have obtained planning approval for alterations and additions. Planning Practice Note 1 (Applying the Heritage Overlay) provides specific guidance to when internal alteration controls should be activated and states that this provision should be applied sparingly and on a selective basis to special interiors of high significance. A planning permit is required to internally alter a building if the Schedule to the Heritage Overlay specifies the heritage place as one where internal</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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			<p>alteration controls apply. In this case, the Schedule to the Heritage Overlay states 'yes - 14 Rathmines Road (church organ). Therefore, a planning permit for internal alterations only applies to the church organ.</p>	
26	No	<p>The submitter objects to the recommended contributory grading of 4 Temple Street, Hawthorn East for the following reasons:</p> <ul style="list-style-type: none"> <li>• It is requested that the property be downgraded to non-contributory as the previous owner made significant alterations to the façade of the dwelling. These changes include:                             <ul style="list-style-type: none"> <li>○ Repainting of the façade</li> <li>○ Replacement of the front door</li> <li>○ Alterations to the front window frames</li> <li>○ Replacement of verandah columns and ground treatment under the verandah</li> <li>○ Replacement of the front fence</li> <li>○ Replacement of the roof material</li> </ul> </li> </ul> <p>These substantial changes are not in keeping with the Victorian Italianate elements the amendment seeks to preserve.</p> <ul style="list-style-type: none"> <li>• Criterion D has not been satisfied which is in principle why the property has been identified to be of heritage value.</li> <li>• Three neighbouring properties to the east of 4 Temple Street, Hawthorn East (No. 6, 8 &amp; 10 Temple Street, Hawthorn East) are graded non-contributory. Therefore, the downgrading of 4 Temple Street, Hawthorn East to non-contributory will not impact the Victoria Road Precinct (HO848) in terms of protecting the houses that are indeed reflective of the time period in which they were built. As a fourth property in a line of three houses, downgrading 4 Temple Street Hawthorn East would in no way be detrimental to Council's objective to protect heritage in the area.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• It is agreed that there have been alterations to the front of the dwelling and front fence. These were taken into account in the precinct assessment, and have been reconsidered in responding to this submission. The Building Permit records for 4 Temple Street have been reviewed in the reassessment. A plan for the front fence shows that a brick fence was approved in 1980 (BP 16279). Details of changes to the front façade are not included in the record. However, information provided in the submission notes several changes (listed in submission 26. It is agreed that the verandah and front fence are clear expressions of a Mediterranean idiom. However, in spite of these changes and those noted in submission 26, the form and symmetry of the dwelling is retained, as are the original window and door openings, roof form and chimneys, and the dwelling remains legible as a Victorian era residence. The rear extension approved in 1984 and 1985 (BP 2819 (1090) and BP 3023) is not visible from the street. 4 Temple Street is therefore considered to retain sufficient integrity to contribute to the heritage values of the precinct under Criteria A and D.</li> <li>• The neighbouring properties at 6 and 8 have been graded non-contributory because they are more recently constructed dwellings. 10 Temple Street (also graded non-contributory) combines an earlier Victorian era dwelling with later additions that are clearly visible from the public domain and which have diminished the integrity of the early dwelling at the core of the structure.</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
28	No	<p>The submitter objects to the recommendation to include 8 Albert Street, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>As outlined in the Victoria Road Precinct Statement of Significance, 4-8 Albert Street was included in the precinct as the buildings were contributory to the cultural significance due to the association with the opening of Auburn Station. However, there are at least three existing properties (4, 6 and 24 Lilydale Grove) with similar unmodified heritage characteristics and share the same block as 4-8 Albert Street that have been excluded from the boundary. These properties are also in close proximity to Auburn station. The properties at 4, 6 and 24 Lilydale Grove were presumably excluded from the boundary given they are now cornered by existing and proposed apartment and commercial developments which have permanently altered the overall heritage aesthetics of the block. The basis for including 4-8 Albert Street in the Heritage Overlay is inconsistent and should not be applied.</li> <li>A double fronted unmodified weatherboard home (10 Albert Street) has since been demolished and replaced by a seven storey apartment building. The application of the Heritage Overlay on 4-8 Albert Street is too late given there is little heritage significance in the block bordered by Lilydale Grove, Albert Street, Montrose Street and Burwood Road. The heritage value of the area has been permanently disrupted by the intense development in the abovementioned area.</li> <li>The house is not unique as there are other properties in the proposed Victoria Road Precinct that have similar features such as polychrome brickwork.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>The properties at 4, 6 and 24 Lilydale Grove are not included in the precinct because they are physically isolated from the remainder of the precinct, whereas 4-8 Albert Street with 3-7 Albert Street are in close proximity and therefore contribute to the cohesion of the precinct and its heritage values. The properties at 4 and 6 Lilydale Grove were not included in the precinct because of this physical separation. They are also not as intact as the properties at 4-8 Albert Street.</li> <li>In this case, the property at 12 Albert Street, Hawthorn East, to the south of the subject properties, has not been included in the precinct given it has no heritage value. The interface of a place or precinct is not considered when assessing whether a place or precinct satisfies the threshold for the Heritage Overlay. In reality, the boundary of the Heritage Overlay must end at a certain point and this is usually where disruption to the heritage fabric is evident. This is not dissimilar to other areas in the municipality where a heritage precinct adjoins an area zoned for higher density (i.e. Cranmore Estate and Environs Precinct in Hawthorn which adjoins Glenferrie Road Commercial 1 Zone). Therefore, excising the properties at 4, 6 and 8 Albert Street, is not warranted as they contribute to the heritage character of the precinct.</li> <li>It is agreed that the house at 8 Albert Street is not unique within the precinct and that there are other similar and comparable examples. It has been assessed as meeting Criterion D (representativeness) for this reason, as opposed to Criterion E for individual aesthetic or architectural merit.</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
29	No	<p>The submitter objects to the recommendation to include 3 Albert Street, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• Boroondara Council has a legal and moral obligation to act in the best interests of the community that they administer. This means that they must carefully consider the impact of decisions on all affected parties, and choose the options which provide the best overall outcome. It seems only reasonable to expect that when undertaking such a large decision as implementation of a Heritage Overlay, Council would document the decision-making process used, the benefits and weaknesses identified, the weighting assigned to each factor. This would provide a robust, defensible record of why the decision was made, rather than all parties relying on speculation and hearsay. However, the material presented for Amendment C308boro doesn't appear to contain any such consideration, and in fact doesn't even appear to identify the potential negative impacts.</li> <li>• There are several potential negative outcomes that could have been considered including: <ul style="list-style-type: none"> <li>○ Reduction in property value due to planning constraints</li> <li>○ Increased cost of owner ship (i.e. costs to engage in the process and requirement of permits from Council)</li> <li>○ Increased insurance premiums</li> <li>○ Impact to property valuations and Council rates</li> </ul> </li> <li>• The application of the Heritage Overlay on 4-8 Albert Street is too late given there is little heritage significance in the block bordered by Lilydale Grove, Albert Street, Montrose Street and Burwood Road. The heritage value of the area has been permanently disrupted by the intense development in the abovementioned area.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• In accordance with Section 12 of the <i>Planning and Environment Act 1987</i> (the Act), a planning authority (Council) must implement the objectives of planning in Victoria, review regularly the provisions of the planning scheme and prepare amendments to a planning scheme. Additionally, Section 12(2)(c) of the Act states a planning authority may carry out studies and commission reports and do all things necessary to encourage and promote the protection of land. Council is carrying out the Hawthorn East Heritage Gap Study as part of the wider Municipal Wide Heritage Gap Study and resolved to commission the Study on 25 July 2016. Council is a Planning Authority and is responsible for managing the Boroondara Planning Scheme. Heritage is a key concern for residents of Boroondara and the Heritage Overlay is a recognised mechanism for protecting valued heritage places and precincts.</li> </ul> <p>It is appreciated that the planning system is complex. To ensure the community is informed about the proposed controls, Council undertakes preliminary consultation which offers an opportunity for the community's views to be considered prior to Council determining whether to proceed to a formal planning scheme amendment process. The notification of the proposed controls comprises information on the Boroondara website and hard copy letters are issued at various milestones (i.e. commencement of preliminary consultation, exhibition and invitation to UPSC/Council meetings). This includes a copy of the Boroondara Heritage Overlay Factsheet which provides an overview of definitions and implications of the proposed control in lay terms. Additionally, the contact details of Council's Strategic Planning Department are provided on the website and in the letter correspondence, should an interested party require further information or assistance.</p> <p>The planning documentation must comply with the</p>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<ul style="list-style-type: none"> <li>• Albert Street is physically removed and does not read as part of the Victoria Road Precinct.</li> <li>• The inconsistent zoning (Albert St (GRZ5) and most of Victoria Road/Lilydale Grove (NRZ) is confusing. The intended goals and outcomes for this area are unclear, as there is a considerable tension between the drive toward modern, high density residential and commercial properties and protection of minimal change areas. The application of the NRZ to the eastern part of Lilydale Grove and proposed Heritage Overlay align in purpose. However, this is not the case for Albert Street which facilitates higher density outcomes yet is restricted by the requirements of the Heritage Overlay.</li> <li>• The property has significant alterations which collectively detract from the heritage value of the property:             <ul style="list-style-type: none"> <li>○ Construction of an extension with lean to roofing which included the addition of two and a half rooms to the main building envelope under a skillion roof. This is not in style with the original Victorian style.</li> <li>○ A large section of the verandah has been enclosed to form a sunroom which was constructed in the 1970s.</li> <li>○ The roof has been replaced to metal cladding (originally slate tiles).</li> <li>○ The front fence has been replaced.</li> <li>○ Some windows have been replaced with modern infill where old fittings have rotted.</li> </ul> </li> <li>• The Victoria Road Precinct Statement of Significance cites the significant architectural styles for this precinct as Victorian Italianate and Edwardian Queen Anne. The subject property does not fit this description and is of Victorian Weatherboard Cottage style.</li> <li>• Exterior elements require periodic replacement due to environmental degradation, some parts suffering more severely than others. The imposition of the Heritage Overlay restricts</li> </ul>	<p>Ministerial Direction (Form and Content of Planning Schemes) and therefore it is not possible to simplify the terminology of the amendment documentation.</p> <p>The exhibition period provides an opportunity for submitters to raise concerns with the proposed amendment. Through this process, the submitter's view of an amendment can be presented which may consider the proposal positive or negative. Ultimately, Planning Practice Note 1: Applying the Heritage Overlay guides decisions about whether to include a property in the Heritage Overlay.</p> <ul style="list-style-type: none"> <li>• Planning Practice Note 1 (Applying the Heritage Overlay) identifies the criteria for assessing places of heritage significance and refers to only matters relating to the application of the Heritage Overlay. In addition, recent Planning Panel decisions for heritage related planning scheme amendments have found that property values, increase of insurance premiums or council rates, future redevelopment opportunities and burden of planning permit requirements are not relevant when considering the application of the Heritage Overlay (see Panel reports Melbourne C207, Moreland C149, Boroondara C266). The only valid test for the application of the Heritage Overlay is whether a property has recognised heritage value that is suitable for protection. If so, the Heritage Overlay should be applied.</li> <li>• In this case, the property to the south of the subject properties at 12 Albert Street, Hawthorn East has not been included in the precinct given it has no heritage value. The interface of a place or precinct is not considered when assessing whether a place or precinct satisfies the threshold for the Heritage Overlay. In reality, the boundary of the Heritage Overlay must end at a certain point and this is usually where disruption to the heritage fabric is evident. This is not dissimilar to other areas in the municipality where a heritage precinct adjoins an area zoned for higher density (i.e. Cranmore Estate and Environs Precinct in Hawthorn which adjoins Glenferrie Road Commercial 1 Zone). Therefore, excising the</li> </ul>	

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		<p>modern standards to maintain the property.</p>	<p>properties at 4, 6 and 8 Albert Street, is not warranted as they contribute to the heritage character of the precinct.</p> <ul style="list-style-type: none"> <li>The properties at 4, 6 and 24 Lilydale Grove are not included in the precinct because they are physically isolated from the remainder of the precinct, whereas 4-8 Albert Street with 3-7 Albert Street are in close proximity and therefore contribute to the cohesion of the precinct and its heritage values.</li> <li>Heritage protection is balanced with other objectives of planning, including encouraging development close to public transport or activity centres. The introduction of heritage controls in areas close to services is not necessarily a direct conflict as the Heritage Overlay does not outright prohibit further development. Council's Statutory Planning Department can apply some discretion to make a decision in relation to the zoning and overlay controls. For example, this discretion can include whether the zoning facilitation of higher density outweighs the need to preserve heritage fabric.</li> <li>It is agreed that there have been alterations to the Albert Street and Lilydale Grove elevations of 3 Albert Street, including the rear extension (visible from Lilydale Grove), an enclosed portion of the front verandah (Albert Street frontage), replacement of the front door, and roof recladding. These were taken into account in the precinct assessment, and have been reconsidered in responding to this submission. Building Permit records for 3 Albert Street were requested to clarify the extent of changes to original features of the dwelling. No Building plans were found for the rear extension or enclosure of the front verandah. The rear extension is single storey and set back from the Lilydale Grove street frontage and therefore does not dominate the dwelling. In relation to the enclosed verandah, a floor plan of the house is included in RS6745 (1996) which shows the extension to be an enclosed porch and that the Albert Street front wall of the dwelling appears to have been retained. It is possible that a window opening in this elevation has been changed to doorway. As all the window openings to the principal elevations extend to floor level, this</li> </ul>	

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			<p>change is not considered detrimental. The changes associated with the enclosure would also be reversible. Overall the changes are not considered to have substantially altered the integrity of the dwelling and therefore its grading as contributory is appropriate. It is agreed that the front fence is not original or early and that it does not contribute to significance. Accordingly, no fence controls have been applied to 3 Albert Street, Hawthorn East.</p> <ul style="list-style-type: none"> <li>The Statement of Significance for the Victoria Road Precinct identifies that of the Victorian era dwellings in the precinct the Victorian Italianate style dominate. This does not preclude the inclusion of Victorian era cottages or dwellings of timber construction.</li> <li>The Heritage Overlay does not preclude opportunity for redevelopment, rather it is a tool used to consider whether the proposed works will have an impact on the place and/or precinct. A number of properties in the existing Heritage Overlay have obtained planning approval for alterations and additions, including works that seek to improve the environmental sustainability of a building (i.e. solar panels). In addition, Clause 62.02-2 of the Boroondara Planning Scheme states that a Planning Permit is not required to undertake repairs and routine maintenance to an existing building.</li> </ul>	
30	No	<p>The submitter objects to the recommendation to include 144 Victoria Road, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>In the past two years, two demolition consents have been granted without concern from the Strategic Planning Department or other government agencies.</li> <li>In the submission lodged during preliminary consultation, energy efficiency was raised as a key concern (i.e. fixed solar panels) to suit modern living requirements. These old houses do not meet energy rating requirements as the materials used for construction are not suitable to enhance energy efficiency. The potential installation of solar panels on the north facing</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>Officers confirm demolition consent was granted on 19 December 2017 for demolition of the existing dwelling and outbuildings. It is noted that the property owner did not act on this consent. On 17 December 2018, a private building surveyor issued a Building Permit for alterations and additions to an existing dwelling. In accordance with Council's adopted process at the time, demolition consent must be granted for contributory properties prior to the adoption of the Study by the UPSC. Therefore, the submitter was able to obtain consent at the time. However, given a Building Permit has not been issued for the full demolition of the existing dwelling and an interim</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>



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		<p>façade is unlikely to comply with the provisions of the Heritage Overlay as they will be visible from the street. Therefore, this restriction will make it almost impossible for the house to be environmentally sustainable.</p> <ul style="list-style-type: none"> <li>• The structural integrity of the dwelling is a significant issue as the footings coupled with dry soil conditions have caused minor and major cracking. Therefore, it is necessary the dwelling is demolished.</li> <li>• The construction of a first floor addition is unlikely to be supported unless it is at the rear of the property. This is extremely unfair and unsuitable for a north facing property.</li> <li>• The roof tiles were changed from grey concrete tiles to terra cotta approximately 19 years ago. A rear extension is visible from Nicholson Street. These changes impact on the heritage value of the building. Therefore, it is recommended the property is downgraded to non-contributory as future development requires an assessment against Council's Heritage Policy.</li> <li>• The property adjacent at 1 Nicholson Street constructed during the same era has not been recommended for protection. This is extremely unfair as they will be allowed to build a new dwelling that will overlook the backyard.</li> </ul>	<p>Heritage Overlay now affects the land, a Planning Permit is required from Council's Statutory Planning Department. A planning permit is also now required for the alterations and additions as the planning permit exemption was deleted by the Minister for Planning on 16 January 2020 when Amendment C324boro was gazetted. The Building Permit can no longer be acted upon.</p> <ul style="list-style-type: none"> <li>• The Heritage Overlay does not preclude opportunity for redevelopment, rather it is a tool used to consider whether the proposed works will have an impact on the place and/or precinct. A number of properties in the existing Heritage Overlay have obtained planning approval for alterations and additions, including works that seek to improve the environmental sustainability of a building (i.e. solar panels). To this effect the Heritage Overlay sets a planning permit trigger for external alterations to allow Council to assess the potential impacts of the proposed alterations and additions. As a planning permit is not required for internal works, there is nothing that prohibits an owner to improve the internal amenity of the property through modern technologies or environmentally sustainable practices.</li> <li>• The structural integrity of a building is not a matter for consideration in heritage assessments. The assessment is focussed on intactness of a building as viewed from the public realm. Nonetheless, if the Heritage Overlay is introduced on a permanent basis, matters such as structural integrity can be considered during the planning permit process. In addition, Clause 62.02-2 of the Boroondara Planning Scheme states that a Planning Permit is not required to undertake repairs and routine maintenance to an existing building.</li> <li>• It is agreed that a rear extension has been built behind this house and that the peak of its gable is just visible behind the transverse gabled original roof, but this has an extremely limited impact on views from Victoria Street and does not diminish the contributory character of the house.</li> <li>• Nicholson Street was included in a 1994 proposal for Victoria Road Precinct by Meredith Gould Architects Pty Ltd (1994). The precinct was not progressed at this</li> </ul>	

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			<p>time. The potential precinct was reviewed in 2015 by Context, as part of the Boroondara Precinct Review Stage 1 Assessment. At this time, the recommended boundaries for assessment for the potential Victoria Road Precinct excluded Nicholson Street. Nicholson Street was recommended (with Langham Place, Homebush Crescent and part of Victoria Road) for assessment of a smaller interwar precinct, but this precinct was not found to be intact enough to meet the threshold of local significance. Nicholson Street was accordingly not included in the Victoria Road Precinct assessment carried out for the Hawthorn East Gap Study. In terms of amenity impacts such as overlooking, if an allotment is less than 500m2, an assessment will be undertaken at the time of a planning permit application. If the allotment is over 500m2, the appointed building surveyor will assess these impacts under the Building Regulations.</p>	
31	No	<p>The submitter objects to the recommendation to include 4 Albert Street, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• The application of the Heritage Overlay on 4-8 Albert Street is too late given there is little heritage significance in the block bordered by Lilydale Grove, Albert Street, Montrose Street and Burwood Road. The heritage value of the area has been permanently disrupted by the intense development in the abovementioned area.</li> <li>• The properties on the western side of Albert Street are negatively impacted by the adjoining apartment building at 12 Albert Street from a neighbourhood character and amenity impact perspective.</li> <li>• The Boroondara Housing Strategy states that an additional 91,284 additional dwellings are required by 2030. As these properties are well served by public transport and amenity, it is an ideal area for higher density. Therefore, it is not logical that the properties at 4, 6 and 8 Albert Street are encumbered by the Heritage Overlay</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• While the setting surrounding 4, 6 and 8 Albert Street has changed with the construction of new apartment buildings, these three houses are intact examples of Victorian houses, and provide a cohesive gateway into the precinct (along with the Victorian houses at Nos. 3, 5 and 7 on the east side of Albert Street). The interface of a place or precinct is not considered when assessing whether a place or precinct satisfies the threshold for the Heritage Overlay. The boundary of the Heritage Overlay must end at a certain point and this is usually where disruption to the heritage fabric is evident. Therefore, excising the properties at 4, 6 and 8 Albert Street, is not warranted as they contribute to the heritage character of the precinct.</li> <li>• In this case, the property to the south of the subject properties at 12 Albert Street, Hawthorn East has not been included in the precinct given it has no heritage value. As stated in point 1, the interface of a place or precinct is not considered when assessing whether a place or precinct satisfies the threshold for the Heritage Overlay. This is not dissimilar to other areas</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<p>as this restricts the ability to develop these properties. Arbitrarily placing a Heritage Overlay serves to frustrate and delay the development of the remaining area at a cost to Council and ultimately the rate payers of Boroondara.</p> <ul style="list-style-type: none"> <li>• Council should encourage development in areas that have been extensively developed and aim to preserve areas that retain their heritage features. The property at 4 Albert Street, Hawthorn East is within an area where heritage features do not dominate the streetscape, particularly due to the visual prominence of a seven story apartment building.</li> </ul>	<p>in the municipality where a heritage precinct adjoins an area zoned for higher density (i.e. Cranmore Estate and Environs Precinct in Hawthorn which adjoins Glenferrie Road Commercial 1 Zone).</p> <ul style="list-style-type: none"> <li>• The matters for consideration in this instance are whether an individual property or precinct should be recommended for inclusion in a Heritage Overlay. Heritage protection is balanced with other objectives of planning, including encouraging development close to public transport or activity centres. The introduction of heritage controls in areas close to services is not necessarily a direct conflict as the Heritage Overlay does not outright prohibit further development. Council is required to consider and weigh up all relevant policies when assessing planning applications.</li> </ul>	
32	No	<p>The submitter objects to the recommendation to include 17 Station Street, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed heritage controls should not be considered in isolation and the flooding issues need to be assessed prior to the implementation of the Heritage Overlay. Therefore, Station Street should be removed from the precinct until such assessment occurs.</li> <li>• At the UPSC Meeting in December 2018, the Station Street residents plight would be 'at the discretion of Council' in making determinations. This is subjective and not conclusive and a clearer position needs to be affirmed on the issues raised (i.e. conflict with heritage concerns and flooding).</li> <li>• Council's Asset Engineering Department has advised that an option could be to 'lift up the houses' in Station Street albeit that for heritage chimneys and brick structures this is not a realistic or feasible option and has not been adequately addressed by the Strategic Planning Department.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• Council has prepared the City of Boroondara Flood Mapping Study which was adopted by Council on 11 June 2019 following consultation with affected property owners. It is noted that 17 Station Street is already partially affected by the Special Building Overlay (SBO). Council is currently working with Melbourne Water to develop a plan to align the strategies of both organisations. Given these projects are at different stages, it is not possible to put one of the projects on hold as they seek to balance different outcomes. In saying this, the SBO and interim Heritage Overlay currently apply to the subject property.</li> <li>• It is not clear what this statement seeks to achieve, however the Flood Mapping Study has progressed since the UPSC meeting in December 2018 which considered the Hawthorn East Heritage Gap Study.</li> <li>• Council is required to consider and weigh up all relevant policies when assessing planning applications. This needs to be considered on a case-by-case basis at the planning permit stage and depending on the proposal; it may be possible for the heritage fabric to be retained while adhering to the requirements of flooding provisions. Therefore, it is not possible to conclude whether elevating the houses is</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
			<p>realistic or feasible as part of this process which is to consider whether the properties satisfy the threshold for heritage protection.</p>	
33	No	<p>The submitter objects to the recommendation to include 16 Lingwell Road, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed controls should not be forced onto property owners and should be a choice. This proposal prevents the opportunity for the property to be redeveloped in the future.</li> <li>• The subject property does not satisfy the criterion to be considered a heritage dwelling. Some of the houses that are not proposed for protection have more features that resemble heritage houses.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• Council is seeking to protect heritage properties and precincts by applying the mechanism of the Heritage Overlay. In accordance with section 12 of the <i>Planning and Environment Act 1987</i> (the Act), a planning authority (Council) must implement the objectives of planning in Victoria, review regularly the provisions of the planning scheme and prepare amendments to a planning scheme. As Council is committed to protecting valued heritage in Boroondara, the recommendation to include this precinct in the Heritage Overlay is appropriate and aims to achieve the objectives of the Boroondara Heritage Action Plan (2016). While the submitter prefers an opt-in approach to heritage protection, this is inconsistent with the requirements set out in planning legislation. The exhibition period provides an opportunity for a submitter's views to be considered, however it is not possible for property owners to decide whether or not they want to be included in the Heritage Overlay on the basis of preference. This is determined on heritage merit and ultimately the Minister for Planning will determine whether the property should be included in the Heritage Overlay.</li> <li>• In response to the submission, a more precise build date for 16 Lingwell Road has been confirmed with reference to Sands &amp; McDougall Directories for the interwar period. This has confirmed that 16 Lingwell Road, Hawthorn East was constructed after 1925 and by 1930. In the Victoria Road Precinct, significant and contributory development is mainly from the Victorian and Edwardian era, but also includes development from the interwar period. As an interwar dwelling built c1925-30 that appears highly intact in views from the street, 16 Lingwell Street is considered to contribute to the heritage values of the precinct. Its grading as</li> </ul>	<p><b>Update built date of 16 Lingwell Road in the grading schedule from the current c1915-40 to the more precise c1925-30.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
			contributory is therefore considered appropriate.	
37	No	The submitter objects to the recommendation to include 4/15 Grandview Grove, Hawthorn East in the Heritage Overlay on the basis that the property is not of any historical significance and therefore should be removed from the precinct. The properties of historical significance should be included in the Heritage Overlay, however those that are not should be removed.	Grandview Grove was revisited and reassessed in light of Submission 37 and against the values identified for the Victoria Road precinct. While the even-numbered side of the street (west side) has strong visual cohesion, the visual cohesion is less strong on the odd-numbered side (east side) of the street at 5-15 Grandview Grove (more recent flat buildings). On this basis, the precinct boundary has been re-drawn to excise the flat buildings at 5-15 Grandview Grove. This is consistent with the exclusion of the larger group of flat buildings on Victoria Road from the precinct (at 101-119 Victoria Road).	<b>Amend the precinct boundary to exclude 5-15 Grandview Grove, but ensuring the full width of the street to the property boundaries is within the precinct boundary.</b>  <b>Refer submission to panel for consideration.</b>
38	No	The submitter objects to the recommendation to include 24 Station Street, Hawthorn East in the Heritage Overlay for the following reasons: <ul style="list-style-type: none"> <li>The property was redeveloped in 2005/2006. Apart from the front façade, the remaining structure is not of heritage value. It is nonsensical to include the entire property in the Heritage Overlay. The extent of the overlay aims to preclude redevelopment of the parts that are not of heritage value (i.e. the 2005/2006 additions).</li> <li>It is recommended that the curtilage of the Heritage Overlay is reduced to the façade only. This will ensure future development can be considered under the building regulations.</li> <li>Council and Melbourne Water have concluded the flood overlay study. It is understood Council will review the report and meet with affected residents to discuss next steps.</li> <li>The impact of flooding in the area must be addressed before considering the introduction of the Heritage Overlay. This will allow for the drainage issues to be taken into account prior to the restriction of the heritage controls and ensure consistency between both overlays. If</li> </ul>	Officers note the submitters' comments and provide a response below: <ul style="list-style-type: none"> <li>It is agreed that there have been alterations to the rear of the dwelling at 24 Station Street. These were taken into account in the precinct assessment, and have been reconsidered in responding to this submission. Because the dwelling has high integrity in terms of what is visible from the street it is considered to make a strong contribution to the heritage values of the precinct. Its grading as contributory is appropriate.</li> <li>Planning Practice Note 1 (Applying the Heritage Overlay) under subheading '<i>Curtilages and Heritage Overlay polygons</i>' states that in addition to capturing the elements that are significant, it is almost always necessary to include some surrounding land in order to 'retain the setting or context of the significant building, structure, tree or feature' and 'regulate development (including subdivision) in close proximity to the significant building, tree or feature'. This allows Council to assess impacts the proposed works may have on the place and/or precinct. On this basis, it is acceptable the entire property is included in the Heritage Overlay.</li> <li>Council has prepared the City of Boroondara Flood Mapping Study which was adopted by Council on 11</li> </ul>	<b>No change recommended to Amendment C308.</b>  <b>Refer submission to panel for consideration.</b>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
		<p>this does not occur, it may have severe consequences particularly if the drainage and flood mitigation requirements conflict with the heritage provisions.</p>	<p>June 2019 following consultation with affected property owners. It is noted that 24 Station Street is already partially affected by the Special Building Overlay (SBO). Council is currently working with Melbourne Water to develop a plan to align the strategies of both organisations.</p> <ul style="list-style-type: none"> <li>Given these projects are at different stages, it is not possible to put one of the projects on hold as they seek to balance different outcomes. In saying this, the SBO and interim Heritage Overlay currently apply to the subject property. Council is required to consider and weigh up all relevant policies when assessing planning applications.</li> </ul>	
39	Partial	<p>The submitter supports Council in its objective to protect and preserve historical features that define the character of the City. However, the submitter objects to the recommendation to include 1 Freeman Street, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>While the residence at number 1 Freeman has a pretty façade (refer to images G and H), it sits within a lane with no other redeeming features that warrant protection or preservation. It is important to note that the original property did not feature a front fence. The fence was erected in the mid-1990s. The adjoining residence at 3 Freeman Street (refer to image I) has lost its front garden which has been replaced with permanent car parking spaces and barely resembles the original setting.</li> <li>The removal of the front garden and conversion into car parking may be something that is desired in the future to alleviate the pressure on parking in the more significant heritage streets of Victoria and Lingwell Roads.</li> <li>The properties at 2 and 5 Freeman Street (refer to images J and K) are not included in the Heritage Overlay. This means the subject property is a standalone, unremarkable façade in a streetscape containing no other heritage features.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>It is agreed that the front fence at 1 Freeman Street is not original or early and that the front garden setting to 3 Freeman Street has been lost. These factors were taken into account in the precinct assessment, and have been reconsidered in responding to this submission. In spite of these changes, both dwellings retain sufficient integrity for inclusion in the precinct and contribute to its heritage values as clearly legible smaller scaled Victorian era dwellings. No fence controls are included for the front fence at 1 Freeman Street.</li> <li>The paving of the front yard requires a planning permit under the provisions of the Heritage Overlay. Council's Heritage Policy at Clause 22.03-3.7 of the Boroondara Planning Scheme provides guidance for vehicle accommodation. The construction of large areas of paving or other hard surfaces in the front setback is generally discouraged. Officers recommend the submitter contact Council's Statutory Planning Department, should they wish to make an application of this nature.</li> <li>Council's heritage consultant disagrees with the submission in relation to properties in Freeman Street. The properties at 2-4 and 5 Freeman Street, Hawthorn East are included in the recommended precinct boundary. However, these properties are graded non-</li> </ul>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
		<ul style="list-style-type: none"> <li>Freeman Street contains no unique, historical features that warrant its inclusion in the precinct overlay. As illustrated in the photos of Victoria and Lorne Roads, there are whole streetscapes surrounding Freeman Street that contain far better examples of the history of the area (refer to images L and M), than Freeman Street. As such, it is requested the property at 1 Freeman Street be excluded from the proposed permanent Heritage Overlay.</li> </ul>	<p>contributory given they are not of heritage value. It is common practice for non-contributory properties to be included in the Heritage Overlay as part of a precinct even though these buildings do not hold any heritage value in their own right. Their inclusion in the Heritage Overlay will ensure that future redevelopment of these properties does not detrimentally impact on the heritage significance of adjoining contributory and significant heritage places or the broader precinct. This is particularly important where the non-contributory properties face contributory properties at the edge of the precinct or adjoin an existing Heritage Overlay.</p> <ul style="list-style-type: none"> <li>Freeman Street is a short and narrow street within the subdivision. Because of this, it is expected that side and rear presentations of properties will predominate. This factor does not justify exclusion of Freeman Street from the precinct. The street itself retains its original width, bluestone channels and paving to the intersecting rear lane, which contribute to the heritage values of the precinct. In spite of new development at 2-4 and 5 Freeman Street (non-contributory properties), for the reasons stated in points 1 and 4, the inclusion of Freeman Street in the Victoria Road Precinct is considered appropriate.</li> </ul>	
42	Partial	<p>The submitter supports Council in its objective to protect and preserve historical features that define the character of the City. However, the submitter is concerned with the restrictions of the Heritage Overlay in terms of the requirements for construction of alterations and additions including a first floor.</p>	<p>The Heritage Overlay does not preclude opportunity for redevelopment, rather it is a tool used to consider whether the proposed works will have an impact on the place and/or precinct. A number of properties in the existing Heritage Overlay have obtained planning approval for alterations and additions including the construction of a first floor addition. To this effect the Heritage Overlay sets a planning permit trigger for external alterations to allow Council to assess the potential impacts of the proposed alterations and additions. As a planning permit is not required for internal works, there is nothing that prohibits an owner to improve the internal amenity of the property through modern technologies or environmentally sustainable practices.</p>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>
44	No	<p>The submitter objects to the recommendation to include 142 Victoria Road, Hawthorn East in the</p>	<p>Officers note the comments and provide a response below:</p>	<p><b>No change recommended</b></p>

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		<p>Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>The original tiles on the roof were previously concrete, however due to maintenance issues they were removed and replaced with terra cotta tiles.</li> <li>The building is not Victorian or Edwardian in style. Many of the houses in the area, including the subject dwelling, were constructed by mass developers in the 1920s.</li> <li>The building standards are not in line with contemporary requirements. There is cracking in the walls and ceiling which would require extensive works. The Heritage Overlay introduces planning permit requirements which are a burden.</li> </ul>	<ul style="list-style-type: none"> <li>The change to the roof tiles (from concrete to terra cotta) is noted. This change is not considered to have sufficiently altered the integrity of the dwelling nor therefore its contribution to the heritage values of the precinct.</li> <li>The property at 142 Victoria Road contributes to the significance of the precinct as a dwelling constructed in the interwar period. Smaller bungalows and cottages of the interwar period are recognised, under Criterion D, as contributing to the architectural significance of the precinct. The recurrence of similar dwellings contributes to the cohesion of the precinct.</li> <li>Planning Practice Note 1 (Applying the Heritage Overlay) identifies the criteria for assessing places of heritage significance and refers to only matters relating to the application of the Heritage Overlay. In addition, recent Planning Panel decisions for heritage related planning scheme amendments have found that structural integrity issues, future redevelopment opportunities and burden of planning permit requirements are not relevant when considering the application of the Heritage Overlay (see Panel reports Melbourne C207, Moreland C149, Boroondara C266).</li> </ul> <p>The Heritage Overlay sets a planning permit trigger for external alterations to allow Council to assess the potential impacts of the proposed alterations and additions. As a planning permit is not required for internal works, there is nothing that prohibits an owner to improve the internal amenity of the property through modern technologies or environmentally sustainable practices.</p>	<p><b>to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>
47	No	<p>The submitter (Mr John Kennedy MP) objects to the recommendation to include 4,6 and 8 Albert Street, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>The land owners are concerned by the recommendation as surrounding high rise developments have impacted the heritage setting. The planning applications for the high density developments were appealed at VCAT</li> </ul>	<p>While the setting surrounding 4, 6 and 8 Albert Street has changed with the construction of new apartment buildings, these three houses are intact examples of Victorian houses, and provide a cohesive gateway into the precinct (along with the Victorian houses at Nos. 3, 5 and 7 on the east side of Albert Street).</p> <p>The interface of a place or precinct is not considered when assessing whether a place or precinct satisfies the threshold for the Heritage Overlay. In reality, the boundary</p>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>



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		<p>however the decision to refuse the permits were unsuccessful.</p> <ul style="list-style-type: none"> <li>The subject properties may have previously had heritage value, however they are now dwarfed by new development and the heritage of the area is lost.</li> <li>It is requested the assessment should take a wider view and consider the streetscape and surrounding development not only assess the subject dwellings.</li> </ul>	<p>of the Heritage Overlay must end at a certain point and this is usually where disruption to the heritage fabric is evident. Therefore, excising the properties at 4, 6 and 8 Albert Street, is not warranted as they contribute to the heritage character of the precinct.</p> <p>In this case, the property to the south of the subject properties at 12 Albert Street, Hawthorn East has not been included in the precinct given it has no heritage value. As stated above, the interface of a place or precinct is not considered when assessing whether a place or precinct satisfies the threshold for the Heritage Overlay. This is not dissimilar to other areas in the municipality where a heritage precinct adjoins an area zoned for higher density (i.e. Cranmore Estate and Environs Precinct in Hawthorn which adjoins Glenferrie Road Commercial 1 Zone).</p>	
52	No	<p>The submitter objects to the recommendation to include 96 Victoria Road, Hawthorn East in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>While it is acknowledged the house was built in c1915-1940, the front façade has been modified over the past 15 years including rendering of the front façade, addition of a carport and double fly screen door. In addition, the internal fireplace was also removed in 2018. These alterations downgrade the heritage value of the building in terms of local historic, architectural and aesthetic significance.</li> <li>The subject site is identified as contributory, however it is located between several non-contributory buildings (86 -100 Victoria Road) and there is no significant graded building nearby as shown in the precinct map. Therefore, the section of properties from 86-100 Victoria Road, Hawthorn East should be excised from the precinct.</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>It is agreed that the front façade has been rendered, however this alteration, and the other noted in the submission, is not so substantial as to have diminished the integrity of the dwelling. Because it retains its integrity its inclusion in the precinct is appropriate. Changes to the interior (removal of fireplace in this case) are not relevant considerations for determining whether a place is considered for inclusion in a precinct.</li> <li>When this property was first identified as a potentially contributory building in the Victoria Road Precinct, it was one of two largely intact interwar houses. With the demolition of the neighbouring property at 98 Victoria Road, this property is now the only contributory property in the grouping between 1-4/86 to 100 Victoria Road.</li> </ul> <p>It is common practice for non-contributory properties to be included in the Heritage Overlay as part of a precinct even though these buildings do not hold any heritage value in their own right. Their inclusion in the Heritage Overlay will ensure that future redevelopment of these properties does not detrimentally impact on</p>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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			<p>the heritage significance of adjoining contributory and significant heritage places or the broader precinct. This is particularly important where the non-contributory properties face contributory properties at the edge of the precinct or adjoin an existing Heritage Overlay. Where a grouping of non-contributory properties on one side of a street on the edge of a precinct, it may be acceptable to remove this group. In saying this, these decisions should not be broadly applied and need to be made on a case-by-case basis.</p> <p>Planning Practice Note 1 (Applying the Heritage Overlay) does not provide any guidance on how a precinct boundary should be drawn or how many non-contributory places can be included in a precinct. The Panel for Amendment C177 (Surrey Hills South Heritage Overlay) found that <i>'the delineation of a heritage precinct should be more than a formulaic, cartographic or number crunching exercise'</i> (p.23). Officers agree with this statement and consider it inappropriate to apply a 'Swiss cheese' approach (i.e. excising non-contributory places in and on the edge of a precinct) as unsympathetic design responses may threaten the scale and cohesion of a predominately consistent heritage streetscape. On this basis, officers are satisfied that the precinct boundary as currently proposed is appropriate and aligns with best practice principles.</p> <p>Because 96 Victoria Road still strongly contributes to the heritage values of the precinct its retention as Contributory is appropriate, as is the retention of the precinct boundary so that 1-4/86 to 100 Victoria Road are included, albeit as non-contributory properties at 1-4/86, 88-92, 1-4/94, 98 and 100 Victoria Road.</p>	
<p><b>Other Matters</b></p> <p><b>Total number of submissions:</b> 1 supporting, 1 partially supporting, 1 objecting, 2 position unknown</p> <p><b>Officer recommendation:</b> Add further details of the history of Currajong House to the Longford Estate and Environs Precinct citation</p> <ul style="list-style-type: none"> <li>• Add further details to the history section of the citation. Cite as pers. comm. Submission 50, Hawthorn East Heritage Gap Study.</li> </ul>				

Sub.No.	Support C308?	Summary of submission	Officers' response to submission	Officers' recommendation
<ul style="list-style-type: none"> <li>Add Fence Controls to 5 and 5A Fairmount Road, Hawthorn East</li> </ul>				
9	Partial	<p>Officers note the submitter has not explicitly stated whether they support the amendment. However, it is clear the submitter is partially supportive of the amendment for the following reasons:</p> <ul style="list-style-type: none"> <li>It is great that some of Hawthorn East is proposed for protection, however there should be more put in the Heritage Overlay. The entire suburb should be protected to ensure ugly McMansions are not built.</li> </ul>	<p>Planning Practice Note 1 (Applying the Heritage Overlay) states that a place can be included in the Heritage Overlay if it is identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay. The purpose of the Heritage Overlay is not to outright preclude redevelopment opportunity, rather it is a tool used to consider whether proposed demolition and works will impact on the place and/or precinct. Therefore, it is not possible to place the entire Hawthorn East suburb in the Heritage Overlay for the purpose of preventing a particular development style.</p>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>
10	No position	<p>Officers note that the submitter has not explicitly stated whether they support the amendment.</p>	<p>VicRoads has stated that it will not be preparing a submission in response to this amendment and as such, does not wish to appear at a panel hearing should one be scheduled.</p>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>
17	No	<p>Officers note the submitter has not explicitly stated whether they support the amendment. However, the submitter has selected that they do not support the amendment. The submitter nominates the duplexes at 34-52 Cole Street, Hawthorn East for inclusion in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> <li>The duplexes are of local significance to the City of Boroondara as they are rare in Hawthorn and across the municipality.</li> <li>The duplexes are of importance in exhibiting particular architectural and aesthetic characteristics.</li> <li>The significance of the duplexes is enhanced by their high degree of intactness and integrity.</li> </ul>	<p>These properties were assessed as part of the Leura Grove Precinct, which included properties at 1-33 Leura Grove, 29-47 and 2-46 St Helens Road, 34-52 Cole Street, and 8-16 Garden Street. The assessment determined that the area contains many larger twenty first century houses interspersed amongst the remaining original housing, which has eroded the cohesiveness of the streetscape along both Leura Grove and St Helens Road. These houses are generally much larger than the houses they have replaced, often with basement garages, and of a Neo-Georgian or contemporary style that makes little reference to the style or character of the original interwar or postwar era housing stock. The new houses tend to have high palisade style or rendered brick front fencing. For this reason, the potential Leura Grove Precinct was not considered to meet the threshold of local significance.</p> <p>The group of duplexes at 34-50 Leura Grove were considered separately as a group. While they would have been excellent contributory properties within a precinct,</p>	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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			they were not considered on their own to constitute a precinct. The group was therefore not recommended for inclusion in the Heritage Overlay as a Precinct.	
41	Yes	Following a review of relevant documentation, the Department of Transport does not object to the places, precincts and individual places proposed for heritage protection.	Officers note the submitters' comment.	<p><b>No change recommended to Amendment C308.</b></p> <p><b>Refer submission to panel for consideration.</b></p>
50	No position	<p>Officers note that the submitter has not explicitly stated whether they support the amendment. However, the submitter comments on the accuracy of the study and specifically makes comment to the protection of 337 Auburn Road, Hawthorn (Currajong House) as detailed below:</p> <ul style="list-style-type: none"> <li>• The 'Stoneyhurst' Estate' is in fact known as 'Stoneyhurst' declared from original wills and papers for William Hordern in 1874. The architect may have been James Wood, who was prominent in Hawthorn. It was originally named 'Stramshall' but renamed by Michael Dawson (Dawson Street Brunswick) fame. Dawson was Irish.</li> <li>• Stoneyhurst mansion of 1874 was built by William Hordern on the rise of Fairmount Rd (1921).</li> <li>• Stoneyhurst was demolished in 1960 is incorrect. The west facing mansion was demolished in 1939-40 to make way for 5 &amp; 5A Fairmount Road. My father first occupied 5A in 1941 as a new build, however the report cites it much earlier. The original brick post fence should be listed as important. A similar stuccoed fence opposite at 8 &amp; 8A (1938-39) has been identified to be of importance.</li> <li>• The street trees in Fairmount Road should be heritage listed.</li> <li>• Fairmount Road has been slowly ruined as over a dozen original 1920-22 Californian bungalows have been demolished and replaced with faux</li> </ul>	<p>Officers note the submitters' comments and provide a response below:</p> <ul style="list-style-type: none"> <li>• We accept that the estate may also be referred to as Stoneyhurst. The records available for the study have the form without the 'e', Stonyhurst (cited in the Hawthorn East Gap Study). Accessing the will and papers for William Hordern is beyond the scope of the study. A note will be added to the study that mentions the alternative spelling.</li> <li>• The citation states that the original mansion, Stonyhurst, was demolished by 1960, as opposed to in 1960. The report will be updated to reflect this new information and more precise date. The fence has been reassessed in light of the submission. It is agreed that 5 and 5A retain an original stuccoed and manganese brick front fence. The end gate pier to 5 Fairmount has been lost. As the fence appears to be original, it would be appropriate to add Fence Controls to 5 and 5A Fairmount Road, Hawthorn East.</li> <li>• It is agreed that the mature street trees in Fairmount Road assist in the cohesion of the precinct. Text to reflect this to be added to the Description and Integrity section of the citation.</li> <li>• The date for 3A Fairmount Road, Hawthorn East will be updated in the history and the schedule to reflect new information in submission 50.</li> <li>• It is agreed that there was no detail of the history of Currajong House, 337 Auburn Road, in the Longford Estate and Environs Precinct citation. Research has been carried out since that time, and should be added.</li> </ul>	<p><b>Add further details to the history section of the citation. Cite as pers. comm. Submission 50, Hawthorn East Gap Study.</b></p> <p><b>Add Fence Controls to 5 and 5A Fairmount Road, Hawthorn East.</b></p> <p><b>Add further details of the history of Currajong House to the Longford Estate and Environs Precinct citation.</b></p> <p><b>Refer submission to panel for consideration.</b></p>

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		<p>McMansions. Miami Street is also being ruined in the same way.</p> <ul style="list-style-type: none"> <li>• 3A Fairmount was Balloch's of 1946 not earlier.</li> <li>• There has been no historical information provided in the report about Currajong House. Historical plaques placed in the area include on the old grocer shop wall, Currajong Road Street sign and corner of Campbell Grove/Toroonga Road.</li> <li>• A letter was sent to the Minister for Planning thanking him for the intervention to save Currajong House from demolition.</li> <li>• The Cyprus hedge at Currajong House is of heritage value and should be retained. The sign on the house 'Currajong' is original and should remain.</li> <li>• William Lamborn's 'Currajong' of 1885 was once on 2 acres, subdivided when Currajong Rd went through as Auburn Reserve. Originally rates were paid by Thos Carper and wiv Guest 1873 and then a two roomed cottage (gardeners) fruit orchard and market gardens which border William Perry's Longford (Invermay). Another two roomed cottages stood on the dogleg (currently Invermay Grove).</li> </ul>	<ul style="list-style-type: none"> <li>• The cypress hedge at 337 Auburn Road is in keeping with the era of the dwelling and makes a positive contribution to the appearance of the property from the street. It is not possible to confirm if the hedge was planted as part of an early garden for the dwelling. The hedge should be mentioned in the description and could be mentioned in the statement of significance for the positive contribution it makes to the setting of 337 Auburn Road. As the planting date is not certain, application of tree controls is not appropriate.</li> </ul>	