

*Planning and Environment Act 1987*

**Panel Report**

**Boroondara Planning Scheme Amendment C318boro  
Balwyn Heritage**

**10 June 2020**

### How will this report be used?

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

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

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

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

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

### *Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the Act

Boroondara Planning Scheme Amendment C318boro

Balwyn Heritage

10 June 2020



Con Tsotsoros, Chair

# Contents

	Page
<b>1 Introduction.....</b>	<b>1</b>
1.1 The Amendment.....	1
1.2 Background.....	2
1.3 Procedural issues.....	3
1.4 The Panel’s approach .....	3
<b>2 Planning context .....</b>	<b>4</b>
2.1 Planning policy framework.....	4
2.2 Other relevant planning strategies and policies .....	5
2.3 Planning scheme provisions .....	6
2.4 Ministerial Directions and Practice Notes.....	6
<b>3 Strategic justification .....</b>	<b>8</b>
3.1 The issues .....	8
3.2 Boroondara’s Thematic Environmental History .....	8
3.3 Balwyn and Balwyn North Heritage Study .....	8
3.4 Balwyn Peer Review .....	9
3.5 Policy support.....	11
3.6 Conclusions.....	12
<b>4 General issues.....</b>	<b>13</b>
4.1 Building condition, maintenance and development opportunity .....	13
4.2 Property value and financial implications .....	14
<b>5 28 Leonard Street, Deepdene (HO877) .....</b>	<b>16</b>
5.1 The issues .....	17
5.2 Background.....	17
5.3 Submissions.....	18
5.4 Intactness and integrity.....	18
5.5 Use as a farmhouse .....	20
5.6 Historical significance (Criterion A) and rarity value (Criterion B) .....	21
5.7 Conclusions and recommendations .....	25
<b>6 958A Burke Road, Deepdene (HO884) .....</b>	<b>26</b>
6.1 The issues .....	28
6.2 Heritage significance and citation .....	28
6.3 Heritage Overlay map.....	32
6.4 Conclusions and recommendations .....	35
<b>7 Other individual heritage places and precinct .....</b>	<b>37</b>
7.1 Angle Road Precinct (HO885) .....	37
7.2 113 Yarrbat Avenue, Balwyn (HO879).....	40
7.3 129-131 Yarrbat Avenue, Balwyn (HO880) .....	42

7.4	171 Doncaster Road, Balwyn North (HO882).....	46
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**Appendix A Document list**

**Appendix B Panel preferred version of the Statements of Significance**

**B1 28 Leonard Street, Deepdene (HO877)**

**B2 958A Burke Road, Deepdene (HO884)**

**Appendix C Panel preferred version of the heritage citations**

**C1 28 Leonard Street, Deepdene (HO877) citation**

**C2 129-131 Yarrbat Avenue, Balwyn (HO880) citation**

**C3 958A Burke Road, Deepdene (HO884) citation**

**C4 Angle Road Precinct (HO885) citation**

## List of Tables

	<b>Page</b>
Table 1 Exhibited heritage precincts and individual places and submissions received .....	1
Table 2 Draft Balwyn Heritage Study assessments for properties relevant to the Amendment .....	8

## List of Figures

	<b>Page</b>
Figure 1 224 Belmore Road, Balwyn (HO758) .....	19
Figure 2 Aerial photos of 958A Burke Road, Deepdene.....	28
Figure 3 Ms Schmeder's recommended changes to Figure 7 of the HO884 heritage citation .....	30
Figure 4 Panel recommended Heritage Overlay map .....	35

## Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Balwyn Peer Review	Balwyn Heritage Peer Review Stage 2 Background Report, Context, 12 April 2019
Council	City of Boroondara
draft Balwyn Heritage Study	Unadopted Balwyn and Balwyn North Heritage Study (Incorporating Deepdene and Greythorn), Built Heritage Pty Ltd, August 2015
PPN1 criteria	Criteria for assessing potential heritage places specified in Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)
Uniting Church	Uniting Church in Australia Property Trust (Victoria)

## Overview

Amendment summary	
<b>The Amendment</b>	Boroondara Planning Scheme Amendment C318boro
<b>Common name</b>	Balwyn Heritage
<b>Brief description</b>	Implements the recommendations of Balwyn Heritage Peer Review Stage 2 Background Report, Context, 12 April 2019 to introduce the Heritage Overlay on a permanent basis to 15 individual places and one precinct
<b>Subject land</b>	Properties in Balwyn, Balwyn North and Deepdene identified in Table 1
<b>Planning Authority</b>	City of Boroondara
<b>Authorisation</b>	14 October 2019
<b>Exhibition</b>	4 November to 13 December 2019
<b>Submissions</b>	<p>Submissions were received from:</p> <ol style="list-style-type: none"> <li>1. Philip Mallis</li> <li>2. Robin Grow</li> <li>3. Environment Protection Authority</li> <li>4. June McKenzie</li> <li>5. Uniting Church of Australia Property Trust (Victoria)</li> <li>6. Robert and Rosa Wong</li> <li>7. 9 Angle Road, Deepdene owners</li> <li>8. Ian Hundley</li> <li>9. Shirley Mayes</li> <li>10. Frank Naskopoulos</li> <li>11. Alison Wood</li> </ol>

**Panel process**

<b>The Panel</b>	Con Tsotsoros
<b>Directions Hearing</b>	By video conference, 23 March 2020
<b>Panel Hearing</b>	By video conference, 6, 8 and 14 May 2020
<b>Site inspections</b>	Unaccompanied, 30 April 2020
<b>Parties to the Hearing</b>	<ul style="list-style-type: none"><li>- City of Boroondara represented by Nick Brennan, who called expert evidence on heritage from Natica Schmeder of Context Pty Ltd</li><li>- Uniting Church in Australia Property Trust (Victoria) represented by Nick Sutton of Planning and Property Partners, who called expert evidence on heritage from Bryce Raworth of Bryce Raworth Pty Ltd</li><li>- 28 Leonard Street owner represented by Louise Hicks of Counsel instructed by Equipe Lawyers, who called expert evidence on heritage from Bryce Raworth of Bryce Raworth Pty Ltd</li></ul>
<b>Citation</b>	Boroondara PSA C318boro [2020] PPV
<b>Date of this Report</b>	10 June 2020

## Executive summary

The *Planning and Environment Act 1987*, Planning Policy Framework and *Plan Melbourne 2017-2050* seek to conserve places of heritage significance by, among other strategies, identifying, assessing and documenting places of cultural heritage significance as a basis for including them in the Boroondara Planning Scheme.

The Boroondara Heritage Action Plan 2016 guides Boroondara City Council's (Council) heritage work program by identifying, protecting, managing and promoting Boroondara's heritage assets. One of its actions, OAR26 (Ongoing / As Required) is to prepare an implement a heritage controls to properties identified as 'individually significant' in the Balwyn, Balwyn North and Deepdene Heritage Study.

The process leading to the heritage study which supports the Amendment began in late 2012 when Council engaged Built Heritage Pty Ltd to conduct a heritage study in Balwyn and Balwyn North. Council resolved to not adopt the draft *Balwyn and Balwyn North Heritage Study (Incorporating Deepdene and Greythorn)* August 2015 following strong community opposition. It engaged Context to conduct a peer review of the heritage study. Context prepared the Balwyn Heritage Peer Review Stage 2 Background Report Report in April 2019 (Balwyn Peer Review) which was subsequently adopted by Council in September 2019.

Boroondara Planning Scheme Amendment C318boro (the Amendment) seeks to implement the findings of the Balwyn Peer Review by applying the Heritage Overlay to 15 new individual places and one new precinct. The Amendment was exhibited from 4 November to 13 December 2019 and received 11 submissions.

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

### Strategic justification

The Balwyn Peer Review's sound and comprehensive methodology forms a robust strategic basis for the Amendment. Council is commended for taking the time and effort to include relevant information provided during and after exhibition, which has improved the understanding of these heritage places and precinct.

For the reasons set out in this report, the Panel considers the Amendment is supported by, and implements, the relevant sections of the Planning Policy Framework and is consistent with the relevant Ministerial Directions and Practice Notes.

The Amendment is well founded, strategically justified and will deliver net community benefit and sustainable development for present and future generations, as required by Clause 71.02-3. The Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in this report.



## **General issues**

Issues of development opportunity, building condition, alterations and maintenance, property value and financial implications are not relevant when assessing the heritage significance of an individual place or a precinct or whether to apply the Heritage Overlay.

### **Individual heritage places**

#### *28 Leonard Street, Deepdene*

It is appropriate and justified to apply the Heritage Overlay (HO877) to 28 Leonard Street, Deepdene. The house is intact and retains its integrity as a building of its development phase. Consistent with the views of two heritage experts, there is no evidence to prove that it was used as a farmhouse or dairy house. Its heritage citation should be revised to better accurately describe the place.

The house is a rare example of the few intact Italianate houses in Balwyn, representing the area's modest attempt to develop during the late Victorian era, in anticipation of the Outer Circle Line and before the land boom collapse in 1891. The place at 28 Leonard Street, Deepdene meets Criterion A (Historical significance) and Criterion B (Rarity).

#### *958A Burke Road, Deepdene*

It is appropriate and justified to apply the Heritage Overlay (HO884) to the church and hall buildings with the curtilage shown in Figure 4 of this report. Nobody questioned the significance of these two buildings. The car park, tennis courts and 1950s and 1960s hall additions are not significant, however the additions have been included because they form part of the curtilage for the original hall. Unlike the hall, there is no evidence to demonstrate that the deteriorated and discreetly located tennis courts contribute to the site's significance. The site's significance will not be affected by not applying the Heritage Overlay to the courts.

The Statement of Significance and heritage citation should be amended to reflect these circumstances and to make associated changes.

#### *Other individual heritage places*

It is appropriate and justified to apply the Heritage Overlay to:

- 113 Yarrbat Avenue, Balwyn (HO879)
- 129-131 Yarrbat Avenue, Balwyn (HO880)
- 171 Doncaster Road, Balwyn North (HO882).

These properties meet the criteria set out in their respective Statements of Significance and achieve local heritage significance.

The HO880 heritage citation accurately reflects the property and would benefit from showing the original front façade and acknowledging that that original drive has been resurfaced.

### **Angle Road Precinct**

It is appropriate and justified to include 9 Angle Road, Deepdene as a contributory property in the Angle Road Precinct (HO885). The building's original form can be read irrespective of its alterations and it represents the Precinct's consistent architecture and development

phase. The Precinct's heritage citation would benefit from changes which further document alterations to 9 Angle Road, Deepdene.

### Recommendations

Based on the reasons set out in this Report, the Panel recommends that Boroondara Planning Scheme Amendment C318boro be adopted as exhibited subject to the following:

1. **Amend the Heritage Overlay (HO884) mapping to apply to the area shown in Figure 4 of this report to 958A Burke Road, Deepdene.**
2. **Amend the Heritage Overlay Schedule to not refer to the tennis courts in the 'Outbuildings or fences' column for 958A Burke Road, Deepdene (HO884).**
3. **Amend the Statement of Significance for:**
  - a) **28 Leonard Street, Deepdene (HO877), as shown in Appendix B1, to:**
    - delete any reference to the dwelling as a 'farmhouse'
    - replace the first sentence with "'Mararoa', 28 Leonard Street, Deepdene, built in c.1889 for Emma Brown and her husband dairyman, James Brown, is significant"
    - note that the pergola at the rear of the dwelling is not a significant element of the place
    - acknowledge the place's rarity in the 'How is it significant?' section
    - separate the two reasons for significance in the 'Why is it significant?' section.
  - b) **958A Burke Road, Deepdene (HO884), as shown in Appendix B2, to:**
    - not reference the tennis courts
    - use consistent terminology to clarify that the 1950s and 1960s hall additions do not contribute to the place's significance.

### Further recommendations

The Panel makes the following further recommendations:

4. **Amend the heritage citation in the Balwyn Heritage Peer Review Stage 2 Background Report, 2019 for:**
  - a) **28 Leonard Street, Deepdene (HO877), as shown in Appendix C1, to:**
    - delete any reference to the dwelling as a 'farmhouse'
    - refer to works undertaken in the 1980s and 1990s, including the loss of the original chimney, in the History and Description sections
    - delete reference to "original setback and early garden elements including a mature eucalypt" in the Description section
    - separate the two reasons for significance in the Assessment Against Criteria section.
  - b) **129-131 Yarrbat Avenue, Balwyn (HO880), as shown in Appendix C2, to:**
    - include a view of front façade from the original building plans
    - acknowledge that the white Lilydale topping on the original driveway was replaced with tile
    - make associated changes and provide further details about the place.

- c) **958A Burke Road, Deepdene (HO884), as shown in Appendix C3, to:**
  - **make changes associated with applying the Heritage Overlay to the extent shown in Figure 4 of this report**
  - **continue to differentiate between the 1945 hall addition and the original 1923 hall to clarify its location and extent.**
- d) **Angle Road Precinct (HO885), as shown in Appendix C4, in the Description & Integrity section for 9 Angle Road to:**
  - **reference that rear additions are not visible**
  - **reference changes resulting from works in the 1980s, 1990s and 2000s.**

# 1 Introduction

## 1.1 The Amendment

### (i) Exhibited Amendment

The Amendment proposes to implement the recommendations of the Balwyn Heritage Peer Review Stage 2 Background Report, Context, 12 April 2019 (Balwyn Peer Review) by:

- applying the Heritage Overlay permanently to 15 new individual heritage places and one new precinct, as shown in Table 1
- amending the Clause 72.04 Schedule to include the Statements of Significance for the 15 new individual heritage places and one new heritage precinct.

**Table 1** Exhibited heritage precincts and individual places and submissions received

Exhibited precincts and individual places	Criteria *	HO Ref	Submission **
<b>Precinct</b>			
Angle Road Precinct	A, D, E	HO885	7
<b>Balwyn individual places</b>			
1 Reumah Court	D	HO871	-
3 Brenbeal Street	A, G	HO872	-
7 Mangan Street	A, D, H	HO873	11
8 Boston Road	D	HO875	-
9 Boston Road	D, H	HO876	-
113 Yarrbat Avenue	D	HO879	6
129-131 Yarrbat Avenue	D, E, H	HO880	9
146 Yarrbat Avenue	D, H	HO881	-
269 Union Road	D	HO883	-
<b>Balwyn North individual places</b>			
1 Mountain View Road	D	HO870	-
171 Doncaster Road	D, E	HO882	10
<b>Deepdene individual places</b>			
8 Kitchener Street	D, H	HO874	-
28 Leonard Street	A, B	HO877	4
32 Whitehorse Road	A, D, G	HO878	-
958A Burke Road	A, D, E, G, H	HO884	5

\* Model criteria specified in Planning Practice Note 1 (see Chapter 2.4)

\*\* Submissions 1 and 2 supported the Heritage Overlay being applied to the exhibited properties and Submission 3 and 8 made general comments.

### (ii) Council's endorsed proposed changes since exhibition

At its 17 February 2020 meeting, after considering nine submissions received in response to the exhibited Amendment, Council endorsed the following officers' recommended changes to the Amendment:

- Amend the HO884 heritage citation and Statement of Significance (958A Burke Road, Deepdene) to correct the tennis courts' establishment date and include them in the list of elements that contribute to the property's significance.
- Amend the HO885 heritage citation (for 9 Angle Road) to:
  - reference 'rear additions...are not visible', and include reference to changes that have occurred through works carried out in the 1980s, 1990s and 2000s
  - remove reference to the retention of original windows and entry door, and early garage constructed 1930.
- Amend the HO880 heritage citation (129-131 Yarrbat Avenue, Balwyn) to:
  - include view of front façade from the original building plans to the citation
  - include reference to the replacement of original drive of white Lilydale topping with tile
  - include references to alterations to the front window and rear of the property to acknowledge works raised by the property owner.

For reasons set out in the relevant chapters, the Panel agrees with most of these changes.

### (iii) Submissions received

Eleven submissions were received in response to the Amendment being exhibited between 4 November and 13 December 2019. Mr Mallis and Ms Grow supported the Amendment in its exhibited form and therefore supported the Heritage Overlay being applied to all exhibited properties. Ms Wood supported the Heritage Overlay being applied to the Balwyn property she was residing in. Environment Protection Authority did not object.

Mr Hundley raised broad strategic issues and used the Amendment's exhibition as an opportunity to express views about neighbourhood character, vegetation protection, heat island effect, and enforcement. The Panel considers these issues to be beyond the scope of the Amendment.

The remaining submissions objected to the Heritage Overlay being applied to the Angle Road Precinct or individual properties and to aspects of associated heritage citations.

## 1.2 Background

Late 2012	Council engaged Built Heritage Pty Ltd to carry out a heritage study of Balwyn and Balwyn North
June 2014	Built Heritage submitted its final report to Council
27 February to 27 March 2015	Council conducted preliminary consultation with property owners and occupiers and received 137 responses
August 2015	Balwyn and Balwyn North Heritage Study (Incorporating Deepdene and Greythorn) (draft Balwyn Heritage Study)
September 2015	Council resolved to not adopt the draft Balwyn Heritage Study
20 March 2017	Council resolved to undertake a peer review of the draft Balwyn Heritage Study
7 September 2017	Council resolved to not proceed with the draft Balwyn Heritage Study in response to strong community opposition

12 April 2019	Context prepared the Balwyn Heritage Peer Review Stage 2 Background Report (Balwyn Peer Review)
7 May to 4 June 2019	Council conducted preliminary consultation on the draft heritage citations and received seven responses
2 September 2019	Council resolved to write to the Minister for Planning to request authorisation to prepare an amendment to apply the Heritage Overlay to identified properties
14 October 2019	The Department of Environment, Land, Water and Planning, under delegation from the Minister for Planning, authorised the Amendment
4 November to 13 December 2019	Amendment was publicly exhibited
17 February 2020	Council considered nine submissions received in response to the exhibited Amendment and resolved to request a Planning Panel

Source: Council Part A submission and Balwyn Peer Review

### 1.3 Procedural issues

The Panel wrote to parties on 16 March 2020 to advise of special arrangements for in-person hearings in response to Novel Coronavirus Disease 2019 (COVID-19). From late March 2020, the government introduced restrictions to public gatherings which prevented the ability to conduct a hearing at a venue. At the Directions Hearing, no party objected to the Hearing being by video conference if the restrictions continued to apply. On 29 April 2020, the Panel advised parties that the Hearing would be conducted by video because of existing restrictions and made further directions to facilitate the process.

### 1.4 The Panel's approach

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

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material, and has had to be selective in referring to the more relevant or determinative material in the Report.

All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic justification
- General issues
- 28 Leonard Street, Deepdene (HO877)
- 958A Burke Road, Deepdene (HO884)
- Other individual heritage places and precinct.

## 2 Planning context

### 2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

#### Victorian planning objectives

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

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

#### Planning Policy Framework

The Amendment supports:

- **Clause 15.01-5S** (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.
- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
  - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
  - Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
  - Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.
  - Encourage appropriate development that respects places with identified heritage values.
  - Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements.
  - Ensure an appropriate setting and context for heritage places is maintained or enhanced.
- **Clause 21.04-5** (Built environment and heritage) which seeks to identify and protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance. Two relevant strategies are:
  - Conserve and enhance individual heritage places and precincts, and aboriginal and cultural features.
  - Require development to respect and enhance heritage buildings and precincts.
- **Clause 22.03** (Heritage) seeks to, among other things, “*preserve ‘significant’ heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm*”.

## 2.2 Other relevant planning strategies and policies

### (i) Plan Melbourne

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

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

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

### (ii) City of Boroondara Council Plan 2017-2021

The Council Plan was adopted on 26 June 2017 and aligns with community priorities identified in the Boroondara Community Plan 2017-27. The Council Plan sets out seven themes including Theme 4 (Neighbourhood Character and Heritage) which seeks to:

Protect the heritage and respect the character of the City to maintain amenity and liveability whilst recognising the need for appropriate, well-designed development for future generations.

Strategy 4.3 in Theme 4 seeks to:

Preserve the City's history and protect heritage properties and precincts by undertaking a municipal wide heritage review and introduce heritage overlays in the Boroondara Planning Scheme.

A strategic indicator is the proportion of the municipality investigated with a heritage gap study which identifies Boroondara's heritage properties and precincts.

### (iii) Boroondara Community Plan 2017-27

The Boroondara Community Plan applies the same seven themes, objectives and associated strategies as those in the Council Plan.

### (iv) Heritage Action Plan 2016

The Heritage Action Plan seeks to guide Council's heritage work program, particularly for identifying, protecting, managing and promoting Boroondara's heritage assets. The Action Plan classifies its implementation actions as:

- Very high – commence within one year of adopting the Action Plan
- High – commence within two years of adopting the Action Plan
- Ongoing / as Required.



Action OAR26 (Ongoing / As Required) is to prepare an implement a heritage controls to properties identified as ‘individually significant’ in the Balwyn, Balwyn North and Deepdene Heritage Study.

## 2.3 Planning scheme provisions

The Heritage Overlay purposes are:

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

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

## 2.4 Ministerial Directions and Practice Notes

### Ministerial Directions

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

- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction (The Form and Content of Planning Schemes pursuant to section 7(5) of The Act) – referred to as Ministerial Directions 7(5) in this Report.

That discussion is not repeated here.

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

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

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

Planning Practice Note 1 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the PPN1 criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).

- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

## 3 Strategic justification

### 3.1 The issues

The issues are whether the Amendment:

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

### 3.2 Boroondara's Thematic Environmental History

Boroondara's Thematic Environmental History was prepared in 2012 to detail how different themes have shaped Boroondara's history. The Balwyn and Balwyn North Heritage Study (Incorporating Deepdene and Greythorn) provided a historical overview which identified relevant sections from the Thematic History which included:

- The 1860s and 1870s (The Village of Balwyn)
- The 1880s and 1890s (Boom and Bust)
- The 1900s to 1930s (Municipal Improvements to 1920; Residential and Commercial Boom: The 1920s and '30s)

Context also referred to Boroondara's Thematic Environmental History for research purposes when preparing the Balwyn Peer Review.

### 3.3 Balwyn and Balwyn North Heritage Study

Built Heritage Pty Ltd completed the Balwyn and Balwyn North Heritage Study (Incorporating Deepdene and Greythorn) in August 2015 (draft Balwyn Heritage Study). The Heritage Study reassessed properties which were recommended for review in the Camberwell Conservation Study (1991) and those which were not identified in the study. A proportion of these properties, as shown in Table 2, are subject to the Amendment.

**Table 2** Draft Balwyn Heritage Study assessments for properties relevant to the Amendment

Property	Priority & Score	Comments
<b>Considered to not meet local heritage significance</b>		
3 Brenbeal Road, Balwyn	Three: 14/20	Does not meet individual significance
113 Yarrbat Avenue, Balwyn	Two: 15/20	Does not meet individual significance
9 Boston Road, Balwyn	Nil: 13/20	Does not meet individual significance
171 Doncaster Road, Balwyn North	Nil: 12/20	Does not meet individual significance
7 Mangan Street, Balwyn	Three: 15/20	Does not meet individual significance
1 Mountain View Avenue, Balwyn	Nil: 13/20	Does not meet individual significance
146 Yarrbat Avenue, Balwyn	Nil: 13/20	Does not meet individual significance

**Properties recommended as candidates for possible future assessment**

8 Boston Road, Balwyn	-	Residential
1 Reumah Court, Balwyn	-	Residential
32 Whitehorse Road	-	First Deepdene Scout Hall
958 Burke Road, Deepdene	-	Paton Memorial Presbyterian Church

Source: draft Balwyn Heritage Study,

Council did not adopt, or proceed with, the draft Balwyn Heritage Study after the community opposed its recommendations, particularly the study's emphasis on post-war architecture. In March 2017, Council resolved to undertake a peer review of the draft Balwyn Heritage Study which resulted in Context being engaged to conduct a peer review.

### 3.4 Balwyn Peer Review

#### (i) The issue

Context submitted the Balwyn Heritage Peer Review Stage 2 Background Report (Balwyn Peer Review) in April 2019. The issue is whether the Balwyn Peer Review approach and methodology are appropriate to strategically support the Amendment.

#### (ii) Methodology

Context conducted the Balwyn Peer Review in two stages and excluded:

- properties and areas already in the Heritage Overlay
- properties subject to a planning scheme amendment to apply the Heritage Overlay
- properties already investigated in detail and determined to not have sufficient significance to justify the Heritage Overlay
- properties where buildings have been demolished
- properties with buildings constructed after World War Two.

#### Stage 1 – Preliminary investigation

The first stage involved:

- shortlisting 91 places and precincts in the draft Balwyn Heritage Study for in-depth assessment
- preliminary research and survey
- preliminary assessment.

Of the 91 places:

- 48 were not recommended for further action because they were found to have insufficient local heritage significance
- 19 places and one precinct were found to have potential heritage significance worthy of in-depth heritage assessment.

#### Stage 2 – Detailed assessment and reporting

The second stage involved:

- locality and thematic histories
- place and precinct histories
- site visits from the public domain and documentation

- comparative analysis
- assessing each place against the criteria in Planning Practice Note 1
- preparing a statement of significance for each place considered to have sufficient local heritage significance
- categorising each property in the identified heritage precinct as significant, contributory or non-contributory
- mapping the Heritage Overlay to include sufficient curtilage
- recommending additional statutory controls for each place, where needed
- recommending the statements of significance be stored in the HERMES heritage database after Council has adopted the citations.

### **(iii) Evidence and submissions**

Mr Grow and Mr Mallis each supported the Heritage Overlay being applied to the exhibited properties. Mr Mallis submitted:

North Balwyn and Balwyn have historically not had the levels of heritage protection afforded to its more southern neighbours. The identified properties all have heritage value to both the local and wider community. Preserving the history of this area of Melbourne is just as important as anywhere else, and this amendment is progress towards achieving that.

No submission questioned the Heritage Peer Review's methodology or approach.

Council submitted that Context is highly experienced in heritage matters and has prepared many heritage studies for local government. It added that their methodology:

- is consistent with industry accepted standards and practices and with Planning Practice Note 1
- has been tested numerous times through other panel processes and has consistently been considered appropriate and acceptable irrespective of any errors, omissions or inaccuracies that may exist in individual citations.

Council submitted that it applied the same methodology and level of rigour for identifying and recommending properties for the Study as the following Boroondara amendments which were supported by planning panels:

- C266 (Canterbury Heritage Gap Study)
- C274 (Camberwell Heritage Gap Study)
- C276 (Balwyn Heritage Peer Review Stage 1)
- C284 (Hawthorn Heritage Gap Study)
- C294 (Kew Heritage Gap Study)
- C306 (Kew East and Mont Albert Heritage Gap Study).

Council noted that consultants take care to be as accurate as possible when preparing the study before it is tested through the preliminary consultation and exhibition process. It added:

Council corrects errors where they are identified but it is important to distinguish and identify errors that are potentially fatal to the application of the HO or not. In most instances, the errors that have been identified have not changed the heritage expert's overall assessment and recommendation. This is part of the review process.

Council explained that in past studies where significant errors called into question a place's significance, its heritage expert recommended to change the grading or no longer apply the

Heritage Overlay. It submitted that no such errors have been identified with the Balwyn Peer Review.

**(iv) Discussion**

The study methodology is consistent with guidance in Planning Practice Note 1 and with other previous heritage studies which form part of Boroondara's broader heritage program. The combined peer review and multi-phase approach has resulted in a more scrutinised process than generally expected. Council's sound and comprehensive methodology forms a robust strategic basis for the Amendment.

Council has proposed further changes to the Balwyn Peer Review in response to new information received since exhibiting the Amendment. This does not reflect in any way on the methodology which drew from multiple and extensive sources. While it is important that supporting research is as accurate and complete as possible before exhibition, it is common for submitters or other members of the public to provide further information such as historic photographs or records during and after exhibition.

Council is commended for taking the time and effort to include relevant information which has improved the understanding of these places and precinct. The Panel agrees with Council that the Balwyn Peer Review and associated heritage citations do not have significant errors which need to be noted.

**(v) Finding**

The Panels finds that the Balwyn Peer Review approach and methodology are appropriate to strategically support the Amendment.

### **3.5 Policy support**

**(i) Submissions**

Council submitted that the Amendment is consistent with, or supported by, State and local policies summarised in Chapter 2 of this report. It added that the Amendment meets section 4 of the Act by ensuring that future development proposals consider the heritage significance of properties with the Heritage Overlay.

No submission considered that the Amendment had insufficient strategic justification.

The owner of 129-131 Yarrbat Avenue submitted that the Amendment seeks to identify and protect heritage places in Boroondara for current and future generations, but Council and the community would not be contributing to their maintenance.

**(ii) Discussion**

An objective in the Act seeks to conserve and enhance buildings or places of historical interest translate through to the Victoria Planning Provisions and Planning Scheme. Planning policy seeks to conserve historic buildings of interest for present and future generations. The Balwyn Peer Review and the Amendment have adopted this approach by including only places or a precinct which have been assessed to meet local heritage significance to justify the Heritage Overlay. This has been achieved consistent with the Department of Environment, Land, Water and Planning's guidance in Planning Practice Note 1.

**(iii) Finding**

The Panel finds that the Amendment is consistent with, and supported by, the Planning Policy Framework.

**3.6 Conclusions**

For the reasons set out in the following chapters, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- will deliver net community benefit and sustainable development, as required by Clause 71.02-3
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

## 4 General issues

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

### 4.1 Building condition, maintenance and development opportunity

#### (i) The issue

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

#### (ii) Evidence and submissions

Several property owners submitted that the Heritage Overlay would introduce stringent controls and planning permission which would prevent future development opportunities or their ability to maintain the property. Mr and Mrs Wong submitted that applying the Heritage Overlay to their property violated their right to live freely and fairly.

Council submitted that the Heritage Overlay would require a planning permit for buildings and works and demolition. It would not restrict repairs and maintenance, or internal works to dwellings with no internal controls. Council maintained that these restrictions are appropriate to protect the identified heritage fabric of a property, while allowing for reasonable upkeep and improvement of the property, subject to approval where needed.

Ms Schmeder stated that she only responded to issues related to heritage significance of places.

#### (iii) Discussion

All Victorian properties have restrictions such as broader government policies, Planning Scheme provisions, building regulations and restrictive covenants on property titles. For example, the properties in the Angle Road Precinct are subject to planning provisions in the Neighbourhood Residential Zone Schedule 3 which:

- prohibit certain land uses while requiring a planning permit for others
- prohibit development higher than 9 metres or beyond a percentage of the total land area
- require a planning permit for specified buildings and works.

The Heritage Overlay does not prohibit development. A property owner can apply for future development, demolition, works and subdivision through a planning permit application. This enables Council to assess any proposal with the identified heritage fabric. It is likely that numerous development proposals would have already required a planning permit through the Neighbourhood Residential Zone.

Planning Practice Note 1 does not include building condition, maintenance or development opportunity as criteria for assessing whether the Heritage Overlay should be applied to properties with potential local heritage significance. These matters are not relevant to the Amendment and will be considered through a future permit application. Building condition may be relevant where there is clear technical evidence that the building is in a such poor structural condition, that the heritage fabric is unlikely to survive in the short term.



The Panel notes that only those with development aspirations would ever need to apply for a permit. A property owner who only seeks to alter the building interior and conduct general external maintenance would not need to apply for a permit.

Mr and Mrs Wong did not explain how the Heritage Overlay would violate their rights.

#### **(iv) Conclusion**

The Panel concludes that development opportunity, building alterations and maintenance are not relevant when assessing the heritage significance of an individual place or a precinct.

## **4.2 Property value and financial implications**

### **(i) The issue**

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

### **(ii) Evidence and submissions**

The 9 Angle Road owners submitted that the Heritage Overlay would:

- reduce demand for their property which would reduce its value
- financially disadvantage them because the property would be regulated by planning permission and stringent controls which prevent future opportunities.

Mr and Mrs Wong compared the Heritage Overlay being applied on their property to ‘forced acquisition’ and a ‘tax’. They submitted that the two local real estate agents confirmed that the overlay would reduce the property value by 10 to 25 per cent. They explained that this would negatively affect their retirement superannuation without any compensation. Mr and Mrs Wong suggested that:

- the Heritage Overlay be applied to private properties on a voluntary basis
- Council purchase properties which it considers is worth preserving, apply the Heritage Overlay, and then resell or retain them.

Council submitted the private financial impacts for property owners are not relevant when assessing the appropriate heritage provisions. It added that the criteria for assessing the heritage significance of a heritage place set out in Planning Practice Note 1 refers only to matters of a heritage nature.

Council acknowledged that financial impacts may be considered if they have public economic effects at a broader community level. It submitted that the financial matters raised in the submissions were expressed as site-specific issues.

Council explained that its response aligned with the views of various planning panels and judicial authority. It referred to the following Planning Panel Reports where the Panels consistently concluded that private economic effects such as property value or private individual financial circumstances were not relevant to, and outside the scope of, the Amendment:

- Boroondara C266 and *Boroondara PSA C274 [2018] PPV*
- Moreland C129 and C149
- *Melbourne PSA C207 [2014] PPV*.

Ms Schmeder stated that she only responded to issues related to heritage significance of places.

**(iii) Discussion**

Section 12(2)(c) of the *Planning and Environment Act 1987* requires a planning authority to take into account its social effects and economic effects when preparing a planning scheme amendment. These effects are more likely to be relevant at a broad community nature rather than of private individual circumstances. The Panel agrees with Council that any effects beyond this scope is not relevant at this stage of the planning process.

Whether an individual property owner may be financially affected depends on many factors. These include the extent of existing zone and overlay provisions and whether the owner has development aspirations. An owner who seeks to maintain their property is unlikely to be affected because the Heritage Overlay does not require a planning permit for such works. Irrespective, these matters are hypothetical at this stage because applying the Heritage Overlay statutorily recognises the heritage significance of a property and does not compel an owner to undertake any works.

No submitter presented evidence-based information to demonstrate a direct correlation between the Heritage Overlay and property value. Property value is determined through a complicated relationship between different (and often interrelated) factors, making it difficult to single one out.

The Panel is unable to recommend changes to the Act or Victoria Planning Provisions to achieve Mr and Mrs Wong's suggested approach.

**(iv) Conclusion**

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

## 5 28 Leonard Street, Deepdene (HO877)

### Exhibited Statement of significance



#### What is significant?

'Mararoa', 28 Leonard Street, Deepdene, built in c.1889 for James Brown as a dairy house, is significant.

The front fence is not significant.

The two-storey studio and pergola, constructed at the rear of the property in 1986 and 1990 respectively, are not significant.

#### How is it significant?

'Mararoa' is of local historical significance to the City of Boroondara.

#### Why is it significant?

Historically, 'Mararoa' is a rare example of nineteenth-century development in Deepdene (formerly Balwyn) prior to the opening of the Outer Circle railway line and accompanying suburban subdivision.

Built c.1889 on the Cotham Estate (1884), there are only a few houses that survive largely intact from this period in the Deepdene/Balwyn area.

Its nineteenth-century origins are demonstrated by its intact Victorian-era form, including its M-hipped roof and return verandah, and details such as Italianate-style chimneys and block-fronted façade.

**(Criterion A and B)**

## 5.1 The issues

The issues are:

- whether it is appropriate and justified to apply the Heritage Overlay to 28 Leonard Street, Deepdene
- whether the HO877 heritage citation accurately describes the place.

To determine these overarching issues, the Panel has considered whether:

- the house is intact and retains its integrity
- it was used as a farmhouse or dairy house and if either form part of its significance
- whether it has sufficient historical significance and rarity to achieve Criteria A and B respectively.

## 5.2 Background

### (i) Boroondara Thematic History

The Boroondara Thematic History provides details about the following history of Balwyn (as it relates to Deepdene) and its surrounds:

- An outer circle railway line in Melbourne's east to link existing radial railway lines was first raised as an idea in the early 1870s.
- At the time the *Railway Act 1880* was enacted, the Outer Circle Line (Oakleigh to Fairfield) was one of the 23 new metropolitan and regional lines.
- There was a modest wave of railway-related residential subdivision in the 1880s in anticipation of the proposed Outer Circle Line, although construction did not commence until 1888.
- Cotham Estate, comprising 50 lots and created in 1884, was one of those residential subdivisions.
- In 1891:
  - the section of the line which included Shenley, Deepdene, Kew East and Willsmere railway stations commenced operation
  - the land collapsed.
- The Camberwell to Fairfield section of the line close in 1893 and only the section to Deepdene reopened in 1900 until it closed again in 1926.
- By the late 1890s:
  - most of the estates in the central Hawthorn area, particularly along the railway line, were densely settled
  - other estates in areas such as Balwyn had a few houses scattered along their streets.

### (ii) HO877 heritage citation

The HO877 heritage citation provides details about the following history of Leonard Street and its surrounds:

- Deepdene was part of Balwyn until 2008 so it shares much of its history.
- Leonard Street was created in 1884 as part of the Cotham Estate subdivision.
- The Cotham Estate was a speculative subdivision in anticipation of the Outer Circle Line, according to auction advertisements.
- Part of the estate continued to be used for farming in the 1880s and 1890s.

- Dairyman James Brown purchased 10 acres of land and built the timber residence at 28 Leonard Street in about 1889.
- By World War I, there were 35 houses in the estate, of which five were built by 1901.
- In 1908, the four allotments comprising the property were transferred to Mr Bowers.
- Between 1912 and 1915, the annual property value almost doubled, indicating the likely Federation Queen Anne style extension.

### 5.3 Submissions

The owner of 28 Leonard Street opposed the Heritage Overlay being applied to her property through a submission prepared by David Wixted of Heritage Alliance. The submission questioned the property's associative, architectural and rarity significance and the relevance of properties used to compare the property's significance in the heritage citation.

The submission:

- explained that the Brown family originally owned the property but there appears to be no record to confirm that they lived there or to explain why they purchased the land
- the house has very few, and missing, architectural markers found in many other Italianate style houses
- a vast number of houses of this style were built in Melbourne
- the heritage citation focusses too narrowly on the few examples of these houses in the vicinity.

The submission considered most of the properties referred to in the comparative analysis to be irrelevant and based on the claim that the building was a farmhouse. It referred to a nearby and intact farmhouse at 12 Power Street with near identical attributes as one of the clearest cases for comparing with 28 Leonard Street. A Planning Panel recommended not to apply the Heritage Overlay to that property.

At the Hearing, the owner submitted *"the work undertaken to identify any significance in the Subject Building has been flawed and the subject of constant change"*.

Council called expert evidence on heritage from Ms Schmeder of Context. The 28 Leonard Street owner called expert evidence on heritage from Mr Raworth of Bryce Raworth Pty Ltd. It adopted Ms Schmeder's response to this property and proposed changes to the HO884 Statement of Significance and heritage citation, as reflected in this chapter.

### 5.4 Intactness and integrity

#### (i) The issue

Is the house intact and has it retained its integrity?

#### (ii) Evidence

Ms Schmeder considered the house at 28 Leonard Street:

- has sufficient integrity to adequately demonstrate its historical significance under Criterion A

- is highly intact compared to more elaborate examples of Italianate style houses
- does not display many Italianate style characteristics.

Its high degree of intactness is comparable with:

- 224 Belmore Road, Balwyn (HO758) which has lost one of its chimneys and entire front verandah, as shown in Figure 1
- the timber Italianate houses at 17-19 King Street, Balwyn (HO762).

Mr Raworth considered these two properties to be more intact than 28 Leonard Street.

**Figure 1**      **224 Belmore Road, Balwyn (HO758)**



Source: Ms Schmeder's evidence, p17

Ms Schmeder referred to the HO877 heritage citation which clarifies this is one of the many modest versions of the style built in the late nineteenth century and does not seek to apply Criteria D (representativeness) or E (aesthetic significance). She cautioned that architectural modesty in detailing should not be confused with a lack of integrity.

Ms Schmeder noted that some of the Italianate-style markers are missing but others continue to exist, including:

- a pair of cement-rendered chimneys, with moulded Italianate cornices
- stop-chamfered posts to the front section and north side return of the verandah
- block-fronted façade to simulate blocks of stonework
- timber-bracketed eaves to the principal (west) façade.

Mr Raworth included photographs in his statement to compare how the house appeared in 1979 and how it appears now. Referring to the photos, he stated:

- the current verandah posts differ to the ones in 1979 which had a boxed section to their base
- the partition on the south side of the verandah no longer exists
- the leadlight windows on, beside and above the door did not appear in 1979
- the dwelling is enclosed behind a modern but sympathetic picket fence.

Mr Raworth stated that the heritage citation did not clarify whether the front verandah was original, partially reconstructed or new and the Statement of Significance appears to refer to it as an intact element.

**(iii) Discussion**

The original house at 28 Leonard Street has been altered but has sufficient heritage fabric and markers to retain its intact form. Alterations to the verandah, entrance door windows and front fence are sympathetic to the original heritage fabric and can be reversed to their original form without minimal impact on the original house. The rear extension appears to have been built in the earlier part of the twentieth century without affecting the original house's roofline.

The building continues to present as an intact Victorian-era house. It is comparable with 224 Belmore Road and 17 & 19 King Street and agrees with Ms Schmeder that it is more intact than 224 Belmore Road which is missing two important markers – its entire verandah and a chimney.

**(iv) Finding**

The Panel finds that 28 Leonard Street is intact and retains its integrity.

**5.5 Use as a farmhouse****(i) The issue**

Was the property used as a farmhouse or dairy house and if so, does it form part of its significance?

**(ii) Evidence**

Both experts agreed that there was no evidence to prove that 28 Leonard Street was used as a farmhouse. Ms Schmeder could not confidently refer to the dwelling at 28 Leonard Street as a farmhouse or dairy house. There is no evidence to prove that Mr Brown or his 1894 tenant Mr Norris, while both dairymen, conducted dairy activities on the subject land.

Ms Schmeder acknowledged that some of the examples used in the comparative analysis were originally farmhouses but considered them relevant for other reasons.

Ms Schmeder disagreed that 12 Power Street, Balwyn has near identical circumstances to 28 Leonard Street. She explained that the house at 12 Power Street was recommended for an individual Heritage Overlay for its historical association with the Bovill family and its historic significance and rarity value as a farmhouse. She reiterated that HO877 citation claimed that 28 Leonard Street was used as a 'farmhouse' but did not rely on this information to justify its historical significance or its rarity value.

**(iii) Discussion**

There is no available evidence to prove that 28 Leonard Street was used as a farmhouse or dairy house. The Panel has:

- considered whether the property has sufficient heritage significance to justify the Heritage Overlay on the basis that it was not either of these uses
- assessed how well the property compares with other examples in the comparative analysis for reasons other than these uses.



**(iv) Finding**

The Panel finds that there is no evidence to prove that 28 Leonard Street was used as a farmhouse or dairy house.

**5.6 Historical significance (Criterion A) and rarity value (Criterion B)****(i) The issue**

Does the property have sufficient historical significance to achieve Criteria A and B?

**(ii) Evidence of Ms Schmeder**

In her evidence, Ms Schmeder explained:

- the HO877 heritage citation refers to the Brown family in the history section but the Heritage Overlay was not recommended because of this association
- the Statement of Significance does not refer to the Brown family
- the basis for the Heritage Overlay has always been its historical significance as a rare surviving example of Deepdene's (formerly Balwyn) earliest phase of suburban development.

She referred to historic evidence which:

- shows the house was originally on a larger property comprising what are now 28 and 30 Leonard Street and 27 and 29 Terry Street
- appears to show James Brown and his family occupying the subject house from late 1888 until before 1894 when they moved next door.

Evidence included records such as the certificate of title and rate books. She noted that information in the rate books is not definitively supported by contemporary street directories.

Ms Schmeder stated the certificate of title folio number shown in the 31 January 2020 revisions to the place history is incorrect. The actual certificate of title, Vol. 1995 Fol. 886 record, states that 'Emma Brown the Wife of James Brown of the corner of Burke and Belmore Roads, Balwyn, Dairyman' owned the property on 1 March 1888. The 5 September 1888 rate books listed James Brown as the owner and rated person and stated that a house had been erected. She recommended that HO877 heritage citation be changed to:

- correct the title certificate in the 31 January 2020 version from Vol. 1995 Fol. 058 to Vol. 1995 Fol. 886
- recognise Emma Brown with the following changes: "'Mararoa', 28 Leonard Street, Deepdene, built in c.1889 for Emma Brown and her husband dairyman James Brown ~~as a dairy house~~, is significant."

Ms Schmeder stated that most houses built during the Victorian era in Melbourne were designed in the Italianate style. Rarity applies to places that have always been rare and to those that were once common but are now rare. She considered the house at 28 Leonard Street to be rare because:

- it survives as one of only five houses that were built in the Cotham Estate before the Outer Circle Line was opened in 1891
- it demonstrates a class of places that was once common in the wider study area
- many of the other nineteenth-century houses in Balwyn are not intact.



Mr Schmeder explained that the comparative examples for assessing local significance have been confined to the study area of Balwyn, Balwyn North and Deepdene for the purposes of the Balwyn Peer Review. A broader, often municipal-wide, comparative focus is often considered necessary for such assessments. However, each suburb has its own history, and the group of places that best illustrate that suburb's development can justify the Heritage Overlay.

She referred to Planning Practice Note 1 which defines local significance as including "*places that are important to a particular community or locality*". In this instance, a locality equates to a suburb so 28 Leonard Street is of local significance if it can be demonstrated to be of significance to Deepdene and greater Balwyn.

Ms Schmeder stated that the Boroondara suburbs nearest Melbourne, particularly Hawthorn and Kew, had extensive nineteenth century development, so the threshold for local significance of a Victorian house is higher in such suburbs. Suburbs further east and north had only scattered settlement until the late nineteenth or early twentieth century, so Victorian houses were always much rarer and more valued by the local community.

In response to findings in her evidence, Ms Schmeder recommended that the HO877 Statement of Significance and heritage citation be changed in relevant sections to:

- not refer to the dwelling as a 'farmhouse'
- refer to works undertaken in the 1980s and 1990s, including loss of rear original chimney
- remove reference to 'original setback and early garden elements including a mature eucalypt'
- note that the pergola at the rear of the dwelling is not a significant element of the place
- for clarity, separate the two reasons (Criteria A and B) for significance.

### **(iii) Evidence of Mr Raworth**

Mr Raworth referred to Planning Practice Note 1 which sets out the criteria for assessing heritage places and Review of Heritage Provisions in Planning Schemes Advisory Committee Report (August 2007) which states:

Essentially a 'threshold' is the level of cultural significance that a place must have before it can be recommended for inclusion in the planning scheme. The question to be answered is 'Is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?' Thresholds are necessary to enable a smaller group of places with special architectural values, for example, to be selected out for listing from a group of perhaps hundreds of places with similar architectural values.

He considered 28 Leonard Street to have little significance for Boroondara regarding its historical value. He agreed with the owner's submission prepared by Mr Wixted. Mr Raworth acknowledged that an early house in Deepdene can have some generic local historical interest but questioned whether this meets the local threshold to justify an individual Heritage Overlay.

Mr Raworth stated that three other properties relatively close to 28 Leonard Street referred to in the draft Balwyn Heritage Study were rated with a higher priority than the subject land. He noted that these properties now have the Heritage Overlay but commented:

- The dwelling at 192 Doncaster Road is an 1856 stone house and is identified as being likely to be the earliest surviving house in Balwyn. The subject site does not share these qualities and is of less interest.
- The house at 224 Belmore Road is a finely detailed brick villa that appears to be substantially intact. The subject site does not display any notable details and appears to be less intact.
- The houses at 17 & 19 King Street are similar to the subject site in terms of character, however these buildings appear to be of more interest than the subject site owing to a greater extent of detailing, and because they are a pair.

Mr Raworth considered:

- the Cotham Estate subdivision and the opening of the Outer Circle Railway line to be of general interest to the area's history
- a modest and typical individual house is not rare to a threshold degree of significance just because there are only a few remaining examples Victorian cottages in Deepdene
- there are many *"more intact, architecturally impressive, and aesthetically pleasing examples of Victorian weatherboard/timber dwellings"* in the broader municipality
- there is an extraordinary number of masonry Italianate Victorian residences in Kew, Hawthorn, Camberwell and Balwyn.

He referred to individual places and properties in heritage precincts which had the Heritage Overlay such as:

- Individual places: 52 Fellows Street and 72 Peel Street, Kew and 71 Liddiard Street, Hawthorn
- Central Gardens Precinct, Hawthorn (HO146): 13, 39 and 41 Henry Street and 1-7 Falmouth Street
- Rathmines Grove Precinct, Hawthorn East (HO160): 11, 14 and 16 Rathmines Grove
- West Hawthorn Precinct, Hawthorn (HO220): 37, 39, 50 and 64 O'Connell Street.

Mr Raworth found the dwelling at 28 Leonard Street to not have rare and unusual features to justify the Heritage Overlay for an individual place. He added that Planning Panels apply an established principle that, unless the building had heritage significance before becoming rare, rarity in itself does not necessarily mean the building should be considered significant. He referred to *Bayside PSA C29 (Part 2) [2004] PPV* as an example of such comments.

#### **(iv) Discussion**

The Panel considers that 28 Leonard Street has a clear historical association with Balwyn's earliest development phase. It is an intact surviving Italianate house built in the speculative Cotham Estate before the Outer Circle Line started operating in 1891 and before the land boom collapsed in the same year. Its historical association represents these two milestones identified in Boroondara's Thematic History.

There are few Italianate houses in the broader Balwyn area (Deepdene Balwyn, Balwyn North and Deepdene). However, does this make 28 Leonard Street rare and is it appropriate to only look at the broader Balwyn area to make this assessment? To inform itself, the Panel turned to Planning Practice Note 1 which defines Criterion B (Rarity) as:

Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).

The Heritage Council's *Victorian Heritage Register Criteria and Threshold Guidelines*<sup>1</sup> provides practical guidance about assessing Criterion B which is not found in Planning Practice Note 1. The Heritage Council guidelines are intended for assessing places of potential state significance so applying them at a local scale may result in a distorted outcome.

To determine whether the 28 Leonard Street meets Criterion B, the Panel has explored whether it is a rare surviving example of that development phase. An appropriate comparative analysis catchment needs to be defined to accurately assess its rarity value.

The Panel agrees with Mr Raworth, as acknowledged by Ms Schmeder, that there are many Italianate Victorian houses with the Heritage Overlay in Boroondara, particularly in Hawthorn. Many are in a heritage precinct while others are listed as individual places.

However, the Panel has two key issues with Mr Raworth's comparative examples.

Firstly, he used them to compare architectural qualities and details. As highlighted by Ms Schmeder, the house is not considered to be locally significant for exhibiting particular aesthetic characteristics (Criterion E). The Panel finds that 28 Leonard Street is intact and retains its integrity for a building of its development phase.

Secondly, and consistent with Ms Schmeder's view, Boroondara's Thematic History highlights that Hawthorn developed differently to the broader Balwyn area. As noted at the Hearing, Hawthorn and Balwyn were administered by two different councils during the Victorian era. Their distinctly different histories were incorporated into the larger Boroondara Council which was established in the mid-1990s.

During the late Victorian era, Hawthorn had railway stations along an existing railway line with direct access to Melbourne's Central City whereas Balwyn, some four kilometres away, had speculative estates in anticipation of a railway line. There appears to be considerable evidence of Hawthorn's evolution during the late Victorian era because its estates continued to develop well after development virtually stalled in the Balwyn area after 1891.

Broader Balwyn presents as a predominantly Inter-war and Post-war area with little evidence of its initial modest development phase, including its relationship with the Outer Circle Line. Consistent with Ms Schmeder's evidence, the Panel considers a key determinant of this relationship to be the property's location. Observing Italianate houses in Hawthorn would do little to understand how houses in speculative estates further out were constructed near future railway stations.

The Panel therefore considers the broader Balwyn area to be the appropriate catchment for assessing whether 28 Leonard Street is sufficiently rare with regard to its historical association. When applying this catchment, 28 Leonard Street is a rare example of the few intact Italianate houses representing Balwyn's modest attempt to develop during the late Victorian era.

The Panel may have considered the Hawthorn examples presented by Mr Raworth suitable if they were used to compare aesthetic characteristics (Criterion E).

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<sup>1</sup> Document 6

The Panel agrees with Ms Schmeder's recommended changes to the HO877 Statement of Significance and heritage citation which better reflect the degree of alterations to the place and clarifies how it achieves each criterion to clarify its significance.

#### **(v) Findings**

The Panel finds that 28 Leonard Street meets Criterion A (Historical significance) and Criterion B (Rarity).

### **5.7 Conclusions and recommendations**

The Panel concludes:

- It is appropriate and justified to apply the Heritage Overlay (HO877) to 28 Leonard Street, Deepdene.
- The HO877 Statement of Significance and heritage citation should be revised to better accurately describe the place.

The Panel recommends:

**Amend the Statement of Significance for:**

- a) **28 Leonard Street, Deepdene (HO877), as shown in Appendix B1, to:**
- delete any reference to the dwelling as a 'farmhouse'
  - replace the first sentence with *"Mararoa', 28 Leonard Street, Deepdene, built in c.1889 for Emma Brown and her husband dairyman, James Brown, is significant"*
  - note that the pergola at the rear of the dwelling is not a significant element of the place
  - acknowledge the place's rarity in the 'How is it significant?' section
  - separate the two reasons for significance in the 'Why is it significant?' section.

**Amend the heritage citation in the Balwyn Heritage Peer Review Stage 2 Background Report, 2019 for:**

- a) **28 Leonard Street, Deepdene (HO877), as shown in Appendix C1, to:**
- delete any reference to the dwelling as a 'farmhouse'
  - refer to works undertaken in the 1980s and 1990s, including the loss of the original chimney, in the History and Description sections
  - delete reference to *"original setback and early garden elements including a mature eucalypt"* in the Description section
  - separate the two reasons for significance in the Assessment Against Criteria section.

## 6 958A Burke Road, Deepdene (HO884)

### Exhibited Statement of significance



#### What is significant?

The Frank Paton Memorial Church and Hall at 958A Burke Road, Deepdene, is significant.

Significant elements of the site include the:

- Former Frank Paton Memorial Church, built 1941 by A. A. Meyer to designs by architects Scarborough, Robertson and Love, front fence to the Burke Road frontage and early garden setting including slit-glazed tile paths;
- Church hall, built in 1923 to designs by Henry Hardie Kemp;
- Clay tennis courts laid out in c1924.

The 1945 wing abutting the rear (east) of the hall is a contributory element of the site. The 1950s/60s red brick additions to the north and rear (east) of the main hall building are not significant.

#### How is it significant?

The site is of local historic, architectural (representative), aesthetic, social and associative significance to the City of Boroondara.

#### Why is it significant?

The Former Frank Paton Memorial Uniting Church (1941), church hall (1923) and tennis courts are historically significant as an important example of a Nonconformist church site developed in the City of Boroondara during the interwar era, notable for its large land size and range of facilities, serving the local community for almost 100 years. The church, opened in 1941 at Deepdene, reflects the need to meet suburban growth in that locality as significant development in the outlying areas of Boroondara, such as Balwyn and East Kew, in the interwar period saw demands for new Presbyterian churches.

#### (Criterion A)

The church hall is historically significant having served the community for almost 100 years for various church functions and activities, including Scottish country dancing, and as a meeting place of

the 2nd Deepdene Girl Guides. Shortly following its construction in 1923 it was used by many local church groups, including the Presbyterian Girls' Association, the Boys' Club, and the Young Men's class. It was also used by Presbyterian Deepdene Dramatic Club and a men's gymnastics club. It also housed the well-attended Sunday School, which had an attendance of 124 students in 1924.

**(Criterion A)**

The tennis courts represent the great popularity of the game in the early 1900s in middle-class Melbourne, with tennis parties, dances and concerts being popular. Tennis was an important social activity through much of the twentieth century, which encouraged both male and female participation. Being a game popular amongst the middle class and those with private school backgrounds, there was a large number of church tennis clubs in the predominantly middle-class suburbs that now constitute the City of Boroondara. It was typical for parish churches to establish their own tennis club, complete with courts.

**(Criterion A)**

The Former Frank Paton Memorial Church is a fine example of the work of architectural practice Scarborough, Robertson and Love, as a substantial church designed in the Romanesque Revival style. It demonstrates key design elements of this style, including its picturesque massing, broadly pitched roof, polygonal apse, and entrance porch with ornate door portal, as well as characteristic decorative details including a corbel table and dentillation, wheel window and triangular parapet.

**(Criterion D)**

The church hall is a fine example of the work of Henry Hardie Kemp, as a modest hall designed in the Queen Anne style. It incorporates typical design elements of the style, including the steeply pitched roof, exposed rafters and beams, moulded timber joinery and wide overhanging eaves. While the hall has had later additions, they do not disrupt appreciation of its two main elevations (west and south) and have been designed sympathetically to the original architectural style and materials of the building.

**(Criterion D)**

The Former Frank Paton Memorial Church is notable as a Presbyterian church constructed before 1945 designed in the Romanesque Revival style. This style of architecture, which dominated Catholic church architecture in the interwar period, was selected for this commission as a matter of practicality: it was thought to be the most appropriate style for the slope of the site, whereas the use of Gothic Revival architecture would have made the roof appear too high and prominent. Its highly decorative freestone door portal with intricately carved lintel, tympanum, moulded arches and voussoirs, creates an interesting contrast with the general simplicity of the building's monumental massing. Other key details include the visual interest provided through circular terracotta vents punctuating the high-quality brickwork, as well as the articulated brickwork to vertical piers, the corbel table, shallowly expressed bracketed eaves and understated buttressing to the quasi-tower. Its aesthetic quality is enhanced by its prominent siting, the retention of its original rustic fence of stone with dressed bluestone capping, and garden setting, which incorporates many native plantings and original variegated salt-glaze tile paths and edging.

**(Criterion E)**

The Former Frank Paton Memorial Church and Hall are significant for its strong and ongoing associations with the Deepdene and Balwyn community. The site as a whole has played an ongoing role in both the spiritual and social life of the local community since 1916, when the first timber church building was erected on the site. The hall has served the community for almost 100 years for various church functions and activities, including Scottish country dancing, and as a meeting place of the 2nd Deepdene Girl Guides. There have been long and close ties between the church and the neighbouring Deepdene State School, demonstrated by the pedestrian gateway in the boundary fence between the two properties.

**(Criterion G)**

The Former Frank Paton Memorial Church and Hall are significant for their association with Reverend Frank Paton, who had been appointed minister to the Deepdene Presbyterian Church in 1925. Paton laid the commemorative stone tablet for the 1923 church hall and the 1941 church was named in his honour. Paton was Moderator of the Presbyterian Church in Victoria and served as the church's Foreign Mission Secretary from 1907 to 1935. He retired as minister at Deepdene in 1936 and died in 1938.

**(Criterion H)**

## 6.1 The issues

The issues are:

- Whether the tennis courts and hall additions contribute to the place's significance.
- Whether the HO884 heritage citation accurately reflects the place.
- Whether the Heritage Overlay should apply to the entire site or to the church and hall with curtilage.

## 6.2 Heritage significance and citation

### (i) Submissions

The Uniting Church in Australia Property Trust (Victoria) (the Uniting Church) considered the church and hall on its property at 958A Burke Road, Deepdene had sufficient local significance to justify the Heritage Overlay. It submitted that the tennis courts and hall additions were not significant enough to apply the Heritage Overlay and objected to the HO884 heritage citation referring to them as 'significant'.

At its 17 February 2020, Council endorsed a post-exhibition version of the citation which changed the 'What is significant' section to:

- delete the clay tennis courts as a significant element of the site
- acknowledge that the tennis courts contribute to the place's significance.

At the Hearing, the Uniting Church provided aerial photographs, as shown in Figure 2, showing the condition of the tennis courts in April 2011 and April 2020. The 2011 photo shows a road constructed through the courts to enable construction vehicles access to the neighbouring property. The 2020 photo shows the western court in a deteriorated state and a collapsed section of the retaining wall (between the car park and courts).

**Figure 2** Aerial photos of 958A Burke Road, Deepdene





April 2020



Source: Nearmap, Document 20

The Uniting Church requested that the Statement of Significance be changed to:

- delete the clay tennis courts as a significant element
- note that the 1950s/60s hall additions do not contribute to the place's significance
- delete any reference to the tennis court as a reason for the place being significant
- note that the Former Frank Paton Memorial Church and Hall rather than the entire site, have played an ongoing role in both the spiritual and social life of the local community since 1916.

## (ii) Evidence

Ms Schmeder considered that the rear tennis courts:

- are an early and important element of the site, established during the Inter-war period
- illustrate the great popularity of tennis in suburban middle-class Melbourne through the twentieth century
- contribute to understanding the overall place but are not significant in their own right.

In response to questions at the Hearing, she acknowledged:

- the exhibited Statement of Significance had overstated the significance of the tennis courts
- the tennis courts were no longer considered significant in their own right
- the church and hall are significant even without the tennis courts
- she had not inspected the tennis courts.

Ms Schmeder referred to further information from Head and Loxton which, regarding the church's history, records that:

- the first two courts were not created until after the 1923 Hall was built
- by 1930 fundraising began for a third tennis court.

She recommended that the HO884 heritage citation be revised to reflect this further information by:

- recording that the tennis courts were created between July 1923 and 1930 (referenced as 'c1923-30')



- replacing Figure 7 with the revised tennis court dates as shown in Figure 3 below.

**Figure 3** Ms Schmeder's recommended changes to Figure 7 of the HO884 heritage citation



Council agreed to Ms Schmeder's recommended changes to the HO884 heritage citation and Statement of Significance.

Consistent with the Statement of Significance, Ms Schmeder and Mr Raworth considered the rear wing lavatories built in 1945 contributed to the place's heritage significance. Both thought the addition was in keeping with the hall's character.

Mr Raworth broadly agreed with the views expressed in the HO884 heritage citation for the church and hall regarding their significance with respect to each of their assessment criteria. He added:

The church in particular is finely detailed and relatively intact to its exterior (albeit with minor changes). The hall is also handsome for its period, and the c.1945 additions are in keeping with its character. Both buildings were designed by notable architects, which is also indicative of their quality of design.

Mr Raworth supported the Uniting Church's submission to not apply the Heritage Overlay to the tennis courts and asphalt carpark. He considered them to be of minor interest to the built form characteristics and historical significance of the church and hall. At best, he considered them to be minor contributory elements of the church's history and use but not to the place's significance. He added:

It is questionable that the tennis courts and this association are of interest to a degree that is better than many or most other examples at a local level, even when considered in the context of the church complex. Unlike the church and hall, they are generic in character, have fallen into a state of decrepitude, and are no longer used by the church congregation.

Mr Raworth considered the tennis courts to be relatively distinct to the church and hall with insufficient (very minor) value to justify applying the Heritage Overlay. The car park had no heritage value.

### **(iii) Discussion**

All parties and experts agreed that the church and hall with its 1945 addition achieved local heritage significance and nobody thought the car park had any heritage value. There were differing views about how the tennis courts contributed to the place's significance.

Section 9.1 of Boroondara's Thematic History (Participating in sport and recreation) refers to tennis as a sport which helped shape cultural and creative life. It refers to tennis clubs

throughout Boroondara and its associated activities. This section explains how football and hockey were associated with several churches, but not tennis.

Section 8.1 (Maintaining spiritual life) details how religious denominations evolved over different eras. It identifies the *Deepdene Uniting Church, 958 Burke Road, Balwyn (1941) – former Paton Memorial Presbyterian (Uniting) Church* in the 1920-1960 era (Building, replacing or extending new churches in developing areas). Section 8.1 does not refer to how tennis or any other sports contributed to church life.

Ms Schmeder provided a broad and generic overview of how tennis evolved for the middle class in metropolitan Melbourne and referred to how churches had tennis courts. This is reflected in the HO884 Statement of Significance which states that the tennis courts contribute to Melbourne's general history of tennis but does not explain how the tennis courts on the subject land contribute to the place's significance. In contrast, the HO884 heritage citation explains that the hall contributes to the place's significance for the following reasons:

The church hall is historically significant having served the community for almost 100 years for various church functions and activities, including Scottish country dancing, and as a meeting place of the 2nd Deepdene Girl Guides. Shortly following its construction in 1923 it was used by many local church groups, including the Presbyterian Girls' Association, the Boys' Club, and the Young Men's class. It was also used by Presbyterian Deepdene Dramatic Club and a men's gymnastics club. It also housed the well-attended Sunday School, which had an attendance of 124 students in 1924.

The tennis clubs referred to in Boroondara's Thematic History would better represent "*the great popularity of the game in the early 1900s in middle-class Melbourne*". Other Boroondara's tennis courts and clubs existed before the subject tennis courts and are likely to have attracted participants from a broader catchment. This includes the Kew Tennis Club which began in 1879 and moved to its current site in 1919.

As discussed at the Hearing, the Panel was not able view the tennis courts from the property's Burke Road frontage. It had to walk around to a quiet no-through street to observe their deteriorated state, consistent with how the Uniting Church described them at the Hearing. The tennis courts would have to be re-levelled with entirely new fabric to make them functional again. Ms Schmeder would have benefitted from inspecting the tennis courts.

The Panel does not support Council's proposal to include the tennis courts by recategorising them from a 'contributory element' to 'contributing to the site's significance'. While the tennis courts form part of the site's history, there is insufficient evidence to demonstrate that they contribute to the place's significance.

#### **(iv) Findings**

The Panel finds:

- The deteriorated and discreetly located tennis courts do not contribute to the place's significance.
- The 1945 hall addition should be shown in a different shade to the original 1923 hall in Figure 7 of the HO884 heritage citation to clarify its extent and location.
- The 1950s and 1960s hall additions do not contribute to the place's significance and should be documented accordingly.

## **6.3 Heritage Overlay map**

### **(i) The issue**

The issue is the extent to which the Heritage Overlay should apply on 958A Burke Road.

### **(ii) Evidence and submissions**

The Uniting Church objected to the Heritage Overlay being applied to the entire site. In a supplementary submission, it:

- supported the Heritage Overlay being applied to the Church and Hall with a five metre curtilage
- objected to the Heritage Overlay being applied to the tennis courts and hall additions and to them being identified as 'significant'.

Ms Schmeder recommended that the Heritage Overlay apply to the entire site at 958A Burke Road so that any future development can consider the place's significance. Ms Schmeder found the five metre curtilage to be insufficient to protect views to the Church and Hall.

In response to questions at the Hearing, Ms Schmeder acknowledged that numerous churches have or had tennis courts that are often not included in the Heritage Overlay. Ms Schmeder qualified this by explaining that 69 North Road, Brighton referred to in Mr Raworth's evidence focussed solely on architecture. In another case, a Council made compromises regarding the extent of the Heritage Overlay so that the matter did not proceed to a Panel hearing.

Mr Raworth acknowledged that it is more common to apply the Heritage Overlay to the entire suburban property, even if not all elements are significant. He added that it is also acceptable to apply the Heritage Overlay only to elements of significance on a property with a curtilage so that any future development does not negatively impact on the significant elements. He included the following examples in his evidence:

- Scotch College, Hawthorn (Boroondara HO608) 12 buildings with 10-metre curtilages
- Trinity Grammar School, Kew (Boroondara HO705) – two buildings with limited curtilage
- 274 High Street, Windsor (Stonnington HO479) – Heritage Overlay excluded the modern addition and carpark to the rear.

Mr Raworth referred to the Presbyterian Church at 69 North Road, Brighton as a similar example where the Heritage Overlay applied only to the former Church building itself. Around 2008, the set of tennis courts on the property were demolished to enable a three storey apartment building but the important built form elements continued to be recognised.

Mr Raworth considered the church and hall would retain their significance if the carpark and tennis courts were demolished. He explained:

- the rear of the property is not readily visible from Burke Road because the church and hall are at the front of a relatively narrow property
- the Heritage Overlay can be applied to only the church and hall without negatively impacting their significance.

At the Hearing, the Panel questioned who owned the laneway between 958A and 958 Burke Road after observing a gate to the laneway along this section during its site inspection. The Uniting Church confirmed that it purchased the land in August 2005<sup>2</sup>. It was prepared to accept the Heritage Overlay being applied to the section of laneway between Burke Road and five metres from the original hall<sup>3</sup>.

Council responded, without prejudice, that if the Panel determined that the Heritage Overlay should not be applied to the entire site, it should extend from the property boundary along Burke Road and extend to the back of the non-contributory additions at the rear of the hall. It explained that a five metre curtilage from the back of the original hall would result in the Heritage Overlay passing through a section of the hall addition. Having to measure the point where the boundary crosses through the building would cause administrative issues during a planning permit application.

Council submitted that extending the curtilage to include the entire hall addition (noting the addition does not contribute to the place's significance) would be far simpler for all parties.

In response to a question from the Panel, Council confirmed that General Residential Zone Schedule 5 applied to the subject land. The zone has a mandatory maximum building height of 11 metres (three storeys) for a dwelling or residential building.

### **(iii) Discussion**

Submissions and evidence comprehensively explored at the Hearing sought to apply the Heritage Overlay:

- to the entire property (Council and Ms Schmeder)
- from the front boundary to the back of the original hall (Mr Raworth)
- from the front boundary to a curtilage of five metres from the original hall (Uniting Church)
- to include the full extent of hall additions so it doesn't dissect part way, if the Panel agrees with Uniting Church's approach (Council)
- to the laneway in the front portion of the site – with any of the options above (the Uniting Church would accept this).

The Panel has already determined that the tennis court and carpark do not contribute to the place's significance. The question is whether the Heritage Overlay should be applied to the entire property or whether it should be applied to the significant elements with sufficient curtilage so that any new development does not negatively affect the heritage fabric.

Planning Practice Note 1 advises that discretion is needed to decide how much curtilage is needed when mapping the Heritage Overlay. It notes that *"many cases, particularly in urban areas and townships, the extent of the curtilage will be the whole of the property (for example, a suburban dwelling and its allotment)"*. The Practice Note:

- does not specify this as a rule
- indicates that a standard size suburban residential property is likely to need its full extent as curtilage

<sup>2</sup> Documents 13 and 14

<sup>3</sup> shown as a red line on p11, Document 11

- recognises that there will be occasions where the curtilage and Heritage Overlay mapping will be reduced to exclude land with no significance and reduce the need for unnecessary planning permits.

**Does the Heritage Overlay need to be applied to the entire property?**

The Uniting Church property at 958A Burke Road is 3,692 square metres with a width along Burke Road of 30.5 metres and depth of 128.2 metres<sup>4</sup>. Consistent with advice in Planning Practice Note 1, it would be of no benefit to the Uniting Church or Council to require planning permits for buildings and works across the entire property unless it is necessary to respond to the existing heritage fabric.

Should the Panel have agreed with Council and Ms Schmeder that the tennis courts (located at rear) contributed to the place's significance, it may have supported the Heritage Overlay being applied to the entire property. That was one reason for Ms Schmeder's approach. However, the Panel has already determined that the tennis courts, like the car park, do not contribute to the place's significance. The Heritage Overlay should not apply to either of these.

**What part of the property should the Heritage Overlay be applied to?**

The question here relates to how far should the Heritage Overlay needs to be mapped to provide sufficient curtilage to the church and hall. The relatively tall north-south oriented church building largely obscures general public views from Burke Road to the hall and to the rear of the property. Private properties south of the subject land also obscure views from most of Dale Street towards these buildings. The corner of Dale Street and the subject land's abutting laneway provide open views of the hall additions. However, these are views towards the rear of the church and hall. Members of the church's community will also be viewing the buildings onsite while attending services and events.

How members of the church's community view the buildings while onsite, the hall's orientation and the extent of development which the subject land's zone enables are relevant when considering the curtilage. The hall has a relatively large apex at its southern elevation (along the laneway) with its roofline declining toward the rear of the property. The General Residential Zone Schedule 5 applies the default mandatory maximum building height of 11 metres (3 storeys) for a dwelling and residential building.

When taking these into account collectively, the Panel agrees with the Uniting Church that, at the very least, a five metre curtilage from the hall's eastern elevation is needed to respond to the existing heritage fabric. It also agrees with Council that aligning the Heritage Overlay part way through a building may complicate future permit applications and result in unintended consequences. Council's proposal to extend the Heritage Overlay the entire extent of the hall, including its extensions, is a practical solution.

The Panel considers there is insufficient curtilage between the church and hall buildings and the southern property boundary. Buildings and works along the Uniting Church owned laneway between the Burke Road property boundary and five metres from the original hall may negatively impact the heritage fabric. The section of laneway identified and accepted by the Uniting Church should form part of the curtilage.

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<sup>4</sup> Document 11

The Panel considers that the Heritage Overlay should include, as shown in Figure 4:

- the church and original hall building with a five metre curtilage from these buildings
- the entire extent of the hall extensions
- the southern laneway between the property frontage and five metres east of the original hall building.

**Figure 4** Panel recommended Heritage Overlay map



## 6.4 Conclusions and recommendations

The Panel concludes:

- The tennis courts and hall additions do not contribute to the place's significance.
- It is not appropriate or justified to apply the Heritage Overlay to all of 958A Burke Road.
- The Heritage Overlay should be applied as shown in Figure 4 so that:
  - any future development within the heritage fabric's curtilage can be assessed
  - administrative issues can be minimised during the planning permit application.
- The HO884 Statement of Significance and heritage citation should be revised to reflect the Panel's findings.

The Panel recommends:

**Amend the Heritage Overlay (HO884) mapping to apply to the area shown in Figure 4 of this report to 958A Burke Road, Deepdene.**

**Amend the Heritage Overlay Schedule to not refer to the tennis courts in the 'Outbuildings or fences' column for 958A Burke Road, Deepdene (HO884).**

**Amend the Statement of Significance for:**

- 958A Burke Road, Deepdene (HO884), as shown in Appendix B2, to:**
  - not reference the tennis courts
  - use consistent terminology to clarify that the 1950s and 1960s hall additions do not contribute to the place's significance.

**Amend the heritage citation in the Balwyn Heritage Peer Review Stage 2 Background Report, 2019 for:**

- b) 958A Burke Road, Deepdene (HO884), as shown in Appendix C3, to:**
- **make changes associated with applying the Heritage Overlay to the extent shown in Figure 4 of this report**
  - **continue to differentiate between the 1945 hall addition and the original 1923 hall to clarify its location and extent.**



## 7 Other individual heritage places and precinct

### 7.1 Angle Road Precinct (HO885)

#### Exhibited Statement of significance

##### What is significant?

The Angle Road Precinct, comprising 1-13 and 2-12 Angle Road, Deepdene, is significant.

The following features contribute to the significance of the precinct:

- The houses constructed from 1922-1925, as shown on the precinct map.
- The overall consistency of housing form (gabled hip or intersecting transverse and gable-fronted roofs, asymmetrical bungalow forms), materials and detailing (face brick or roughcast and brick external cladding, terracotta tiled roofs, brick chimneys), and siting (consistent front setbacks).
- Streetscape materials such as bluestone kerbs and channels.

Contributory buildings include 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, and 13 Angle Road.

Features that do not contribute to the significance of this place include non-original alterations and additions to the contributory buildings and the non-contributory dwellings at 7 and 12 Angle Road.



##### How is it significant?

The Angle Road Precinct is of local historic, architectural (representative) and aesthetic significance to the City of Boroondara.

##### Why is it significant?

The Angle Road Precinct is historically significant as it demonstrates the former location and subdivision pattern of Glencoe Estate and St Ronans Estate, established in 1885 and 1887 respectively, but not built on until the 1920s because of the economic depression of the 1890s. The construction of the subject residences in a relatively short period of five years, between c1920 and 1925, evidences the increased demand for housing in the area facilitated by the establishment of improved transport, sewerage and electricity services to Balwyn. The precinct also clearly demonstrates the importance of local builders/developers, such as George Simpson, to whom the subject buildings are attributed, who rapidly built up entire unified streetscapes. **(Criterion A)**

Houses in the Angle Road Precinct are representative of styles popular during the 1920s, including examples of California Bungalows, all of which exhibit a high level of intactness. They demonstrate the principal characteristics of early interwar bungalows constructed in brick, illustrating the transition from Edwardian to typical interwar bungalow forms. Most of the houses have characteristic massing with an asymmetrical, bungalow form set beneath one of two dominant roof types clad with terracotta tiles: a gabled hip, surviving from the Federation Queen Anne villas, combined here with California Bungalow porch and other details, or; intersecting transverse and gable-fronted roofs, often with minor gables, creating a partial 'floating gable'. Other typical details include small porches supported by timber posts atop heavy brick piers, some with decorative and unusual timber fretwork, and usually flanked with squat clinker or red brick piers; feature box, bow or bay windows, in either red or clinker brick, and each usually with its own flat roof and exposed rafters; tall chimneys of either red or clinker brick, some topped with a roughcast and exposed brick detail near the top of the shaft, although some have been overpainted. **(Criterion D)**

The Angle Road Precinct is of aesthetic significance thanks to its picturesque streetscape, afforded by the shared distinctive roof forms and decorative details, surviving liquidambar street trees, and the consistency of garden setbacks. The rows of free-standing interwar bungalows, attributed to master-builder George Simpson present a highly visually unified streetscape, distinguishing the Angle Road Precinct with a high level of visual cohesiveness. The high level of intact detailing, particularly to the gable ends, chimneys, and feature box, bay or bow windows, enhances the precinct's picturesque quality and overall visual unity. **(Criterion H)**



**(i) The issues**

The issues are:

- whether it is appropriate and justified to include 9 Angle Road, Deepdene as a contributory property in the Angle Road precinct (HO885)
- whether the HO885 Statement of Significance accurately describes 9 Angle Road, Deepdene.

**(ii) Submissions**

The owners of 9 Angle Road submitted that the Heritage Overlay should not be applied to the property and it should therefore be excluded from the Angle Road Precinct. The submission, prepared by Plans in Motion on behalf of the owner, provided the following reasons:

- the frontage and other parts of the dwelling have been substantially altered and no longer represent the era or contribute to the Angle Road Precinct
- the precinct's character, including 7 Angle Road, has evolved with large, modern dwellings and light-filled contemporary architecture
- the HO885 Statement of Significance is inaccurate because the dwelling has been substantially changed through renovations and maintenance work, including:
  - the panel board and timber strapping (2000s replacement of timber strapping)
  - the tripartite window to the street facing gable (1980s addition)
  - double doors to front porch (1980 addition)
  - fretwork to the porch of straight timber slats with an Art Nouveau motif (1998 addition)
  - entry door with leadlight detailing (1998 addition)
  - the garage with a transverse gable roof (1980s addition)
- the 1980s and 1998 changes are clearly visible from the public domain.
- for reasons outlined above, the property does not meet PPN1 Criteria A, D or E.

**(iii) Evidence**

Ms Schmeder considered that the California Bungalow at 9 Angle Road reads as representative example of the Inter-war era which contributes to the Precinct. She highlighted that the house is linked to the other designs by George Simpson.

Ms Schmeder explained that to inform her view, she sought building permit plans to understand changes identified by the submitter to assess whether the property was intact enough to contribute to the Precinct. She noted that Council did not have building permit records dating back to the original construction date of 9 Angle Road to compare the original architectural plans with the existing building.

Having building permits over different decades, Ms Schmeder considered the house:

- has had alterations which are generally sympathetic to the original design
- continues to clearly identify as an intact early interwar bungalow which contributes to the Precinct.

Ms Schmeder clarified that the Angle Road Precinct meets the PPN1 criteria and achieves local significance. The property at 9 Angle Road contributes to the Precinct and does not

need to achieve local significance individually. She considered that the Precinct continues to retain local significance following the loss of houses at 7 and 12 Angle Road.

Ms Schmeder recommended changes to the HO885 heritage submission to document alterations made to 9 Angle Road.

**(iv) Discussion**

The Panel accepts Mr Schmeder's evidence for the Angle Road Precinct. The Precinct is highly intact, with only two properties which do not contribute to its significance. The uniformly designed 1920s California Bungalow style houses are built in a Victorian era subdivision which stalled because of the economic depression of the 1890s. The house at 9 Angle Road, with its alterations identified by the owner and Ms Schmeder, continues to present as one of the houses built during the Inter-war era. The full extent of alterations should be reflected in HO885 heritage citation. The property at 9 Angle Road should be included because of its contribution to the Precinct's significance, and its location part way through the Precinct and next to a non-contributory property. Excluding it would negatively impact on the identified heritage fabric.

**(v) Conclusions and recommendations**

The Panel concludes:

- It is appropriate and justified to include 9 Angle Road, Deepdene as a contributory property in the Angle Road Precinct (HO885).
- The HO885 heritage citation would benefit from changes which document alterations to 9 Angle Road, Deepdene.

The Panel recommends:

**Amend the heritage citation in the Balwyn Heritage Peer Review Stage 2 Background Report, 2019 for:**

- a) **Angle Road Precinct (HO885), as shown in Appendix C4, in the Description & Integrity section for 9 Angle Road to:**
  - reference that rear additions are not visible
  - reference changes resulting from works in the 1980s, 1990s and 2000s.

## 7.2 113 Yarrbat Avenue, Balwyn (HO879)

### Exhibited Statement of significance



#### What is significant?

'Bel-Air', 113 Yarrbat Avenue, Balwyn, built in 1938 by C F Wheatland, is significant.

Significant elements of the place include the garage and the low clinker brick fence with mild steel gate along the Yarrbat Avenue frontage. The later extension above the garage, built in 1965, is of contributory significance.

The later rear extension built in 1988 and the section of fence along the Narrak Road frontage are not significant.

#### How is it significant?

'Bel-Air', 113 Yarrbat Avenue, Balwyn, is of local architectural (representative) significance to the City of Boroondara.

#### Why is it significant?

'Bel-Air' at 113 Yarrbat Avenue, Balwyn is a fine representative and externally intact example of a two-storey Moderne dwelling. It is a particularly well designed and detailed example of the style that is carefully sited to take advantage of its prominent corner position.

Constructed in cream brick with a roof of terracotta tiles, the house has subtle Moderne stylistic characteristics, especially emphasising horizontal and curved elements within its elevations. Of particular note is the dramatic semicircular entrance-cum-stairwell that introduces a strong contrasting vertical element to the otherwise streamlined horizontal façade.

Whilst the integrity of the building is slightly diminished by the 1965 extension above the garage this has been designed in a style that matched the original design intent and is considered as contributory to the overall place. **(Criterion D)**

**(i) The issue**

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO879) to 113 Yarrbat Avenue, Balwyn.

**(ii) Evidence and submissions**

The 113 Yarrbat Avenue property owners opposed the Heritage Overlay being applied to their property but did not question its heritage significance or the contents of the HO879 heritage citation and Statement of Significance.

Ms Schmeder considered that the property compares “*extremely*” well to Moderne houses with the Heritage Overlay in Boroondara clearly meets the threshold of local significance. She added:

- the HO879 citation:
  - provides a “*clear and convincing argument*” for the property’s significance
  - acknowledges that the first floor was added above the garage in 1965
- the first-floor extension to the garage is visible but has a modest impact on appreciating the building.

Ms Schmeder referred to a south elevation of the building dated 11 August 1938 to show how the house at 113 Yarrbat Avenue continues to be intact.

**(iii) Discussion**

The Panel agrees with Ms Schmeder’s evidence on 113 Yarrbat Avenue. The building is a fine example of a Moderne house which compares very well to others with the Heritage Overlay referred to in the HO879 heritage citation. The house itself does not appear to have been altered and has been well maintained. The first floor addition above the garage has been well executed with matching details and materials without negatively affecting the ability to interpret the original house.

**(iv) Conclusions**

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO879) to 113 Yarrbat Avenue, Balwyn because it meets Criterion D (representativeness) and achieves local significance.



### 7.3 129-131 Yarrbat Avenue, Balwyn (HO880)

#### Exhibited Statement of significance



#### What is significant?

'Silver Birches', formally known as 'Hillsborough', and garden, at 129-131 Yarrbat Avenue, Balwyn, built in 1936 on the Canterbury Park Estate, is significant. The house was designed by architects A S and R A Eggleston, and the garden by Edna Walling. Significant elements of the place include the house and garage, the original front and rear garden layouts and associated elements, including original capped sections of the front fence, curved drive wall and entrance gates, mature plantings (in particular the mature specimen Oak), and pond, low rubble stone walls and other hard landscaping features in the rear garden.

The raised section of the front fence and alterations made in 1970 are not significant.

#### How is it significant?

The residence and garden at 129-131 Yarrbat Avenue, Balwyn, is of local architectural (representative), aesthetic and associative significance to the City of Boroondara.

#### Why is it significant?

'Silver Birches' is a representative and externally intact example of a two-storey Georgian Revival dwelling. It embodies the principal characteristics of the style, including the understated restraint in detailing, cream brick walls, steep hipped slate roof, presentation of the pedimented entrance, and near symmetry in the arrangement of fenestration. **(Criterion D)**

The residence and garden at 129-131 Yarrbat Avenue is aesthetically significant as a particularly well designed and detailed architect-designed residence that is carefully sited within an extensive garden designed by Edna Walling. Tiled in slate, the roof's ridge lines have concealed transverse flashings under the slates removing the need for ridge capping. This heightens a sense of simplicity and clarity in the design and demonstrates the restrained and simplified detailing often evident in Georgian Revival architecture. The capped sections of the painted brick front fence, including the serpentine wall extending from the front drive gates towards the house's entrance, is part of this original garden design. The property's aesthetic significance is further enhanced by other remaining garden elements mature plantings (in particular the mature specimen Oak), and pond, low rubble stone walls and other hard landscaping features in the rear garden. **(Criterion E)**

The residence at 129-131 Yarrbat Avenue, Balwyn is significant for its association with Douglas Gray George, managing director of Georges department store in Melbourne, established in 1880 by brothers William and Alfred George. In 1889, the business moved to its famous location at 162-168 Collins Street. By 1901 Georges was a 'favoured spot with most of the smartest people in Melbourne', becoming an icon of genteel shopping and epitomising the exclusive image of Collins Street. It was a pioneer in Australian retailing, being one of the first stores to introduce lifts, a cash discount system, and a bargain basement 'on the American principle'. After William George died in 1935, his son Douglas Gray George became managing director of Georges Ltd for four years until his death in 1939. Georges closed its city and suburban stores in October 1995. **(Criterion H)**

**(i) The issues**

The issues are:

- Whether it is appropriate and justified to apply the Heritage Overlay (HO880) to 129-131 Yarrbat Avenue, Balwyn.
- Whether the HO880 heritage citation accurately reflects the property.

**(ii) Submissions**

The owner of 129-131 Yarrbat Avenue, Balwyn objected to the Heritage Overlay being applied to the property. The owner explained that since purchasing the property in 1971, she has:

- maintained it well
- altered the interior considerably
- extended the house at the rear
- replaced the original front ground floor windows with larger windows
- replaced the fine white Lilydale topping on the original driveway with Daniel Robinson tiles
- increased the existing front brick fence height.

**(iii) Evidence**

Ms Schmeder recommended an on-site inspection because certain changes were not visible from the street. Mr Huntersmith, who carried out the architectural assessment, and a Council officer inspected the property with the owner on 5 February 2020. They compared the current façade with the original 1936 drawings.

Following the inspection, Mr Huntersmith concluded that the alterations observed at the inspection were not significant enough to make the property unsuitable for the Heritage Overlay. He documented these alterations in the 31 January 2020 version of the HO880 citation.

Ms Schmeder considered 129-131 Yarrbat Avenue to be of local architectural and historical significance and stated:

It is a mansion, elegantly designed by prominent architects of its day, the house is of very high intactness (even the brick walls were originally “colour washes” and not exposed), and its setting is of extraordinarily high intactness, retaining much of its Edna Walling garden, curved entrance walls and original garage.

Ms Schmeder responded to each of the owner’s points and included Mr Huntersmith’s comments.

***Internal alterations***

The HO880 citation acknowledges the internal alterations. The Amendment does not propose to apply internal controls through the Heritage Overlay Schedule.

***Rear alterations***

The HO880 citation acknowledges the rear alterations. They are not visible from the public domain so the Heritage Overlay continues to be suitable for the property.

Mr Huntersmith confirmed that:

- changes to the raised patio area when the pool was installed altered the Edna Walling design to this part of the garden
- original garage door had been replaced
- required maintenance had been undertaken to the low rubble stone walls and internal resurfacing of the pond
- several plantings within the garden had been renewed.

#### *Ground-floor front façade windows*

Mr Huntersmith confirmed that the kitchen window on the front façade retained its head height and width but had its sill height lowered. The detailing (including the sill detail) matches the original window. Ms Schmeder considered it to be a minor alteration which was carried out sympathetically.

#### *Driveway resurfacing*

Mr Huntersmith confirmed that the original Lilydale topping on the driveway has been paved with concrete and Daniel Robinson tiles. He considered this to be a minor change, particularly because it has retained its original layout as part of the landscape design by Edna Walling.

Ms Schmeder agreed that the driveway resurfacing has not negatively impacted the place's heritage significance.

#### *Front fence alteration*

Ms Schmeder acknowledged that the overall fence is not intact. However, she considered it important to recognise and protect an Edna Walling designed fence with its unusual curved entrance walls design.

She referred to the HO880 citation which:

- recognises that the front brick fence was altered to being it entirely to the height of the original gate piers
- states that the altered sections do not have heritage significance.

Ms Schmeder explained that the fence control in the Heritage Overlay Schedule proposed for the property would apply only to the original sections of the fence. This includes the capped sections, including the serpentine wall extending from the front gates towards the house's entrance, which formed part of the original garden design by Edna Walling.

### **(iv) Discussion**

The Panel accepts Ms Schmeder's evidence for 129-131 Yarrbat Avenue for reasons set out in her evidence. The further research and site inspection have revealed new information about the property which should be reflected in the HO880 heritage citation. The owner has maintained the property well and made alterations which are sensitive to its overall design. She can continue to make internal alterations without the need for a permit because the Amendment does not propose to apply the internal controls through the Heritage Overlay. The property continues to be sufficiently intact to achieve Criteria D, E and H.

For reasons set out in Chapter 4.1, the Panel does not agree that applying the Heritage Overlay will affect the ability to maintain the property.

**(v) Conclusions and recommendations**

The Panel concludes:

- It is appropriate and justified to apply the Heritage Overlay (HO880) to 129-131 Yarrbat Avenue, Balwyn.
- The HO880 heritage citation accurately reflects the property and would benefit from showing the original front façade and acknowledging that that original drive has been resurfaced.

The Panel recommends:

**Amend the heritage citation in the Balwyn Heritage Peer Review Stage 2 Background Report, 2019 for:**

- a) **129-131 Yarrbat Avenue, Balwyn (HO880), as shown in Appendix C2, to:**
  - **include a view of front façade from the original building plans**
  - **acknowledge that the white Lilydale topping on the original driveway was replaced with tile**
  - **make associated changes and provide further details about the place.**



## 7.4 171 Doncaster Road, Balwyn North (HO882)

### Exhibited Statement of significance



#### What is significant?

The house and garden at 171 Doncaster Road, Balwyn North, built in 1941 by L J Adam on the Rookwood Estate, is significant.

Significant elements of its setting include the low fence of rough-faced stone, mild steel gates, clinker brick garage, slate crazy paving, stone retaining walls and distinctive zig-zag infill detailing in the front path and steps. In addition, early or original plantings including cypresses, including the conical *Cupressus sempervirens*, a Blue Atlas Cedar (*Cedrus atlantica* 'glauca'), camellias, azaleas and holly. The climbing rose is in keeping with the period, but its age is unknown.

#### How is it significant?

The house and garden at 171 Doncaster Road, Balwyn North is of local architectural (representative) and aesthetic significance to the City of Boroondara.

#### Why is it significant?

The house and garden at 171 Doncaster Road, Balwyn North, are significant as externally intact examples of a two-storey Moderne dwelling, carefully sited to take advantage of its prominent corner position within what appears to be an original garden. The house demonstrates key design elements of the Moderne style including a layered geometric massed form, a strong horizontal emphasis, open upper terraces and the use of contemporary materials such as corner and steel framed windows and patterned brickwork. Like many Moderne houses of its era, it juxtaposes a traditional hipped roof with parapeted and curved elements. The garage is an original part of the design and echoes the materiality – clinker bricks with tapestry brick accents – and parapeted form of the house. These elements are complemented and enhanced by the retention of a highly intact setting including both original hard landscaping and plantings. Hard landscaping includes a low fence of rough-faced slate, ornate mild-steel gates, a slate crazy paved hardstand in front of the house (and possibly the curved drive as well), stone retaining walls and distinctive zig-zag infill detailing in the front path and steps. Front garden plantings are of interest as an example of the “featuristic” Australian garden popular in the 1940s and ‘50s, characterised by the use of darkfoliated evergreen trees and shrubs which serve as the backdrop for a colourful seasonal display of flowers. **(Criterion D)**

**(i) The issue**

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO882) to 171 Doncaster Road, Balwyn North.

**(ii) Evidence and submissions**

The owners of 171 Doncaster Road objected to the Heritage Overlay being applied to the property because:

- it does not meet the heritage assessment criteria
- its gardens are not substantially original
- restrictions on the property, garden and garage would be excessive
- there are many similar properties in the area.

Council submitted that the property was found to have the necessary threshold to justify the Heritage Overlay after being assessed against the PPN1 criteria. It referred to the HO882 heritage citation which described the property as an intact example of a two-storey Moderne dwelling surrounded by what appears to be its original garden.

Ms Schmeder noted that heritage assessors conducting inspections during the study identified several mature trees in the front garden. Council explained that referencing these trees in the Heritage Overlay Schedules would not introduce additional restrictions on development. Rather, it would require a proposal to remove these elements to be subject to the notice and review provisions of the Boroondara Planning Scheme.

Council noted that the submitters did not provide examples of similar properties in the area they were referring to. It explained that the heritage citation found 171 Doncaster Road compared well with other identified examples.

Council considered the proposed Heritage Overlay Schedule controls for the trees and garage to be appropriate because they appear to be original elements.

**(iii) Discussion**

The house at 171 Doncaster Road presents itself in what appears to be its original form. The Panel agrees that the building is intact and compares well with the seven comparative examples in the heritage citation. The Heritage Overlay Schedule proposes controls for the mature cypress and cedar trees in front garden and notice and review (otherwise exempt in the parent overlay) for the front fence and garage. The Panel considers these provisions to be appropriate because the two trees, front fence and garage appear to have formed part of the house's original setting.

The Panel has already responded to how the Heritage Overlay may affect development opportunities (Chapter 4.1).

**(iv) Conclusion**

The Panel concludes that it is appropriate and justified to apply the Heritage Overlay (HO882) to 171 Doncaster Road, Balwyn North.

## Appendix A Document list

No.	Date	Description	Provided by
<b>2020</b>			
1	30 Apr	Council Part A submission	Mr Brennan
2	30 Apr	Expert report – Natica Schmeder	Mr Brennan
3	30 Apr	Expert report – Bryce Raworth (28 Leonard Street, Deepdene)	Mr Natoli
4	30 Apr	Expert report – Bryce Raworth (958a Burke Road, Deepdene)	Mr Sutton
5	6 May	Citation – 17 and 19 King Street, Balwyn	Ms Schmeder
6	6 May	Victorian Heritage Register Criteria and Threshold Guidelines, revised 2019	Ms Schmeder
7	6 May	Panel Report – Boroondara PSA C263 Part 2	Ms Schmeder
8	6 May	Panel Report – Boroondara PSA C183	Ms Schmeder
9	6 May	Council report – Adoption of Amendment Boroondara C59	Mr Brennan
10	6 May	Council Part B submission	Mr Brennan
11	8 May	Submission – Uniting Church of Australia	Mr Sutton
12	8 May	Aerial photo – subject land	Mr Sutton
13	12 May	Letter – Further information requested by the Panel, 12 May 2020	Mr Sutton
14	12 May	Property title information – Vol 04176 Fol 171	Mr Sutton
15	12 May	Plan of subdivision – LP7459	Mr Sutton
16	12 May	Submission – 28 Leonard Street owner	Mr Natoli
17	12 May	Panel Report – Moonee Valley C164	Mr Natoli
18	12 May	A Practitioner's Guide to Victorian Planning Schemes Version 1.4, April 2020	Mr Natoli
19	13 May	Council closing submission	Mr Brennan

## Appendix B Panel preferred version of the Statements of Significance

Tracked Added

~~Tracked Deleted~~

Large areas of content without changes has been removed for simplicity.

## B1 28 Leonard Street, Deepdene (HO877)

### 28 Leonard Street, Deepdene Statement of Significance

<b>Heritage Place:</b>	28 Leonard Street, DEEPDENE	<b>PS ref no:</b>	HO877
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#### What is significant?

'Mararoa', 28 Leonard Street, Deepdene, built in c.1889 for [Emma Brown and her husband dairyman James Brown](#) ~~as a dairy house~~, is significant.

The front fence is not significant. The two-storey studio and pergola, constructed at the rear of the property in 1986 and 1990 respectively, are not significant.

#### How is it significant?

'Mararoa' is of local historical significance to the City of Boroondara.

#### Why is it significant?

Historically, 'Mararoa' is a rare example of nineteenth-century development in Deepdene (formerly Balwyn) prior to the opening of the Outer Circle railway line and accompanying suburban subdivision. Built c.1889 on the Cotham Estate (1884), there are only a few houses that survive largely intact from this period in the Deepdene/Balwyn area. Its nineteenth-century origins are demonstrated by its intact Victorian-era form, including its M-hipped roof and return verandah, and details such as Italianate-style chimneys and block-fronted façade (Criterion A and B).

#### Primary source

*Balwyn Heritage Peer Review Stage 2 Background report 12 April 2019*  
*28 Leonard Street, Deepdene citation, September 2019*

This document is an incorporated document in the Boroondara Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*



## B2 958A Burke Road, Deepdene (HO884)

### 958A Burke Road, Deepdene Statement of Significance

<b>Heritage Place:</b>	958A Burke Road DEEPDENE	<b>PS ref no:</b>	HO884
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#### What is significant?

The Frank Paton Memorial Church and Hall at 958A Burke Road, Deepdene, is significant.

Significant elements of the site include the:

- Former Frank Paton Memorial Church, built 1941 by A. A. Meyer to designs by architects Scarborough, Robertson and Love, front fence to the Burke Road frontage and early garden setting including slat-glazed tile paths;
- Church hall, built in 1923 to designs by Henry Hardie Kemp;
- ~~Clay tennis courts laid out in c1924.~~

The 1945 wing abutting the rear (east) of the hall contribute to the significance ~~is a contributory element~~ of the site.

The 1950s/60s red brick additions to the north and rear (east) of the main hall building are not significant and do not contribute to the significance of the site.

#### How is it significant?

The site is of local historic, architectural (representative), aesthetic, social and associative significance to the City of Boroondara.

### Why is it significant?

The Former Frank Paton Memorial Uniting Church (1941), ~~and~~ church hall (1923) ~~and tennis courts~~ are historically significant as an important example of a Nonconformist church site developed in the City of Boroondara during the interwar era, notable for its large land size and range of facilities, serving the local community for almost 100 years. The church, opened in 1941 at Deepdene, reflects the need to meet suburban growth in that locality as significant development in the outlying areas of Boroondara, such as Balwyn and East Kew, in the interwar period saw demands for new Presbyterian churches. (Criterion A)

The church hall is historically significant having served the community for almost 100 years for various church functions and activities, including Scottish country dancing, and as a meeting place of the 2nd Deepdene Girl Guides. Shortly following its construction in 1923 it was used by many local church groups, including the Presbyterian Girls' Association, the Boys' Club, and the Young Men's class. It was also used by Presbyterian Deepdene Dramatic Club and a men's gymnastics club. It also housed the well-attended Sunday School, which had an attendance of 124 students in 1924. (Criterion A)

~~The tennis courts represent the great popularity of the game in the early 1900s in middle-class Melbourne, with tennis parties, dances and concerts being popular. Tennis was an important social activity through much of the twentieth century, which encouraged both male and female participation. Being a game popular amongst the middle class and those with private school backgrounds, there was a large number of church tennis clubs in the predominantly middle-class suburbs that now constitute the City of Boroondara. It was typical for parish churches to establish their own tennis club, complete with courts. (Criterion A)~~

...

The Former Frank Paton Memorial Church and Hall are significant for its strong and ongoing associations with the Deepdene and Balwyn community. They ~~site as a whole has~~ played an ongoing role in both the spiritual and social life of the local community since 1916, when the first timber church building was erected on the site. The hall has served the community for almost 100 years for various church functions and activities, including Scottish country dancing, and as a meeting place of the 2nd Deepdene Girl Guides. There have been long and close ties between the church and the neighbouring Deepdene State School, demonstrated by the pedestrian gateway in the boundary fence between the two properties. (Criterion G)

The Former Frank Paton Memorial Church and Hall are significant for their association with Reverend Frank Paton, who had been appointed minister to the Deepdene Presbyterian Church in 1925. Paton laid the commemorative stone tablet for the 1923 church hall and the 1941 church was named in his honour. Paton was Moderator of the Presbyterian Church in Victoria and served as the church's Foreign Mission Secretary from 1907 to 1935. He retired as minister at Deepdene in 1936 and died in 1938. (Criterion H)

### Primary source

*Balwyn Heritage Peer Review Stage 2 Background report 12 April 2019*

*958A Burke Road, Deepdene citation, September 2019*

This document is an incorporated document in the Boroondara Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

## **Appendix C Panel preferred version of the heritage citations**



## C1 28 Leonard Street, Deepdene (HO877) citation

### 'Mararoa'

Prepared by: Context

#### Address:

28 Leonard Street, Deepdene

<b>Name:</b> 'Mararoa'	<b>Survey Date:</b> October 2018
<b>Place Type:</b> Residential	<b>Architect:</b>
<b>Grading:</b> Significant	<b>Builder:</b> Not known
<b>Extent of Overlay:</b> To title boundaries	<b>Construction Date:</b> c.1889



Figure 1. View of 'Mararoa', 28 Leonard Street, Deepdene. (Source: Context, September 2017).

...

#### Statement of Significance

##### *What is Significant?*

'Mararoa', 28 Leonard Street, Deepdene, built in c.1889 for [Emma Brown and her husband dairyman James Brown](#) ~~as a dairy house~~, is significant.

The front fence is not significant. The two-storey studio and pergola, constructed at the rear of the property in 1986 and 1990 respectively, are not significant.

...

## C2 129-131 Yarrbat Avenue, Balwyn (HO880) citation

'Silver Birches' (formerly 'Hillsborough') and garden

Prepared by: Context

### Address:

129-131 Yarrbat Avenue, Balwyn

<b>Name:</b> 'Silver Birches' (formerly 'Hillsborough') and garden	<b>Survey Date:</b> October 2018
<b>Place Type:</b> Residential	<b>Architect:</b> A S and R A Eggleston.
<b>Grading:</b> Significant	<b>Builder:</b>
<b>Extent of Overlay:</b> To title boundaries	<b>Construction Date:</b> 1936



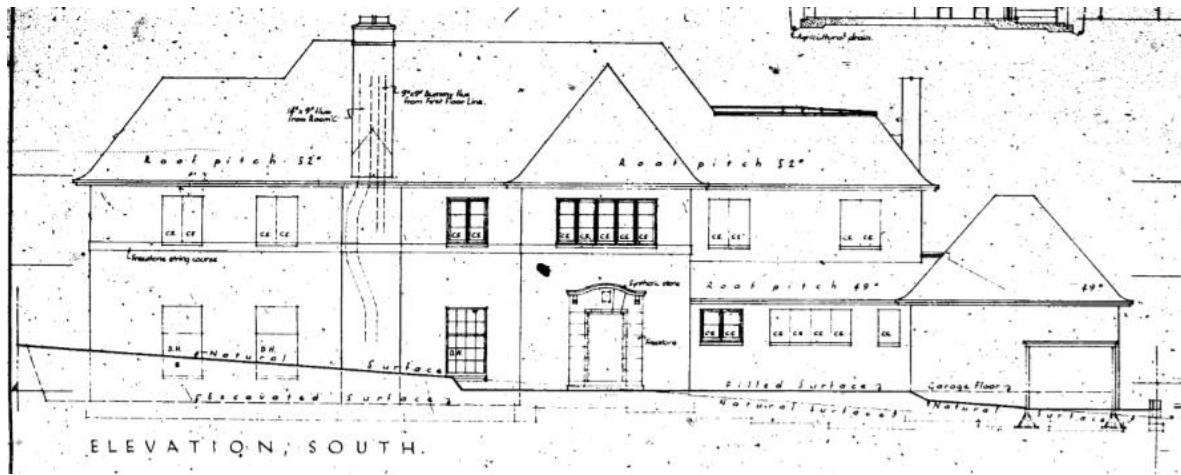
Figure 1. View of 129 Yarrbat Avenue, Balwyn. (Source: Context, November 2017)

### Historical Context

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### History

...



**Figure 3.** The principal elevation facing Yarrbat Avenue, from the original house plans. (Source: City of Camberwell Building Permit 9410, dated 8 March 1938)

**Figure 43.** Exterior views of 129 Yarrbat Avenue, 1939. (Source: *Art in Australia* 1939:74-75)

**Figure 54.** Interior views of 129 Yarrbat Avenue, 1939. (Source: *Art in Australia* 1939:75-76)

...

**Figure 65.** Edna Walling's design for the 'Silver Birches' garden for Douglas George, Yarrbat Avenue, Balwyn, 1936. (Source: Walling 1936, SLV)

...

Colin Douglas Mayes, company director, owned the property from 1971 (*Age* 11 November 1976:27; BP 1971). During his ownership, Mayes carried out several works to the house including significant additions in 1971, including the installation of a pool and change rooms, the demolition of some internal walls in the kitchen and a small extension to the family room to the east. [Further alterations included the replacement of the kitchen window along the southern \(principal\) façade of the house. This window had its sill height lowered although the head height and width of the window remained the same and the detailing \(including sill detail\) matches that of the original. The installation of the pool resulted in changes to the raised patio area across the rear of the house altering Edna Walling design to this part of the garden;](#) minor alterations and additions in 1975 that appear to be internal and connected to the basement; and bathroom alterations in 1982 (BP). [The original garage door has been replaced.](#)

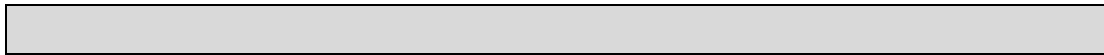
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## Description & Integrity

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**Figure 76.** The principal façade. (Source: Context 2018)

...



**Figure 87.** The bell-cast eaves to the roof of the residence and garage. (Source: Context 2018)

...



**Figure 98.** The serpentine wall and front fence, and roof of original garage. (Source: Context 2018)

'Silver Birches' is of very high integrity with very few changes to original or early elements of the place. The building retains its original building form, slate roof, original fenestrations painted brickwork, garage and most garden elements associated with the Edna Walling garden design.

The integrity of the house is greatly enhanced by the high level of intactness of these main elements, which includes details such as the slate roof, multipaned casement and double-hung windows, unpainted window sills, walls of painted brick work, entrance door surround and pediment, rendered string course, original chimney and chimney pots, the garage and elements of the Edna Walling garden including the capped sections of the front fence, curved drive wall and entrance gates, mature plantings (in particular the mature specimen Oak), and pond, low rubble stone walls and other hard landscaping features in the rear garden.

Alterations and additions made in 1971 include the installation of a pool and change rooms, the demolition of some internal walls in the kitchen and a small extension to the family room to the east. Further alterations included replacing the kitchen window along the southern (principal) façade of the house. This window had its sill height lowered although the head height and width of the window remained the same and the detailing (including sill detail) matches that of the original. The installation of the pool resulted in changes to the raised patio area across the rear of the house altering Edna Walling design to this part of the garden. The original garage door has been replaced.

These additions are not visible from the street and do not impact on the integrity of the house. The 1975 and 1982 alterations were internal.

The front driveway was originally ~~may have originally been~~ of Lilydale topping and has since been paved ~~since been replaced with concrete and tiles.~~ This is considered to be a very minor change, particularly as the drive retains its original layout as part of the landscape design by Edna Walling. Overall the form of the garden layout, including the driveway, reflects that shown in Edna Walling's design (Figure 6), with the exception of the changes made at the rear of the property to the raised patio area when the pool was installed. Required maintenance has been undertaken to the low rubble stone walls and a renewal of plantings has occurred. Other required maintenance works has included the internal resurfacing of the pond.

The large specimen Oak in the front yard is believed to be an original planting from Edna Walling's design although the slate paving at its base and adjacent steps are recent additions.

The integrity of the place is very slightly diminished by the raising of the original fence height west of the driveway pier.

...



## C3 958A Burke Road, Deepdene (HO884) citation

### Former Frank Paton Memorial Church and Hall (now Deepdene Uniting Church)

Prepared by: Context

#### Address:

958 Burke Road, Deepdene

<b>Name:</b> Former Frank Paton Memorial Church and Hall	<b>Survey Date:</b> October 2018
<b>Place Type:</b> Community	<b>Architect:</b> Henry Hardie Kemp (Hall); Scarborough, Robertson and Love (Church)
<b>Grading:</b> Significant	<b>Builder:</b> Not known (Hall); A.A. Meyer (Church)
<b>Extent of Overlay:</b> To <a href="#">the Church and Hall with curtilage</a> <b>boundaries</b>	<b>Construction Date:</b> c1922-23 (Hall); 1941 (Church)



Figure 1. View of Former Frank Paton Memorial Church at 958 Burke Road, Deepdene. (Source: Context, November 2017).

**Figure 2. View of church hall, situated to the east of the Former Frank Paton Memorial Church (Source: Context, November 2018)**

## Historical Context

...

## History

...

**Figure 4. Western elevation of the church hall built to serve the Frank Paton Memorial Church, in 1936. (Source: Hall and Loxton 1991).**

Two classrooms, built of 'fibro and tile', were added to the site in 1927 and 1929 (BP). These were most likely built for the use by the well-attended Sunday School, which had an attendance of 124 students in 1924. In 1933 the church's kindergarten building, which had been located in front of the hall, was relocated to a site at the rear (east) of the hall (BP; Hall and Loxton 1991:10). The kindergarten is not evident in the MMBW detail plan of 1926 so presumably it was erected after this date (MMBW 1926). In aerial photography from 1945, two rectangular buildings can be seen immediately to the east of the church hall (BP; Melbourne 1945).

By 1921, members of the Deepdene Presbyterian Church were competing in lawn tennis on Saturdays as part of the Presbyterian Association, but the church did not initially have its own courts for matches (*Argus*, 16 August 1921:5). [An aerial photograph dated 1931 shows t](#)~~Two tennis courts were had been~~ laid out at the eastern-most end of the site [by this time after 1923 \(Landata, Maldon Prison, Runs 5, 6, 15-17, Frame 03325\). Funds were soon put towards the construction of a third tennis court for the church tennis club, which by 1933 was described as 'very active' \(Head and Loxton 1991:6-9\). A third tennis court is shown in an aerial photograph dated 1945 \(Landata, Melbourne and Metropolitan Area Project, Project no. 5, Run 24, Frame 58946\) \(Figure 6\).](#) Tennis had experienced great popularity in the early 1900s in middle-class Melbourne, with tennis parties, dances and concerts being popular. Tennis was an important social activity through much of the twentieth century, which encouraged both male and female participation. Being a game popular amongst the middle class and those with private school backgrounds (Kinross-Smith 2005), there was a large number of church tennis clubs in the predominantly middle-class suburbs that now constitute the City of Boroondara. It was typical for parish churches to establish their own tennis club, complete with courts.

...

**Figure 5. Frank Paton Memorial Church soon after its completion in 1941. (Source: *Building and Architecture*, 24 February 1943).**

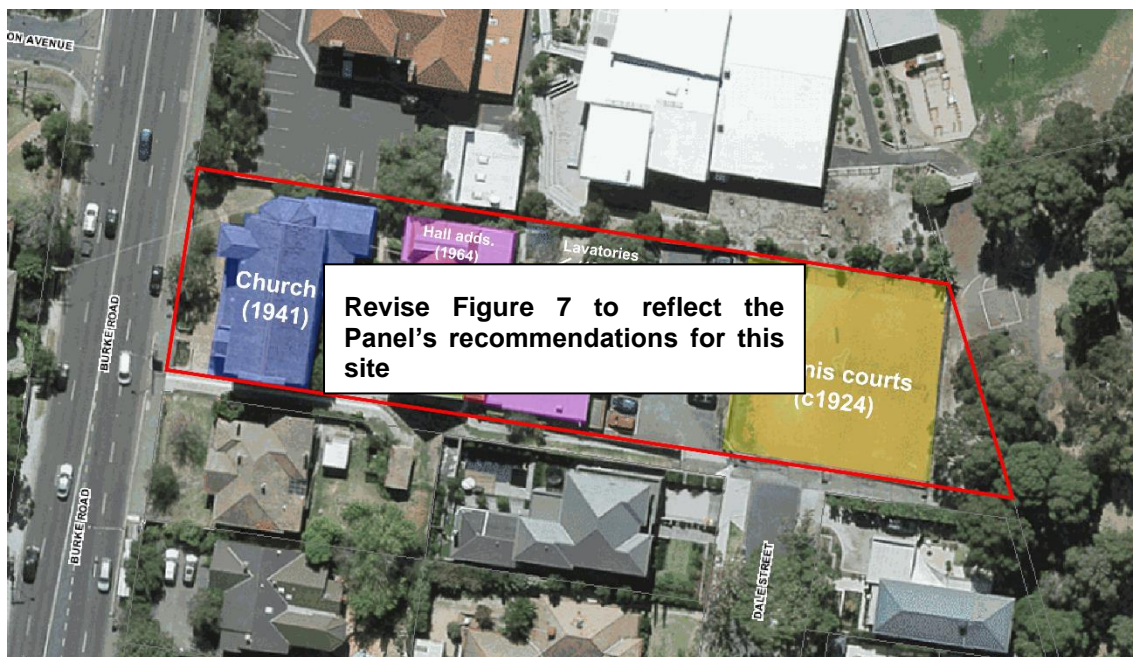
...

In 1945 a wing containing new lavatories was added to the rear (east) elevation of the church hall (BP) ([Figure 6](#)). Another new building was constructed at the rear of this in the 1950s, presumably for the kindergarten as this followed a fire in 1951 that badly damaged the existing kindergarten building (BP; *Launceston Examiner*, 23 July 1951:3). The kindergarten had a relatively large enrolment at this time, with 90 pupils in 1951 (*Herald*, 21 July 1951:3). In 1964 new building works at this site amounted to £31,500. The published history notes that these works constituted a 'renewal and extension of buildings' (Head and Loxton 1991:18). The council records notes that 'additional classrooms' were erected at a cost of £28,000

(BP), presumably for the Sunday School. Though the building permit plans for these works have been lost, it would seem most likely that the 1964 building works refer to the double-storey brick addition that was made to the northern end of the church hall, and potentially some of those made to the rear. It appears that part of the laneway that ran alongside the southern boundary of the property was acquired at some stage for the use of the church.



**Figure 6. Detail from 1945 aerial showing three tennis courts established by this time (the one closest to the hall building has since been converted to a carpark), as well as the 1945 extension at the east elevation of the hall. (Source: Landata, Melbourne and Metropolitan Area Project, Project no. 5, Run 24, Frame 58946)**



**Figure 7. Map identifying key elements of the subject site and their corresponding build dates. (Source: Vic Planning Maps 2014, Department of Environment Land Water and Planning)**

...

### Description and Integrity

The Former Frank Paton Memorial Church and Church Hall, 958A Burke Road, Deepdene, occupy a deep allotment on the eastern side of Burke Road, a major arterial road running north-south, just north of its intersection with Whitehorse Road. Moving from the west to east, the site can be seen to comprise four elements: the church building (1941), with oatmeal brick walls and a broad, low-pitched gabled roof, fronting Burke Road at the western end of the allotment; to its rear sits the large red-brick hall (1923), with a steeply-pitched gabled roof; adjoining the hall, at its east, is a flat-roofed, red-brick structure

(1950s) and small asphalted carpark; at the eastern end of the allotment are a pair of tennis courts (c19246-31) enclosed with a high cyclone fence.

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**Figure 87.** Detail of the highly decorative door portal. (Source: Context, October 2018)

**Figure 98.** View of the front garden setting with salt-glazed tile paving, and quasi-tower with expressed brickwork detailing in the slight buttressing effect. (Source: Context, October 2018)

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**Figure 109.** View of the southern elevation. (Source: Context, October 2018)

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**Figure 114.** Detail of the church hall, where the porch projects from the main hall building. (Source: Context, December 2018)

A later addition constructed in 1945, in red brick with roof of terracotta tile hipped to the rear (east) elevation of the hall building, incorporates similar detailing to that of the hall building, including exposed rafters with lambs tongue profile and similar multi-paned windows (see Figures 12 and 13). A series of later single-storey additions (1950s and 60s) abut the rear of this wing (see Figure 14). Constructed in sympathetic red brick with similar detailing and built into the sloping landscape, these additions step down considerably from the main hall building and hence have little visual impact on the building. At the north is a double-storey addition (1964), also of red brick and sympathetic overall appearance (see Figures 15 and 16).

At the rear of the site two (now clay) tennis courts laid out in c19246-31 remained ed at the time of the study.

The Former Frank Paton Memorial Church and Hall site has a high degree of integrity. The church building exhibits a high level of intactness, retaining key original elements of the place including its picturesque, asymmetrical massing, broad roof form, original pattern of fenestration and understated detailing in shallowly expressed brickwork patterns and motifs. The integrity of the place as a whole is enhanced by the retention of the church hall and tennis courts. While the church hall has later additions, they do not disrupt appreciation of its two main elevations (west and south) and have been designed sympathetically to the original architectural style and materials of the building.

**Figure 124.** View of the later additions that abut the rear (east) of the main hall building. (Source: Context, December 2018)

**Figure 134.** The wing containing lavatories constructed 1945 incorporates similar detailing to the main hall building, including red face brick and timber joinery details. (Source: Context, December 2018)

**Figure 141.** View of the 1945 addition, where the 1950s/60s extension adjoins. (Source: Context, December 2018)



Figure 1514. View of the 1964 double-storey addition looking south toward the main hall building. (Source: Context, December 2018)

Figure 1615. The 1964 addition is not overly visually intrusive when viewing the church hall from the south. (Source: Context, December 2018)

Figure 1716. Clay tennis courts laid out in c1923-30 remain at the rear of the site. (Source: Context, December 2018)

## Comparative Analysis

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## Assessment Against Criteria

Criteria referred to in *Practice Note 1: Applying the Heritage Overlay*, Department of Planning and Community Development, revised August 2018, modified for the local context.

*CRITERION A: Importance to the course or pattern of the City of Boroondara's cultural or natural history (historical significance).*

The Former Frank Paton Memorial Uniting Church (1941), and church hall (1923) and tennis courts are historically significant as an important example of a Nonconformist church site developed in the City of Boroondara during the interwar era, notable for its large land size and range of facilities, serving the local community for almost 100 years. The church, opened in 1941 at Deepdene, reflects the need to meet suburban growth in that locality as significant development in the outlying areas of Boroondara, such as Balwyn and East Kew, in the interwar period saw demands for new Presbyterian churches.

The church hall is historically significant having served the community for almost 100 years for various church functions and activities, including Scottish country dancing, and as a meeting place of the 2nd Deepdene Girl Guides. Shortly following its construction in 1923 it was used by many local church groups, including the Presbyterian Girls' Association, the Boys' Club, and the Young Men's class. It was also used by Presbyterian Deepdene Dramatic Club and a men's gymnastics club. It also housed the well-attended Sunday School, which had an attendance of 124 students in 1924.

~~The tennis courts represent the great popularity of the game in the early 1900s in middle-class Melbourne, with tennis parties, dances and concerts being popular. Tennis was an important social activity through much of the twentieth century, which encouraged both male and female participation. Being a game popular amongst the middle class and those with private school backgrounds, there was a large number of church tennis clubs in the predominantly middle-class suburbs that now constitute the City of Boroondara. It was typical for parish churches to establish their own tennis club, complete with courts.~~

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## Statement of Significance

*What is Significant?*

The Former Frank Paton Memorial Church and Hall at 958A Burke Road, Deepdene, is significant.

Significant elements of the site include the:

- Former Frank Paton Memorial Church, built 1941 by A. A. Meyer to designs by architects Scarborough, Robertson and Love, front fence to the Burke Road frontage and early garden setting including slat-glazed tile paths;
- Church hall, built in 1923 to designs by Henry Hardie Kemp;

● ~~Clay tennis courts laid out in c1924.~~

The 1945 wing abutting the rear (east) of the hall contribute to the significance ~~is a contributory element~~ of the site.

The 1950s/60s red brick additions to the north and rear (east) of the main hall building are not significant and do not contribute to the significance of the site.

*How is it significant?*

The site is of local historic, architectural (representative), aesthetic, social and associative significance to the City of Boroondara.

*Why is it significant?*

The Former Frank Paton Memorial Uniting Church (1941), and church hall (1923) ~~and tennis courts~~ are historically significant as an important example of a Nonconformist church site developed in the City of Boroondara during the interwar era, notable for its large land size and range of facilities, serving the local community for almost 100 years. The church, opened in 1941 at Deepdene, reflects the need to meet suburban growth in that locality as significant development in the outlying areas of Boroondara, such as Balwyn and East Kew, in the interwar period saw demands for new Presbyterian churches. (Criterion A)

The church hall is historically significant having served the community for almost 100 years for various church functions and activities, including Scottish country dancing, and as a meeting place of the 2nd Deepdene Girl Guides. Shortly following its construction in 1923 it was used by many local church groups, including the Presbyterian Girls' Association, the Boys' Club, and the Young Men's class. It was also used by Presbyterian Deepdene Dramatic Club and a men's gymnastics club. It also housed the well-attended Sunday School, which had an attendance of 124 students in 1924. (Criterion A)

~~The tennis courts represent the great popularity of the game in the early 1900s in middle-class Melbourne, with tennis parties, dances and concerts being popular. Tennis was an important social activity through much of the twentieth century, which encouraged both male and female participation. Being a game popular amongst the middle-class and those with private school backgrounds, there was a large number of church tennis clubs in the predominantly middle-class suburbs that now constitute the City of Boroondara. It was typical for parish churches to establish their own tennis club, complete with courts. (Criterion A)~~

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## Grading and Recommendations

Recommended for inclusion in the Schedule to the Heritage Overlay of the Boroondara Planning Scheme as an individually Significant place.

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Boroondara Planning Scheme:

<b>External Paint Colours</b> <i>Is a permit required to paint an already painted surface?</i>	No
<b>Internal Alteration Controls</b> <i>Is a permit required for internal alterations?</i>	No
<b>Tree Controls</b> <i>Is a permit required to remove a tree?</i>	No
<b>Victorian Heritage Register</b> <i>Is the place included on the Victorian Heritage Register?</i>	No

<b>Incorporated Plan</b> <i>Does an Incorporated Plan apply to the site?</i>	No
<b>Outbuildings and fences exemptions</b> <i>Are there outbuildings and fences which are not exempt from notice and review?</i>	Yes—front fence—and <del>tennis courts</del>
<b>Prohibited uses may be permitted</b> <i>Can a permit be granted to use the place for a use which would otherwise be prohibited?</i>	No
<b>Aboriginal Heritage Place</b> <i>Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?</i>	No

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### References

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Kinross-Smith, Graeme 2005. 'Tennis' in Andrew Brown-May and Shurlee Swain (eds), *The Encyclopedia of Melbourne*. Cambridge University Press, Melbourne: 715-16.

[Landata, Historical Aerial Photography, as cited.](#)

*Launceston Examiner*, as cited.

Lewis, Miles (Ed) 1991, *Victorian Churches; Their origins, their story & their architecture*, National Trust of Australia (Victoria), Melbourne.

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## C4 Angle Road Precinct (HO885) citation

### Angle Road Precinct

Prepared by: Context

**Address:** 1–13 & 2–10 Angle Road, Deepdene

<b>Name:</b> Angle Road Precinct	<b>Survey Date:</b> September 2018
<b>Place Type:</b> Residential	<b>Architect:</b>
<b>Grading:</b> Significant	<b>Builder:</b> George William Simpson (attributed)
<b>Extent of Overlay:</b> See precinct map	<b>Construction Date:</b> c1922-1925



### Historical Context

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### History

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### Description & Integrity

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### 9 Angle Road (c1922) – Contributory



Figure 7. 9 Angle Road. (Source: Context 2018)

A substantial brick and roughcast Californian Bungalow, its main street-facing gabled roof form incorporating an intersecting transverse gable to the principal façade, both tiled in terracotta and resting on exposed rafters. It is similar in composition to number 1. The house retains one brick chimney. The gable ends incorporate panel board and timber strapping, with a tripartite window to the street-facing gable. The southern declivity of the transverse gable extends to cover the front porch, supported by simple timber posts atop clinker brick piers. ~~The fretwork to the porch consists of straight timber slats with an Art Nouveau motif.~~ The clinker brick balustrading to the porch has small rectangular voids and is topped with exposed red brick capping. Red brick bullnose steps to the porch are flanked with squat clinker piers to match the balustrading, though the capping is cement-rendered. Walls are red brick to sill height with roughcast render above, and clinker brick to the base of the tripartite box window. ~~The house retains double-hung timber-framed windows with leaded upper sashes to the principal façade, and a timber front door with narrow timber-panelled, leaded sidelight and rectangular leaded fanlights. An early brick garage with a transverse gabled roof, constructed in 1930, adjoins the western elevation.~~ Alterations to the dwelling made during works carried out in the 1980s, 1990s and 2000s are considered to be generally sympathetic. These include the replacement (in-kind) of timber strapping to the front gable and installation of entry door with leadlight detailing, and the addition of the tripartite window to the street-facing gable, French doors opening onto the front porch replacing original sash windows, Art Nouveau-style timber fretwork added to the front porch, and a garage.

Rear ~~A~~ additions carried out in the 1980s are not visible from the public domain.

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### 12 Angle Road – Non-contributory

Contemporary residence constructed in 2016, which replaced an interwar bungalow erected in 1922 and early garage built in 1929.

The Angle Road precinct has good integrity, with few changes visible to original or early elements of the houses. Overall, the visual cohesion is strong, and most dwellings are largely intact, each retaining key details characteristic of the interwar bungalow style. Most of the contributory dwellings retain intact fenestration and original timber window treatments. While some of the contributory dwellings have been altered (replacement of some windows, loss of chimney or verandah detailing), have a visible addition (second-storey to numbers 6 and 8, dormers to numbers 2 and 4, porch infill to number 11 and carport to number 6), or later garage (~~1, and 3~~ and 9), constructed in a similar style to the house, the original style and form of the dwellings remain legible. Visual consistency is achieved by the consistent front setbacks and use of similar form, materials and details among the dwellings.

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