

URBAN PLANNING DELEGATED COMMITTEE

MINUTES

(Open to the public)

Monday 16 August 2021

Online - Delivered via Webex Events.

Commencement 6.31pm

Attendance

Councillor Jim Parke (Chairperson)
Councillor Garry Thompson (Mayor)
Councillor Felicity Sinfield
Councillor Victor Franco
Councillor Wes Gault
Councillor Di Gillies
Councillor Lisa Hollingsworth
Councillor Jane Addis
Councillor Cynthia Watson
Councillor Susan Biggar
Councillor Nick Stavrou

Apologies Nil

<u>Officers</u>	Phillip Storer Nick Lund Daniel Freer David Thompson Simon Mitchell	Chief Executive Officer Acting Director Urban Living Director Places & Spaces Manager Governance and Legal Manager Strategic and Statutory Planning
	Seuna Byrne Jim Hondrakis Robert Costello Cael Leskovec Kirstin Ritchie Elizabeth Manou Helen Pavlidis	Principal Planner Manager Traffic & Transport Senior Project Planner Strategic Planner Coordinator Governance Senior Governance Officer Senior Governance Officer

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1. Adoption and confirmation of the minutes

MOTION

Moved Councillor Thompson

Seconded Councillor Hollingsworth

That the minutes of the Urban Planning Delegated Committee meeting held on 5 July 2021 be adopted and confirmed.

CARRIED

2. Declaration of conflict of interest of any councillor or council officer

The Mayor, Councillor Thompson - Refer to Item 3.2 - 1-12 Bills Street Hawthorn.

3. Presentation of officer reports

3.1 1 Cooloongatta Road, Camberwell - Preliminary Consultation Outcomes

Council received a planning application (Planning Permit Application PP20/0506) to redevelop 1 Cooloongatta Road, Camberwell in June 2020 for the construction of two (2), three-storey buildings above basement car parking, comprising forty-five (45) apartments, three (3) double storey dwellings and a front fence greater than 1.5 metres in height. The property had previously been assessed but was not recommended for heritage protection at the time.

In response to information supporting heritage protection submitted by community members, officers commissioned Heritage Alliance to assess the information and heritage significance of the property. A draft heritage citation has been prepared by the heritage consultant which identifies the property as an individually significant heritage place. Council's heritage consultant has concluded that the place is of historical significance for its association with the post-war boom in flat construction (Criterion A), its representativeness of post-war flats in a garden setting (Criterion D) and its aesthetic significance as suburban-sensitive, modernist design (Criterion E).

Officers undertook preliminary consultation on the draft heritage citation from 10 May 2021 to 24 May 2021. A total of 236 submissions were received. Of these, 232 were in support of the draft citation recommendations while four (4) opposed the recommendation to include the property in a Heritage Overlay. A summary of each submission and officer response is provided in **Attachment 1**.

The draft heritage citation has been updated to reflect the changes recommended by the heritage consultant following the preliminary consultation process and is contained at **Attachment 2**.

Officers recommend the UPDC adopt the citation as provided at **Attachment 2** and seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to introduce a Heritage Overlay to the subject site on a permanent basis.

10 speakers in support of the officers' recommendation addressed the meeting.

MOTION

Moved Councillor Hollingsworth

Seconded Councillor Franco

That the Urban Planning Delegated Committee resolve to:

- 1. Receive and note the feedback received and outcomes of the preliminary consultation process undertaken on the draft citation for *Kaydon Court Flats*, 1 Cooloongatta Road, Camberwell.**
- 2. Endorse the officers' response to the preliminary feedback received and recommended changes to the draft citation for *Kaydon Court Flats*, 1 Cooloongatta Road, Camberwell outlined in Attachment 1 (as annexed to the minutes).**
- 3. Adopt the heritage citation for *Kaydon Court Flats*, 1 Cooloongatta Road, Camberwell contained in Attachment 2 (as annexed to the minutes).**
- 4. Write to the Minister for Planning to request authorisation to prepare an amendment to the Boroondara Planning Scheme in accordance with Section 4B and 8A(4) of the *Planning and Environment Act 1987* to include *Kaydon Court Flats*, 1 Cooloongatta Road, Camberwell in the Heritage Overlay.**
- 5. Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the *Planning and Environment Act 1987*.**
- 6. Authorise the Director Urban Living to undertake administrative changes to the amendment that do not change the intent of the amendment or any changes required under the Minister for Planning's Authorisation prior to the commencement of exhibition.**

CARRIED

3.2 1-12 Bills Street Hawthorn

Proposal

Planning Scheme Amendment VC190 facilitates development forming part of Victoria's Big Housing Build, by enabling the developments to be undertaken without requiring a planning permit. Big Housing Build developments are required, instead, to respond to the standards set out in Clause 52.20. The planning scheme amendment also made the Minister for Energy, Environment and Climate Change the responsible authority for these developments, rather than Council.

Council has been invited to comment on a proposal by Homes Victoria to redevelop the former Bills Street, Hawthorn public housing estate with a development of 206 apartments, spread across six buildings, ranging between 3-7 storeys.

A total of 103 social housing apartments would be provided, together with 103 affordable housing apartments. The land is to remain entirely in government ownership.

The following officer's report undertakes an assessment of documents prepared on behalf of Homes Victoria in accordance with standards set out in Clause 52.20 of the Boroondara Planning Scheme. These documents are to be submitted to the Minister for Energy, Environment and Climate Change (via DELWP) for approval.

Once approved, Homes Victoria will be entitled to commence redevelopment of the Bills Street estate at 1-12 Bills Street, Hawthorn.

Issues

The following are key concerns in respect of this proposal:

- A number of standards set out in Clauses 52.20-6 and 52.20-7 have not been satisfied;
- Insufficient detail is provided in the documents to adequately demonstrate compliance with some standards in Clauses 52.20-6 and 52.20-7;
- The development fails to incorporate a community room, which is vital for the successful integration of residents with the broader community, and reneges on a commitment given by DHHS;
- Replacement of the Robinson Road car park is not proposed as part of the project, however Homes Victoria has commenced engagement with officers on replacement options utilising Council-owned land. These options are reviewed in a separate report to Council's Services Delegated Committee;
- Increased traffic generated by the development warrants modifications to the intersection of Bills Street and Auburn Road, including the creation of dedicated left and right-turn lanes and the potential introduction of traffic signals;
- Insufficient onsite car parking provision;
- The scale, siting and massing of Building A will have a detrimental impact on the amenity of the dwellings at Nos. 3/5 and 7 Burgess Street due to excessive visual bulk, overlooking and overshadowing;
- Whether the scale and siting of Building C is acceptable with regard to its impact on the amenity of Patterson Reserve. This is substantially dependent on whether Council's Services Delegated Committee resolves to authorise officers to enter into an agreement with Homes Victoria whereby the authority constructs a public car park for use by Council within Patterson Reserve, between the hockey field and velodrome;
- To embed ongoing public rights of access, an easement-in-gross for right of way should be applied to the western end of Bills Street (for its entire realigned length as it passes through the site) and over the publicly accessible spaces to the east and west of Building A;
- The development is required to respond to the standards set out in Clauses 52.20-6 and 52.20-7, however it fails to comply with a number of standards.
- More information is required to be added to the plans, to clearly demonstrate compliance achieved.

Officer's response

There is widespread non-compliance with the internal amenity standards relating to accessibility and functional layout (minimum living room dimensions).

If the Better Apartment Design Standards (which much of Clause 52.20 is based on) is the Government's own benchmark for minimum acceptable internal amenity, the proposed apartment layouts categorically fail to deliver reasonable standards of living for the new residents.

It is proposed to write to DELWP, Homes Victoria, the Office of the Victorian Government Architect and the Minister for Energy, Environment and Climate Change to inform them of the shortcomings of the proposal.

The Mayor, Councillor Thompson declared a Material Conflict of Interest in Item 3.2 - 1-12 Bills Street Hawthorn in accordance with section 128 of the Local Government Act 2020 and the Governance Rules. Councillor Thompson advised the nature of the interest was "I am a Director of a Company, where my Company is a Panel Consultant to Homes Victoria. The item under consideration relates to a matter where the material interest is held by Homes Victoria as one party to the outcome of the decision".

The Mayor, Councillor Thompson left the Council Chamber at 7.28pm prior to the consideration and vote on this item.

*7 speakers opposed to the officers' recommendation addressed the meeting.
2 speakers in support of the officers' recommendation addressed the meeting.
1 submitter opposed to the officers' recommendation chose not to address the meeting.*

MOTION

Moved Councillor Biggar

Seconded Councillor Hollingsworth

That the Urban Planning Decision Committee resolves to authorise officers to prepare and send letters to Homes Victoria, the Department of Environment, Land, Water and Planning, the Office of the Victorian Government Architect, the Minister for Energy, Environment and Climate Change and John Kennedy MP, Member for Hawthorn advising that:

- 1. The development fails to satisfy the applicable standards in Clause 52.20, as follows:**
 - **Clause 52.20-6.1 Infrastructure - modifications are required to the road carriageway of Bills St to support dedicated left and right-turn lanes;**
 - **Clause 52.20-6.1 Infrastructure - modifications are required to the design of Building A and the area to its south, to ensure no adverse overland flow effects;**
 - **Clause 52.20-6.2 Street setback - the limited setbacks, extent of hard-stand area and the consequential lack of deep soil planting areas in the western setbacks of Buildings C and E/F is an unacceptable design response;**

- **Clause 52.20-6.4 Safety** - The entrance to Building C from Bills St and the entrance to Building E from Robinson Rd require redesign to ensure they positively contribute to street activity and are not isolated or concealed;
- **Clause 52.20-6.4 Safety** - An easement-in-gross for right of way should be created over the western end of Bills Street, and over the publicly accessible areas to the east and west of Building A;
- **Clause 52.20-6.5 Access** - Vehicle access to the western end of Bills Street must be restricted to emergency vehicle access, only;
- **52.20-6.7 Car parking** - If a community room is incorporated into the development, it should be allocated at least one car space. It is considered overall onsite parking provision is insufficient to meet demand;
- **Clause 52.20-6.7 Accessway design** - cross-sections of all basement entrances must be provided, demonstrating the standard is met and demonstrating adequate height clearance is available at all waste bin loading zones, as recommended in the Waste Management Plan;
- **Clause 52.20-6.7 Car parking spaces** - the plans contain insufficient dimensions of car spaces and access aisles to demonstrate they comply with the standard;
- **Clause 52.20-6.7 Gradients** - the plans contain insufficient detail of basement ramp and transition grades to demonstrate they comply with the standard;
- **Clause 52.20-6.7 Safety** - no detail of internal lighting is provided, demonstrating it complies with the standard;
- **Clause 52.20-6.7 Safety** - no details of proposed directional signage is provided, demonstrating it complies with the standard;
- **Clause 52.20-6.7 Safety** - the layout of the pedestrian entrance to Building C from Bills Street is too discrete, encircled by balcony and planter infrastructure, so has poor connections with, and visibility from, the public realm;
- **Clause 52.20-6.7 Safety** - the Lower Ground 2 south-west entrance to the car park in Building C is circuitous and opens into a space encircled by storage cubicles. The airlock is also proximate to bedrooms in Apartments C-LG202 and C-LG203, which may be a source of disruptive noise. The airlock should be shifted further north and swapped with the storage spaces, locating it closer to the lift core/entry foyer;
- **Clause 52.20-6.7 Landscaping** - the extent of hard paving in the western setback of Buildings C and E/F, facing Robinson Road, is at odds with the low-scale, leafy character of the street and cause the buildings to be unreasonably imposing in the streetscape;
- **Clause 52.20-6.12 Overshadowing open space** - it appears Building A would cast increased shadow over the rear yards of Nos. 3/5 and 7 Burgess St, potentially causing the extent and duration of shadow over 3/5 Burgess Street to be non-compliant;
- **Clause 52.20-6.13 Overlooking** - All south-facing balconies and habitable room windows in Building A should incorporate privacy screening;
- **Clause 52.20-6.17 Solar access to open space** - the north-facing Ground Floor apartments in Buildings A, B and C will be unreasonably overshadowed by buildings E, F and G;
- **Clause 52.20-6.18 Storage** - Only a handful of apartments are provided with separate secure storage. All dwellings should have convenient access to at least 6 cubic metres of externally accessible, secure storage space;

- **Clause 52.20-6.21 Site services** - more information is required on the elevations to demonstrate the material/finish proposed for the site service cupboard doors is integrated with the balance of the building in which they are located;
- **Clause 52.20-7.1 Energy efficiency** - the amenity and energy efficiency of some north-facing apartments is compromised by the extent and duration of overshadowing from the height and continuous alignment of the northern street wall;
- **Clause 52.20-7.4 Deep soil areas and canopy trees** - inadequate deep soil planting opportunities are incorporated into the Robinson Road setback of Buildings C and E/F;
- **Clause 52.20-7.6 Building setback** - Having undertaken a detailed review of the site context in preparing Council's adopted UDF and now having reviewed the application material, Council's Urban Designer has formed the expert view the development fails to appropriately respond to the urban context in three key respects:
 - i. The scale and massing of Building A, where it interfaces with Burgess Street properties. Level 2 (the fourth floor) should be deleted in its entirety and increased articulation and mass-modulation be introduced to the southern elevation of the remnant building form.
 - ii. The continuous, uninterrupted street wall along the northern side of Bills Street will degrade the amenity of the public realm due to excessive overshadowing and visual bulk. Analysis also reveals the northern street wall will unreasonably overshadow north-facing apartments in Buildings A, B and C. The northern street wall should be decreased in height between Buildings E/F and F/G and the southern setback of Levels 5 and 6 of Building G should be increased.
 - iii. The limited setbacks and scarcity of deep soil planting opportunities along the Robinson Road and Patterson Reserve interfaces (Buildings C and E/F) fail to respect the sensitive interface. Variation in the building alignment is required, to create opportunities for deep soil planting.
- **Clause 52.20-7.6 Building setback** - The siting of Building A results in direct views from the new apartments into the rear yards of 3/5 and 7 Burgess Street;
- **Clause 52.20-7.7 Noise impacts** - the bedroom of Apartment F-G01 in Building F directly abuts the wall of the substation;
- **Clause 52.20-7.7 Noise impacts** - Apartment F-G01 in Building F, Building C Lower Ground 2 airlock, Apartment C-LG201 and Building A roof terrace;
- **Clause 52.20-7.7 Noise impacts** - double glazing (or better) with commercial-grade seals should be used for all apartments with an outlook over the hockey field;
- **Clause 52.20-7.8 Accessibility** - The architects' plans contain mis-statements with regard to the level of compliance achieved. Enlarged, dimensioned floor plans of each unique apartment layout must be provided, to demonstrate compliance with the standard is achieved. The architect appears to pick and choose between elements in the Option A and Option B bathroom designs. An accessible apartment must satisfy all of the requirements of either Option A or Option B, not a hybrid.

- **Clause 52.20-7.9 Building entry and circulation - Modifications to the layout of the entrance of Building C to Bills St and Building E from Robinson Road are recommended;**
 - **Clause 52.20-7.9 Building entry and circulation - An openable window is required for the Ground Floor communal corridor of Building A;**
 - **Clause 52.20-7.10 Private open space - the architects' plans contain mis-statements with regard to the level of compliance achieved and errors in the annotated area and dimension of some balconies. Balcony area and dimensions should be taken from the outside wall of the building, to the inside of the balcony balustrade.**
 - **Clause 52.20-7.13 Functional layouts - 1-bed apartments are to have living areas with min. dimensions of 3.3m x 3.3m. 2-bed and 3-bed apartments are to have living areas with min. dimensions of 3.6m x 3.6m.**
 - **Clause 52.20-7.17 Integration with the street - the quality of the public realm in the western end of Bills Street is substantially degraded as a consequence of the extent and duration of overshadowing cast by the northern street wall.**
 - **Clause 52.20-7.17 Integration with the street - the development achieves a high level of street activation, with the exception of Building C, where it faces Bills Street.**
- 2. Insufficient information is provided to demonstrate all of the standards set out in Clause 52.20-6 and Clause 52.20-7 are met. The following details must be added to the plans:**
- **Dimensions of all accessway widths, demonstrating they comply with Clause 52.20-6.7;**
 - **Cross-sections of all basement ramps, demonstrating they comply with Clause 52.20-6.7;**
 - **Dimensions of the passing areas at all car park entrances, demonstrating they comply with Clause 52.20-6.7;**
 - **Dimensions of all corner splay areas at all car park entrances, demonstrating they comply with Clause 52.20-6.7;**
 - **Dimensions of car spaces and access aisle widths, demonstrating they comply with Clause 52.20-6.7;**
 - **Dimensions of the setback of columns adjacent to car spaces, demonstrating they comply with Clause 52.20-6.7;**
 - **Dimensions of all disabled parking spaces, the adjacent access aisle width and an annotation of the height clearance above, demonstrating they all comply with Clause 52.20-6.7;**
 - **Enlarged (1:100) shadow diagrams, for the hours of 9am-3pm at the September Equinox, examining the extent and duration of shadows cast by the development over the secluded private open space (SPOS) of 3/5 Burgess Street, including:**
 - i. **An accurate depiction of the location and height of the existing northern boundary fence of 3/5 Burgess St;**
 - ii. **An accurate depiction of the area of SPOS at 3/5 Burgess St, which for the purposes of shadow analysis excludes that part of the yard with a width less than 3.0m;**
 - iii. **Analysis of the extent of existing shadows cast over the SPOS (area in sqm, min. 3.0m in width) at each hour between 9am-3pm, and comparison analysis of the proposed extent of shadows;**
 - **Enlarged, dimensioned sections of all proposed privacy screens, demonstrating they consist of max. 25% openings, are fixed, and have a minimum height of 1.7m above finished floor level;**

- **The South Elevation of Building G amended to identify the material the service cupboard doors are to be clad with. It is recommended they be clad using a material found in the material palette of Building G (such as “MT12”, lightweight metal cladding with recessed joints in Colorbond colour “Monument”), to ensure the cabinets are integrated with the balance of the building.**
 - **An Acoustic Report, demonstrating compliance with Clause 52.20-7.7 (Noise impacts). It is understood a report has been prepared, however it was not included in the package of documents provided to Council. Any report must demonstrate the southern façade of Building B, the southern and western facades of Building C, and the southern and western facades of Building E/F are designed to comply with the standard, as they have direct line of sight to the noise source (the Monash Freeway). The floor plans and elevations should be amended to detail any specific requirements in the approved Acoustic Report.**
 - **Enlarged, annotated and dimensioned plans of all unique apartment layouts, demonstrating compliance with the accessibility, open space, storage, functional layout, room depth, windows and natural ventilation standards.**
 - **An annotation should be added to all floor plans, requiring that cooling and heating units are not to be located on balconies (otherwise the balconies will be of insufficient area to comply with Clause 52.20-7.10 Private open space).**
 - **For those apartments relying on basement storage to achieve compliance with Clause 52.20-7.11 Storage, the plans should be annotated to note the capacity of the storage space and to identify which apartment it is allocated to, to demonstrate compliance.**
 - **All 1-bedroom apartments demonstrated to have a living area with minimum dimensions of 3.3m x 3.3m (clear of the kitchen and dining area);**
 - **All 2 and 3-bedroom apartments demonstrated to have a living area with minimum dimensions of 3.6m x 3.6m (clear of the kitchen and dining area);**
 - **Demonstration that all habitable and non-habitable areas in Buildings A and B have finished floor levels and minimum opening levels (air intakes, etc.) necessary to ensure they will not be subject to inundation in overland flow events;**
 - **A Tree Management Plan is required which must include site specific details about how Trees 2, 37 - 78 will be protected.**
- 3. The failure to incorporate a community room in the project reneges on a commitment given to Council and the community by the former DHHS. Inclusion of a community room to facilitate community connection is consistent with the Victorian Government’s focus on recognising ‘people at the centre’ of the 10-Year Strategy for Social and Affordable Housing. A community room should be integrated in the Ground Floor of Building A, and should contain the facilities recommended by Council’s Community Planning and Development Department.**
- 4. Increased traffic volumes generated by the development warrants modifications to the intersection of Bills Street and Auburn Road, including the creation of dedicated left and right-turn lanes and the potential introduction of traffic signals.**

5. The scale, siting and massing of Building A will have a detrimental impact on the amenity of the dwellings at Nos. 3/5 and 7 Burgess Street due to excessive visual bulk, overlooking and, at 3/5 Burgess St, overshadowing.
6. The layout of Building C must be modified to remove all buildings and works from the Tree Protection Zone of Tree No. 37, to enable Council to retain the tree and proceed with a modified version of Option 2 for the replacement of the Robinson Road car park.
7. To embed ongoing public rights of access, an easement-in-gross for right of way should be applied to the western end of Bills Street (for its entire realigned length as it passes through the site) and over the publicly accessible spaces to the east and west of Building A.
8. Trees 7-11 along the southern boundary should be retained and an alternative solution to the proposed installation of underground services in this area further investigated.
9. Further modifications to the design of Building A and the area to its south, including proposed tree planting, are required to ensure no adverse effects from overland flow in accordance with the advice from Council's Asset and Capital Planning Department. The proposed compensatory tree planting along the southern boundary is not supported as planting directly within the easement and above the underground services has potential to cause future issues of damage that would necessitate tree removal. The proposed tree planting in close proximity to above ground structures is not supported as it is highly likely to cause future issues of damage that would necessitate tree removal. All replacement trees should be planted a minimum horizontal distance of 2 metres from below and above ground structures and in locations that will allow their mature canopy dimensions (height and width) to be achieved.
10. Tree planting is proposed less than 1.0m from above ground structures and will have a propensity to cause issues of ongoing damage.
11. The proposed planting of large (>20m mature height) trees species such as *Corymbia citriodora* (Lemon Scented Gum) and *Corymbia maculata* (Spotted Gum) is likely to result in ongoing issues of damage with surrounding structures due to the proximity of paving, retaining walls, buildings etc.; and the proposed planting of medium sized tree species such as *Melia azedarach* (White Cedar) is likely to cause ongoing issues of damage with surrounding structures and issues of nuisance due to their seasonal leaf, fruit and flower fall.
12. Vehicle access along the western end of Bills Street must be restricted to emergency vehicles, only.
13. The development must be redesigned to enable street tree Nos. 33 and 34, in Robinson Road, to be retained.
14. To achieve genuine integration and a 'tenure-blind' outcome, social and affordable apartments should be randomly distributed throughout all buildings, rather than segregated into separate buildings.

15. **Notwithstanding the rates set out in Clause 52.20, insufficient parking is provided for residents and visitors.**
16. **Changes to the service frequency and route of bus route No. 624 should be explored with the Head, Transport for Victoria, to provide improved public transport access for new residents.**
17. **That the Minister be advised there is no basis under Clause 52.20 of the Boroondara Planning Scheme for the confined scope of consultation carried out by Homes Victoria and that the matters raised by Council in this submission which go beyond those matters Council was invited by Homes Victoria to address must be fairly and reasonably considered before a decision is made.**
18. **That the Office of the Victorian Government Architect (OVGA) be advised of Council's disappointment of their support for the proposal, via the OVGA's Victorian Design Review Panel, given the high levels of non-compliance with the internal amenity standards set out in Clause 52.20 of the Boroondara Planning Scheme.**
19. **At least 80 apartments in the development should be allocated for occupation by at-risk women, in recognition of the contribution and intended purpose of land forming part of the subject site, gifted by the former City of Hawthorn.**

CARRIED

The Mayor, Councillor Thompson re-entered the meeting at 8.51pm

4. General business

Nil

5. Urgent business

Nil

6. Confidential business

Nil

The meeting concluded at 8.52pm

Confirmed

Chairperson

Date

MINUTES ATTACHMENTS



Urban Planning Delegated Committee

Monday 16 August 2021

Attachments as annexed to the resolution:

- 3.1 1 Coo loongatta Road, Camberwell - Preliminary Consultation Outcomes

Supporting Submissions

Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
1, 6, 9, 13	Yes	<p>The submitters all made consistent submissions in support of the recommendation to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> • The place was designed by Mussen, Mackay & Potter who were important architects and engineers, who have a number of places already heritage listed and were associates of mid-century architects Roy Grounds and Robin Boyd. • The place is well-designed and a pleasant place to live. • The place is unusual for its time. • The place represent the history of the development of Camberwell's built environment. • The owner and developer of the site, Mr Gilmour, who lived on site was also a person who had a long term impact on Victoria's business and economic development at the time, as well as being a person who carried out much community work. • The place today provides highly liveable, well designed, moderate rental apartments in a pleasant garden setting, which seems to make them even more important to retain as early examples of affordable, sustainable homes. 	Officers note the supporting submission.	No change recommended.

Note: All submissions have been numbered in chronological order from the date received by Council.

Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
2, 39, 40	Yes	<p>The submitters support the recommendation to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> • The place is of period/historical significance. • The place is in keeping with the street and the area. 	Officers note the supporting submission.	No change recommended.
5, 37	Yes	<p>The submitters support the recommendation to include Kaydon Court Flats in the Heritage Overlay for the following reason:</p> <ul style="list-style-type: none"> • The place is of importance to the course, or pattern, of the City of Boroondara's cultural or natural history. 	Officers note the supporting submission.	No change recommended.
7	Yes	<p>The submitter supports the recommendation to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> • The place is an unusual and unique place to live. • The place was developed before the Strata Titles Act. • The place includes unique features such as tiling detail and is set in a spacious garden environment. • The place was developed by Stanley Gilmour OBE. • The place had the goal to provide affordable rental options. 	Officers note the supporting submission.	No change recommended.

Note: All submissions have been numbered in chronological order from the date received by Council.

Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
8	Yes	<p>The submitter supports the recommendation to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> • Current and future residents of this area have the right to benefit from the layers of history at their doorstep, it's one of the characteristics of Camberwell that make the area a pleasure to live in. • Architecture from this post-war period offers important insights to the ways people lived and aspired to live at this time. Future architects and historians may draw upon these buildings to better inform their understanding of post-war architecture and the cultural project of Australian nation building after the Second World War • The place's modernist architecture serves us as an example of how affordable, sustainable homes were then conceived, and may yet serve as a model for building with aesthetic restraint and social consciousness for future development. • It is in our community's greater interest, today and tomorrow, to preserve the past that lives on in these buildings than it does to erase them. 	Officers note the supporting submission.	No change recommended.
10	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flays in the Heritage Overlay for the following reasons:</p>	Officers note the supporting submission.	No change recommended.

Note: All submissions have been numbered in chronological order from the date received by Council.

Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
		<ul style="list-style-type: none"> The place is certainly post war and deserves protection. The place is 70 years old and in very good order and surrounded by a large area of land. We must protect Camberwell and the whole of Boroondara from over development. 		
11	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is of post-war architectural significance, designed by architects of note. The place was designed within a garden setting The place is of historical significance. The place is designed by important architects and engineers who have a number of buildings already included on the State heritage register. 	Officers note the supporting submission.	No change recommended.
14, 18, 21, 22, 23, 27, 32, 60, 61, 67	Yes	The submitters support the recommendations to include Kaydon Court Flats in the Heritage Overlay but did not provide any further supporting information.	Officers note the supporting submission.	No change recommended.
15	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is designed within a garden setting. 	Officers note the supporting submission.	No change recommended.

Note: All submissions have been numbered in chronological order from the date received by Council.

Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
		<ul style="list-style-type: none"> Much of the City's architecture is being replaced by 'faux Georgian/Provincial styles' with no green space. 		
16	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is of interesting historical value <p>The submitter wants to ensure that the garden setting is preserved, as it is a fine, rare example of this type of mid-century architecture.</p>	<p>Officers note the supporting submission.</p> <p>Officers referred the submission to Council's heritage consultant.</p> <p>Council's heritage consultant noted that the statement of significance already recognises the generous garden landscape surrounds. However, the heritage consultant has recommended activating tree controls to protect significant exotic trees on the site.</p>	<p>Update the heritage citation to:</p> <ul style="list-style-type: none"> Add tree controls (peppercorn, blue atlas cedar) to the Schedule to the Heritage Overlay for the place. <p>The heritage citation at Attachment 2 includes the above updates.</p>
17	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place represents a planning ideal of the time to create smaller, denser accommodation with shared green space, rather than private front and backyards. <p>The submitter wants to ensure that the garden setting is preserved. They also want the setting of the building, i.e. looking towards and alongside the old creek, to be acknowledged.</p>	<p>Officers note the supporting submission.</p> <p>Officers referred the submission to Council's heritage consultant.</p> <p>The consultant noted that the statement of significance identifies the siting of the buildings in a court setting either side of a curving concrete driveway as being significance to the place.</p> <p>The statement of significance also recognises the generous garden landscape surrounds as being significant to the place.</p> <p>Any future change to the place will need to consider the statement of significance.</p> <p>The heritage consultant has recommended activating tree controls to protect significant exotic trees on the site.</p>	<p>Update the heritage to:</p> <ul style="list-style-type: none"> Add tree controls (peppercorn, blue atlas cedar) to the Schedule to the Heritage Overlay for the place. <p>The heritage citation at Attachment 2 includes the above updates.</p>

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Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
19, 49, 50, 58, 63	Yes	The submitters support the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reason: <ul style="list-style-type: none"> The place is of significant/important architecture. 	Officers note the supporting submission.	No change recommended.
20, 46	Yes	The submitters support the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons: <ul style="list-style-type: none"> The place is of post-war architecturally significance. The place was designed within a garden setting. 	Officers note the supporting submission.	No change recommended.
24	Yes	The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons: <ul style="list-style-type: none"> The place is of significant/important post-war architecture. The place contains lovely mosaic work. The place has a friendly and inviting layout that is very pleasant to live next to. 	Officers note the supporting submission.	No change recommended.
25	Yes	The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:	Officers note the supporting submission.	No change recommended.

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Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
		<ul style="list-style-type: none"> The place was designed within a garden setting The place is of post-war architectural significance. The architects are well known locally and interstate. 		
26, 31, 36	Yes	<p>The submitters support the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reason:</p> <ul style="list-style-type: none"> Old buildings are being demolished. 	Officers note the supporting submission.	No change recommended.
28	Yes	<p>The submitter support the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The flats are unique. They are set in a very attractive garden setting. They are simply not 'lego boxes'. 	Officers note the supporting submission.	No change recommended.
29	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reason:</p> <ul style="list-style-type: none"> The place was designed within a garden setting <p>The submitter wants to see more photos in the citation that focus particularly on the architectural features.</p>	Officers note the supporting submission.	<p>Update the heritage citation to:</p> <ul style="list-style-type: none"> Add additional photos as an appendix to the citation. <p>The heritage citation at Attachment 2 includes the above updates.</p>
30, 35, 65	Yes	The submitters support the recommendations to include Kaydon Court	Officers note the supporting submission.	No change recommended.

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Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
		<p>Flays in the Heritage Overlay for the following reason:</p> <ul style="list-style-type: none"> They agreed with the consultant's heritage assessment 		
33	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flays in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> Old buildings are being demolished. The place is unique. The place is in excellent condition. 	Officers note the supporting submission.	No change recommended.
34	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flays in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> They do not want to see people lose their homes to a developer. The place is architecturally significant for its minimalist approach. 	Officers note the supporting submission.	No change recommended.
38, 57, 62, 70		<p>The submitters support the recommendations to include Kaydon Court Flays in the Heritage Overlay for the following reason:</p> <ul style="list-style-type: none"> The place is very liveable, particularly in terms of its natural light, ventilation, affordability and/or gardens. 	Officers note the supporting submission.	No change recommended.

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Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
41	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> • The place has many interesting features that are worth saving. • Residents who are reliant on this accommodation and affordable housing may face homelessness if the site is redeveloped. • Traffic congestion will increase if the site is redeveloped. • Established and significant trees will be destroyed if the site is redeveloped. <p>The submitter wants to see more photos included in the citation.</p>	<p>Officers note the supporting submission.</p> <p>Officers referred the submission to Council's heritage consultant.</p> <p>The heritage consultant has recommended the addition of photos of the property to be included as an appendix to the citation.</p>	<p>Update the heritage citation updated to:</p> <ul style="list-style-type: none"> • Add additional photos as an appendix to the citation. <p>The heritage citation at Attachment 2 includes the above updates.</p>
42	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> • The place is in keeping with the local streetscape. • The place is a good example of 1950s modernist architecture. • The proposed development is inappropriate and will displace tenants from affordable housing options. 	<p>Officers note the supporting submission.</p>	<p>No change recommended.</p>
43	No (Yes)	<p>Despite writing no, the submitter indicates that they do support the recommendation to include Kaydon Court Flats in the</p>	<p>Officers note the supporting submission.</p>	<p>No change recommended.</p>

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		<p>Heritage Overlay. They provide the following reasons:</p> <ul style="list-style-type: none"> • They do not want to see the place developed. • The place is a good example of 1950s modernist architecture. • The place is a high quality example of an era of 1950's flats in a garden setting. • The place has historical and architectural value. • The proposed redevelopment of the site will remove the existing affordable housing. 		
44	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reason:</p> <ul style="list-style-type: none"> • In favour of protection of heritage and space. 	Officers note the supporting submission.	No change recommended.
45	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> • Open space and low density living needs to be protected from overdevelopment. • It is important to keep affordable housing sites available that are homely open and unique. 	<p>Officers note the supporting submission.</p> <p>It is the officer's view that the impact of any resultant development is not a relevant heritage consideration according to the criteria.</p>	No change recommended.

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		The submitter would like to see the planning application denied.		
47	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> • The place has architectural significance. • The place has social value. <p>The submitter wants to see the place maintained.</p>	Officers note the supporting submission.	No change recommended.
48	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> • The place is historically significant for their association with the post war boom in architect designed flat construction. • The place demonstrates the growing demand for smaller size accommodation as opposed to the free standing house as an ideal. • The place demonstrates a planned design that is sensitive to acceptable levels of density of a middle ring suburb typified by free standing houses, family living, gardens and privacy. • The place has been designed in a community garden setting, which was a very desirable feature of leading apartment developments at that time. 	Officers note the supporting submission.	No change recommended.

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		<ul style="list-style-type: none"> The place is also significant for the influence of Roy Grounds, significant Australian Architect, on the practice of Mussen, McKay and Potter. 		
51	No (Yes)	<p>Despite writing no, the submitter indicates that they do support the recommendation to include Kaydon Court Flats in the Heritage Overlay. They provide the following reason:</p> <ul style="list-style-type: none"> They are against the removal of current long-term residents from their homes. 	<p>Officers note the supporting submission.</p> <p>The possible displacement of residents currently residing at the property as the result of any new development is beyond the scope of consideration of the process for protecting the property through heritage controls. Council is also guided by the provisions of the Boroondara Planning Scheme when making decisions about planning applications and is consequently unable to refuse to issue a planning permit for development on the basis of any perceived displacement of residents.</p>	No change recommended.
52, 53, 54, 55, 56, 82	Yes	<p>The submitters all lodged a pro-forma that supports the recommendation to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is designed by highly regarded Modernist Architects of the 1950's. The place is very representative of well-designed Modernist garden flats of that time. 	<p>Officers note the supporting submission.</p>	No change recommended.
59	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p>	<p>Officers note the supporting submission.</p> <p>Officers referred the submission to Council's heritage consultant.</p> <p>The consultant noted that the statement of significance acknowledges the siting of the buildings in a court setting</p>	No change recommended.

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		<ul style="list-style-type: none"> The place demonstrates great architectural care to provide amenity value to residents. The place reflects an aspiration to provide housing that is attractive and desirable, with space and gardens - a building typology and ethos that is no longer seen. <p>In particular, the submitter noted:</p> <ul style="list-style-type: none"> The architects took considerable care in the layout of buildings. The buildings comprising Kaydon Court are well spaced out. The Court in comprising more than one structure is itself striking and unusual. The buildings are also of a moderate size and not characterised by visual bulk. The spacing out of the buildings (well illustrated in the satellite image) allows for visual differentiation and distant line of sight from ground level. The design of the buildings is also striking in so far as their key features include setbacks, enclaves and protruding walls creating a memorable and attractive structure. Complementing this, the landscaping is a key characteristic of the site, not being merely "boundary dressing" but rather being a central feature providing Kaydon Court with continuing amenity. 	<p>either side of a curving concrete driveway as being significance to the place.</p> <p>The statement of significance also acknowledges the generous garden landscape surrounds as being significant to the place.</p> <p>Any future change to the place will need to take the statement of significance into significance into consideration.</p>	

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64	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is a good example of post-war architecture, particularly its brickwork, window walls and geometric designed structural elements. The place utilises a unique court setting, curving drive and surrounding landscape. 	<p>Officers note the supporting submission.</p> <p>The statement of significance acknowledges the brick and timber work elements of the blocks of flats.</p> <p>The statement of significance also acknowledges the siting of the buildings in a court setting either side of a curving concrete driveway as being significance to the place.</p> <p>Any future change to the place will need to take the statement of significance into significance into consideration.</p>	No change recommended.
66	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place was designed within a garden setting The place was designed by notable mid-century modern architects. <p>The submitter wanted to see the following changes:</p> <ul style="list-style-type: none"> More photos in the citation and focus particularly on the decorative design aspects of the interior hallways and exterior mosaics. All buildings should be protected. More emphasis on protecting the garden setting. More information included on Mr Gilmour. 	<p>Officers note the supporting submission.</p> <p>Officers referred the submission to Council's heritage consultant who has reaffirmed their decision to not include the owner house (flat 13) as significant to the place, as this was built much later than the other flats.</p> <p>The consultant has recommended additional photos and written information about the decorative design features be included.</p> <p>The statement of significance already acknowledges the generous garden landscape surrounds.</p> <p>While the place is not being considered for Criterion H (associative significance) with the owner, Council's heritage consultant agrees that some additional information should be included in the citation.</p>	<p>Update the heritage citation to:</p> <ul style="list-style-type: none"> Add additional photos as an appendix to the citation. Add more detailed information on the decorative features in the Description and Integrity section of the citation. Add a sentence clarifying the significance of the buildings in the Statement of Significance section of the citation. Add further details of ownership to the citation.

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		<ul style="list-style-type: none"> All existing exterior walls should be retained. 		The heritage citation at Attachment 2 includes the above updates.
68	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is a good example of post-war architecture. The place has been well maintained. The place is notable for its garden setting, which was incorporated into the building design. <p>The submitter wanted to see the following changes:</p> <ul style="list-style-type: none"> More photos in the citation and focus particularly on the architectural features and garden setting. 	Officers note the supporting submission.	<p>Recommended changes:</p> <p>The heritage citation has been updated to:</p> <ul style="list-style-type: none"> Add additional photos as an appendix to the citation. <p>The heritage citation at Attachment 2 includes the above updates.</p>
69	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reason:</p> <ul style="list-style-type: none"> The place is one of the few 1950s developments in Melbourne remaining in its original form. 	Officers note the supporting submission.	No change recommended.
71	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is architecturally significant. 	Officers note the supporting submission.	No change recommended.

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		<ul style="list-style-type: none"> The place is historically significant. The place is significant to the local community. 		
72	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place has mid-century heritage value. Camberwell has important historic architecture that contributes to the diversity of the area. The place should not be demolished for high-density development that will negatively impact the local community. 	Officers note the supporting submission.	No change recommended.
73	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is a unique example of post war flats development in Boroondara within a garden setting that contributes to neighbourhood character. The garden setting is of key importance and all trees of value should be protected. <p>The submitter wanted to see the following changes:</p> <ul style="list-style-type: none"> Minor grammatical fixes. Minor written expression clarifications. 	<p>Officers referred the submission to Council's heritage consultant.</p> <p>The consultant has recommended additional of tree controls to protect significant trees on the site.</p> <p>The consultant has recommended that changes be made to the citation to improve the language of the citation and better explain the comparative examples.</p>	<p>Update the heritage citation to:</p> <ul style="list-style-type: none"> Add tree controls (peppercorn, blue atlas cedar) to the Schedule to the Heritage Overlay for the place. Address grammar and expression issue. Add design guidelines. <p>The heritage citation at Attachment 2 includes the above updates.</p>

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		<ul style="list-style-type: none"> Provide more context for the mention of the oak tree (p. 4). Protect the English Oak and Blue Atlas Cedar trees on the site and garden setting. Comparative analysis should be linked specifically to Kaydon Court Flats. Inter-war and Post-war Flats sections should be better linked to Kaydon Court Flats. 		
74	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place comprises well designed, light filled flats, in a shared garden setting that is very sympathetic to the land form they are built on, which was originally an ancient creek bed used by local people until the flats were built in the 1950's. The place's design and siting approach by the well regarded architects typifies an important era in the history and development of flats and medium density dwellings in mid-20th century Australia. This era is seen today as an important one to recognise and retain good examples of. The heritage assessments by two highly respected heritage experts both state that the design and construction are of high quality, by architects who have been recognised by having work 	<p>Officers referred the submission to Council's heritage consultant. The consultant provided the following response:</p> <ul style="list-style-type: none"> The citation has been edited to provide for better clarity and improvements were made to grammar and expression. Design guidelines are needed to act as conservation guidelines for the site if it is listed on the heritage overlay. Internal controls are not recommended for residential properties without exceptionally intact or rare interiors. This is not the case in this instance and internal controls are not justified. The amenity of the flats is not relevant to the heritage citation. 	<p>Update the heritage citation to:</p> <ul style="list-style-type: none"> Address grammar and expression issues. Add design guidelines. <p>The heritage citation at Attachment 2 includes the above updates.</p>

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		<p>protected on the Victorian Heritage Register and in the ACT.</p> <ul style="list-style-type: none"> Both heritage experts say they are good examples of the work of highly respected architects and engineers who were associates of some of the architects considered to be amongst the most highly regarded of the time namely Roy Grounds and Robin Boyd. So we can be confident the work is of a high quality. Both heritage experts say there are few examples of such garden flats in Camberwell and so they are perhaps are rare. These flats seem to exemplify some of the emerging desires we have today to provide more affordable yet still liveable places that are sympathetic to the local environment and aim to be more sustainable. They are a very desirable style of modernist apartments that are becoming more and more highly sought after as homes, due to their good design elements and suitability for many of us regardless of life stage and household make up. They are a great example of heritage homes that are still today as ubiquitously desirable and practical both in design and location as they were 60 years ago when they were built. <p>The submitter wanted to see the following changes:</p>		

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		<ul style="list-style-type: none"> The statement of significance include some kind of "conservation guidelines" and a statement that would provide stronger clarity for any future planning application situation that might arise. In particular that it should state that the garden land around and between the buildings i.e. the garden setting, are a highly important part of the significance of the site and that they should not be reduced in size, nor degraded by for example being built over, or becoming less visible as a part of the "streetscape" of the site when one is in down the site or looking at it from the street. Consider some internal planning controls to protect the internal shared hallways and staircases. These seem to have much aesthetic value and to have been very considered in their design by the architects, in order to make the places more desirable and attractive. They are reminiscent of other protected interiors in mid-century buildings. Use a set of more representative images of the buildings in its statement of significance and citation and on the VDB listing. I think it is important to use images of several of the buildings, rather than just one building as currently and to include images of the garden setting. Some hallway interiors too if possible. This will ensure that heritage and planning related decision makers have a full 		

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		perspective, since this place has multiple buildings and green areas. It also records them for the future.		
75	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is unique in that it is in a garden setting. The place is unique in that it was designed by a renowned architect. <p>The submitter wanted to see the following changes:</p> <ul style="list-style-type: none"> More photos in the citation and focus particularly on the architectural features and garden setting. 	Officers note the supporting submission.	<p>Update the heritage citation to:</p> <ul style="list-style-type: none"> Add additional photos as an appendix to the citation. <p>The heritage citation at Attachment 2 includes the above updates.</p>
76	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is uniquely Camberwell, representing a unique insight into our historical past. The place presents open space, gardens and a uniquely beautiful place to live but also and more importantly a place for future generations to admire. The place was developed with input from Stanley Gilmour OBE, with one goal in mind that was to provide an affordable place for people to live within Camberwell. 	Officers note the supporting submission.	No change recommended.

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Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
		<ul style="list-style-type: none"> The place was very progressive, but was also in keeping with the times when built. 		
77	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is architectural important as well as significant to the community for its history and beauty. <p>The submitter also expressed support for heritage protection of 57 and 60 Berkeley Street, Hawthorn.</p>	<p>Officers note the supporting submission.</p> <p>Council is progressing a proposal to introduce heritage controls to 57 and 60 Berkeley St, Hawthorn through a separate process. The outcomes of preliminary consultation undertaken on the draft citations for these properties will be report to a future UPDC meeting.</p>	No change recommended.
78	No (Yes)	<p>Despite writing no, the submitter indicates that they do support the recommendation to include Kaydon Court Flats in the Heritage Overlay. They provide the following reasons:</p> <ul style="list-style-type: none"> The place is still very liveable and affordable homes for many. <p>The submitter wanted to see the following changes:</p> <ul style="list-style-type: none"> Stop demolition of heritage houses and flats and clear felling blocks of mature and significant trees. 	Officers note the supporting submission.	No change recommended.
79, 80	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p>	Officers note the supporting submission.	No change recommended.

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		<ul style="list-style-type: none"> The place is still very liveable and affordable. 		
81	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> The place is unique. The garden setting is of heritage importance. 	Officers note the supporting submission.	No change recommended.
83-234	Yes	<p>The submitters all submitted a pro-forma that supports the recommendation to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> Two heritage assessments confirm that place was designed by highly regarded Modernist Architects of the 1950's and that they are very representative of well-designed Modernist garden flats of that time. 	Officers note the supporting submission.	No change recommended.
236	Yes	<p>The submitter supports the recommendations to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> It is Important to keep heritage properties as they are or we risk losing key defining characteristics of our city and suburbs. The heritage of Boroondara and Melbourne as a whole is integral to the identity of the city and its people. There is no need to throw it all away 	<p>Officers note the supporting submission.</p> <p>Officers referred the submission to Council's heritage consultant. The consultant agreed that the comparative section should be clarified.</p>	<p>Update the heritage citation to:</p> <ul style="list-style-type: none"> Clarify the comparative analysis section. <p>The heritage citation at Attachment 2 includes the above updates.</p>

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		<p>for population growth, there are plenty of alternatives.</p> <p>The submitter wanted to see the following changes:</p> <ul style="list-style-type: none"> Clarify in the comparative analysis section whether Kaydon Court flats are considered to be of equal heritage value to each of these sites. 		

Non-Supporting Submissions

Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
3	No	<p>The submitter does not support the recommendation to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> 1950s orange brick flats are hardly inspiring architecture. There needs to be scope for their redevelopment or updating in an appropriate manner. <p>The submitter wants Kaydon Court Flats not to attract heritage protection, or if it does, then only to the extent that allows redevelopment of the flats whilst preserving the heritage status.</p>	<p>The citation identifies that the place is significant for its historical significance (Criterion A), representativeness (Criterion D) and aesthetic significance (Criterion E). In order for a place to qualify for inclusion in the Heritage Overlay only one criteria needs to be met. The fact that in this instance three criteria are considered to have been met, adds weight to the recommendation.</p> <p>The place is considered aesthetically significant due to its ability to demonstrate a planned design that is contextually sensitive to acceptable levels of density for a middle-ring, suburb typified by free-standing houses, family living, gardens and privacy.</p> <p>Heritage protection does not prohibit redevelopment or renovation of the site. Rather, it ensures that such redevelopment or renovation is sympathetic to and respects its heritage significance.</p>	No change recommended.

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Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
4	No	<p>The submitter does not support the recommendation to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> • The place is an eyesore. • The place is an ugly, insignificant building. • The place does not look nice. <p>The submitter wants Council to stop the heritage assessment.</p>	<p>The citation identifies that the place is significant for its historical significance (Criterion A), representativeness (Criterion D) and aesthetic significance (Criterion E). In order for a place to qualify for inclusion in the Heritage Overlay only one criteria needs to be met. The fact that in this instance three criteria are considered to have been met, adds weight to the recommendation.</p> <p>The place is considered aesthetically significant due to its ability to demonstrate a planned design that is contextually sensitive to acceptable levels of density for a middle-ring, suburb typified by free-standing houses, family living, gardens and privacy.</p>	No change recommended.
12	No	<p>The submitter does not support the recommendation to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p> <ul style="list-style-type: none"> • The place is an example of the worst architecture of the 1960s. <p>There are plenty of examples of this deplorable architecture elsewhere in Camberwell.</p>	<p>The citation identifies that the place is significant for its historical significance (Criterion A), representativeness (Criterion D) and aesthetic significance (Criterion E). In order for a place to qualify for inclusion in the Heritage Overlay only one criteria needs to be met. The fact that in this instance three criteria are considered to have been met, adds weight to the recommendation.</p> <p>The place is considered aesthetically significant due to its ability to demonstrate a planned design that is contextually sensitive to acceptable levels of density for a middle-ring, suburb typified by free-standing houses, family living, gardens and privacy.</p> <p>The place is not being considered for its rarity (Criterion B).</p>	No change recommended.
235	No	<p>The submitter does not support the recommendation to include Kaydon Court Flats in the Heritage Overlay for the following reasons:</p>	<p>Officers referred the submission to Council's heritage consultant. The consultant provided the following response:</p>	<p>Update the heritage citation to:</p> <ul style="list-style-type: none"> • Clarify the issue of the Flat's designers.

Note: All submissions have been numbered in chronological order from the date received by Council.

Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
		<ul style="list-style-type: none"> Architectural historians in Australia consider the 'post-war period' to span from 1945 to 1959, with the subsequent era often referred to as the late 20th-century. The flat development is dating at the tail end of that period. The complex as a whole dates to the late 20th-century period (1960 onwards). Accordingly, the Flats are not best understood as a development dating to the post-war period. The 'cluster' arrangement of the Flats do not make or allow for any better or more distinctive an understanding or recognition of the role played by this typology in the evolution of the municipality than other places of a similar ilk. It is not a 'cluster' in the true sense of that terminology. Heritage places should only satisfy Criterion D if they represent, or are a good example of, an aspect of an area's past that has been important in shaping the present. Determining whether the threshold is reached rests on identifying the 'class' a site belongs to and how well it demonstrates its characteristics. The site was developed during the late 20th century period rather than the post-war period. The Flats individually and collectively are an ordinary example and certainly are not good representative examples of 1960s flat architecture. Stylistically, their gable roof form is more indicative of the post-war 20th Century period. During the 1960s flat roofs were being widely employed by many contemporary architects for flats and the like as evidenced by the comparable 	<ul style="list-style-type: none"> The mention of the post-war period in the citation refers to the historical period, which saw unprecedented population growth in Australia after the end of the Second World War. It does not refer to the Flats as being of a post-war architectural style. The heritage citation does not argue that the site is a cluster arrangement (or that that is a reason for its significance). Instead the citation states that the design and layout is a precursor later cluster style housing developments in the late 1960s. The flats are representative of multi-unit flat developments in garden settings commonly built in the post-war period (even though the design in this instance is more mid-century). The Kaydon Court flats are good, intact representative examples of the type of flats built in the post-war period in suburbs like Hawthorn. They are similar to the Parklands flats in Grattan Street, Hawthorn with gabled tile roofs and have similar materiality in brickwork, fenestration, and metal work as Parklands, 20 Denmark Hill Road, 146 Power Street, Brookfield Court and others. No comparable examples could be found in Camberwell, of post-war multi-unit developments. The original architects, Mackay and Potter prepared a masterplan for the site and authored the drawings of the first two buildings on the site. The supporting evidence of this is clearly set out in the heritage citation. The remaining buildings appear to have been built to their design, if not their drawings. They apply the same massing, scale, arrangement, materials and style. The use of hipped and gabled tile roofs is not unusual for post-war flats and has been used by other architects such as Frederick Romberg at 	<ul style="list-style-type: none"> Clarify the comparative analysis section. <p>The heritage citation at Attachment 2 includes the above updates.</p>

Note: All submissions have been numbered in chronological order from the date received by Council.

Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
		<p>examples in Hawthorn and Kew which are all flat tin roofs.</p> <ul style="list-style-type: none"> The pitched roof form is a likely response to the 1922 restrictive covenant which burdens the Land and requires that the main roof of the buildings to be of slate or tiles. The Flats were designed to comply with the covenant rather than adopting any innovative or contemporary architectural methods at the time or response to a particular style. Intactness is not a sufficient basis for heritage significance. The design of the Flats differs from what appears to be the standard approach to unit development in the municipality during the post-war and late 20th-century periods – that is, single or multistorey, considered, conjoined buildings as evidence in the comparative analysis. The degree to which the architecture, aesthetic, setting and overall site outcome can be linked to a considered design by an accomplished Modernist architect or even Mackay & Potter (and maintained by others) has not been substantiated in the Heritage Citation. It is clear from the building plans, that the development of the Flats was ad hoc and the later stage of the development was abandoned and replaced with a single dwelling of a contrasting form and aesthetic. The presence of the unremarkable hipped roof flats most likely arising from restrictive covenant compliance and the single-family house dilutes any purported significance. The difference in design quality in the staggered roll out of the development 	<p>the much lauded Parklands flats in Grattan Street, Hawthorn.</p> <ul style="list-style-type: none"> The comparative examples are all in Hawthorn as no comparative examples of post-war multi-unit flats could be found in Camberwell, where multi-unit development was not favoured. There is clear evidence in the form of building cards and drawings that demonstrate that the first buildings were designed by Mackay & Potter. There is also evidence in the form of an affidavit from Mackay that the pair drew up a masterplan for the development of the entire site. This affidavit shows the owner had parted ways with the architectural firm by 1963. However, the remaining buildings appear to have been built to the Mackay & Potter design, if not their drawings, as they apply the same massing, scale, arrangement, materials and style. However, the fact that Mackay & Roberts may not be directly involved in the realisation of later stages of the site's development does not diminish their significance. The planning and development of the site was staged over a number of years, and the buildings on the site evolved and changed as the site developed. The presence of a single dwelling at the rear of the site is not a sign of the plans being abandoned. The Gilmours had lived on site (at Riversdale Road) since the mid-1950s and as the site developed they moved, first from Riversdale Road, then to flats 11 and 12 and then to flat 13 (the house) where they stayed. It would appear that they had always planned to stay on the site and moved from one residence to another as the development evolved. 	

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Submission Number	Support for Heritage Citation	Summary of Submission	Officer response	Officer recommendation
		<p>certainly challenges any suggestion of the draft Heritage Citation that the Flats are particularly 'considered' or 'competent'.</p> <ul style="list-style-type: none"> Comparative developments in the municipality reveal that the Flats are not unusual or particularly distinctive. In fact, the comparative examples provided in the citation highlight how ordinary and insignificant the Flats are in that company. The advertisement of the Flats referred to in the citation described the building as architect-designed while not identifying the practice. There is no evidence that the buildings were in fact architect designed or designed by Mackay & Potter. Whatever the reputation of Mackay & Potter, they are certainly not "accomplished modernist architects" and any works of note are large-scale industrial, commercial and tertiary work rather than residential projects. Indeed, if the Kaydon Court Flats were the work of Mackay & Potter (which we say it is not), it demonstrates why they were not known for their residential projects. The assertion that common design themes run between Mackay & Potter's substantial commercial developments and the Flats is totally unsubstantiated. 	<ul style="list-style-type: none"> The work of Mackay and Potter is accomplished as they were given sizeable commissions by corporations and government agencies in highly visible locations. Notable examples of their work include a grandstand at Caulfield Racecourse, the John Curtin School of Medical Research at ANU, the Gas and Fuel Corporation offices on St Kilda Road as well as the State Accident and Motor car insurance office in Collins Street. They also worked in partnership with Roy Grounds to design the Triangle House in Kew. While not all their residential works have been found, it is of interest that their commercial buildings are mostly in cream face brick with curtain walls and many do have tile roofs, similar to Kaydon Court. 	

Note: All submissions have been numbered in chronological order from the date received by Council.

Kaydon Court Flats

Assessed by: David Wixted and Michele Summerton

Address: 1 Cooloongatta Road, Camberwell

Name: Kaydon Court Flats	Survey Date: Jan-March 2021
Place Type: Residential	Architect: Mackay & Potter
Grading: Significant	Builder: J.L Drummy & others
Extent of Overlay: To title boundaries of full site	Construction Date: 1959-66



Flats 7-10 (third group of flats) 1965



Aerial view of site with flats numbered. Trees circled.



Historical Context

The 17 flats which are the subject of this heritage assessment, located at 1 Cooloongatta Road, Camberwell, were owned and built by Kaydon Court Proprietary Limited between 1959 and 1966. This private company, limited by shares was registered in 1957 around the time that Stanley and Ingrid Gilmour purchased the property with the address then listed as 196 Riversdale Road, East Camberwell (now 716 Riversdale Road, Camberwell). The site comprised an inter-war house facing Riversdale Road and behind it five en-tout-cas public tennis courts with night lighting, a kiosk and milk bar. The courts had been run as a business from at least 1939 and by the late 1940s were owned by Donald Berry and known as 'Kaydon Tennis Courts'. The Gilmours adopted the name for their company and the complex of units they developed on the site following demolition of the courts.

Stanley Milne Gilmour MBE (1906-2008) was a well-known figure in the community. He owned a successful shoe business, founded the Australia Japan Society of Victoria, served as Executive Director of both the Victorian Employers Federation and the Over 50s Association. Most notably he was one of the key figures who advocated for the decimal currency system and helped to launch the Australian Decimal Research Organisation.¹ The Gilmours lived among their tenants at 1 Cooloongatta Road and are remembered with admiration by long term tenants and the local community. He was awarded an MBE in 1979 for services to senior citizens.

The post-war apartment boom in Boroondara

The construction of the Kaydon Court flats can be seen in the context of a post-war boom in flat construction across Melbourne. The housing shortage that emerged in the early post-war period prompted amongst other things, a burgeoning demand for new flats and apartments in many parts of the city where high density developments had been rare. Within the City of Boroondara, as outlined in the Thematic Environmental History, Hawthorn was the first suburb where inter-war flats were developed, a trend which continued into the post-war period. These two and three-storey, residential flats erected from the late 1940s to the early 1960s were mainly of high quality and many were designed by leading modernist architects of the time, including Roy Simpson, Frederick Romberg, Horace Tribe, Bernard Slawik, Anatol Kagan and Gerd & Renate Bock.

When the post-war apartment boom spread to Camberwell and Kew, flats were developed on land subdivided from older, large villas with generous gardens, with Kaydon Court an example of this activity. As had been the case in Hawthorn, these new blocks of flats varied in quality; some unremarkable and others impressive. Some of the noteworthy examples in Camberwell were designed by Peter McIntyre and John & Phyllis Murphy, both contemporaries of Mackay and Potter, the architects of Kaydon Court.²

Kew's relatively undeveloped transport network hindered multi-unit development in the inter-war years, and, as pointed out by Chris McConville, Camberwell's distance from the city kept many flat-builders at bay, as did local by-laws introduced in the 1920s to control multi-unit housing.³ Camberwell's history of building regulations dates to 1889, and reflects a continuous attempt to enforce high standards and protect the residential character of the suburb. Further into the inter-war period, flats did make an appearance in Camberwell, but their introduction was modest in scale as shown by the small number lining the tramline along Riversdale Road.

Comparatively stark, simplified and functional, houses and flats of the 1950s and 1960s have been slow to gain recognition for their heritage values and contribution to the character of our suburban streetscapes.

¹ Age, 13 March 2008, <https://www.theage.com.au/national/a-business-gladiator-of-fearsome-reputation-20080313-ge6u6q.html>

² Reeves, 'City of Boroondara Thematic Environmental History', 2012, p146-7

³ McConville, p22



For many, multi-unit developments are associated with the swathes of brick veneer housing built across Melbourne's expanding middle suburbs for the more affordable end of the housing market, and are regarded as intrusive and architecturally ordinary. Brick veneer houses at least fulfilled the domestic ideal of home ownership, but flats were viewed as the opposite to this ideal, some arguing that they were detrimental to family values and a threat to suburban life. This wariness lingered through the twentieth century and as late as 1999, Miles Lewis commented that 'Even now there remains a degree of suspicion about a form of accommodation historically occupied by fast livers, welfare recipients and European refugees'.⁴

The prejudice against flats eased during WWII and the immediate post-war years, when few flats were built due to shortages of labour and materials. Housing was in short supply and rental accommodation was fast becoming a necessity, and flats once again returned as a controversial topic of discussion in the 1950s. Ernst Keas, whose views on the matter were published in the *Argus* in 1952, understood that the culture of flat-living was relatively 'new to Australians,' but urged, the 'question is not whether to build flats but how they could be built quickly and economically.'⁵ Indeed two years before this comment, the *Argus* reported that 'several architects' were already agreeing that blocks of flats were desperately needed to overtake Melbourne's housing shortage. They pointed out that in a large city like Melbourne there were many who did not want to live in a house with a garden, and a real estate agent added that thousands of people were occupying houses too big for their needs, and would gladly move into small flats.⁶

Architects seemed united on the issue, with Mr N. O'Connor chairman of the Royal Victorian Institute of Architects Town Planning and Housing Committee, declaring:

Overemphasis on the single house, and the all too well known sprawl, have imposed an appalling financial burden on this and coming generations, while those who urgently need flats are condemned to makeshift accommodation.⁷

Many architects were also blaming Melbourne's low building density for the heavy burden of suburban road making and high council rates.⁸ All agreed that the co-operative idea of group ownership of flats had special appeal, especially for older people who wanted to eliminate gardening and external maintenance, and for couples employed in business with little time for household duties.⁹

Architects and developers were quick to capitalise on the housing shortage, building multi-unit blocks of modern flats and forming syndicates to purchase large sites in upmarket areas, including land in choice locations subdivided from the grounds of some of Melbourne's historic mansions. Some of the largest developments originated from the office of entrepreneurial architect Bernard Evans. Evans' first venture was *Greyfriars* at 53 Balaclava Road, Caulfield North (City of Glen Eira). Developed between 1949 and 1951, the complex comprises two and three storey blocks of 43 units set in a U-shape arrangement around a central garden with a dramatic wall. The first in Victoria to introduce tenant-owned, 'own-your-own' accommodation, *Greyfriars* flats were the catalyst for further developments of this kind.¹⁰

The post-war boom in architect-designed flat construction resounded throughout the metropolitan area, continuing its inter-war development pattern of following tram and train lines. Within Boroondara, it again focussed on Hawthorn, particularly in the area south of Riversdale Road, where large allotments formerly associated with older housing were carved up and replaced with two and three storey walk-up flats, many

⁴ Lewis, 'Suburban Backlash', cited from 'Learnings from Australia's Post-War Apartment Building', discussion panel, University of Melbourne, 8 September 2020

⁵ *Argus*, 17 July 1952, p6

⁶ *Argus*, 28 April 1950, p5

⁷ *Argus*, 31 July 1953, p7

⁸ *Herald*, 29 May 1953, p9

⁹ *Herald*, 9 October 1953, p11

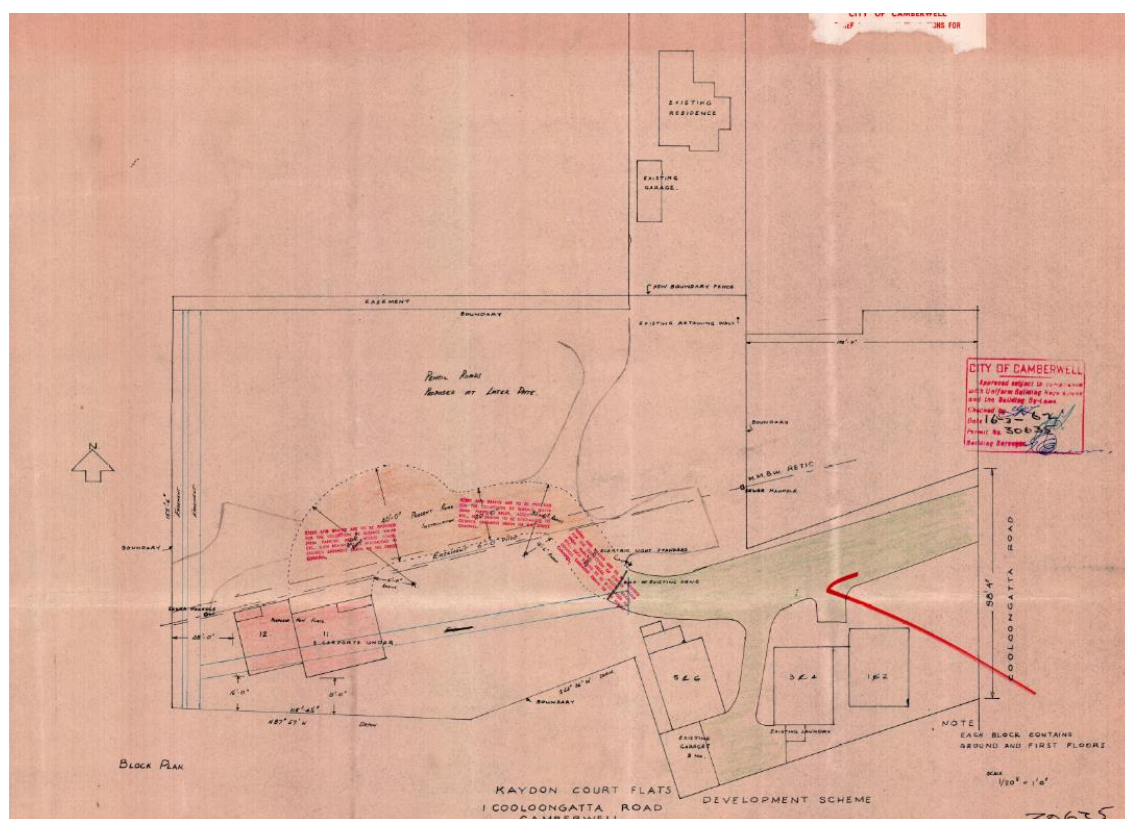
¹⁰ *Age*, 11 June 1960, classifieds. This advertisement refers to a scheme developed prior to strata title



of 'high quality', offering modern, innovative designs with functional interiors allowing plenty of sunshine and ventilation, and 'a high amenity inner urban location in a garden setting'.¹¹ Flats a little further out in more conservative Camberwell and Surrey Hills were also exploring alternative albeit restrained design responses, as demonstrated by Kaydon Court's planned approach to acceptable levels of density and a respect for the suburban context, and a concern for providing direct sunlight into living rooms, private balconies and gardens to enhance settings.

Kaydon Court Flats

The site at 1 Cooalongatta Road is a very unusual shape and originally consisted of an inter-war period, private house facing Riversdale Road and five tennis courts behind known as the Kaydon Courts. Presumably these were accessed from Cooalongatta Road. A block plan from Council files shows the extent of construction in 1962.



1962 Un-authored block plan showing new flats 11 + 12 on SW end and at top the house on Riversdale Road which were originally part of the total site. Existing buildings on SE portion and roadway.

The site had a stream which flowed across the site from east to west, now channelled and covered under the central driveway, and a number of trees including a surviving Peppercorn from the tennis court period, now found along the south edge of the property. The exotic trees, an Oak tree near Flat 11 is likely to have been a planting from the 1960s, as is the Blue Atlas Cedar in the benched area north of the central concrete path.

The development of the land into flats commenced with a building application being made in February 1959 to the design of Mackay & Potter, Architects and Engineers. A later dispute between the owners and the architects indicates that a masterplan had been developed for the site but to what extent the current layout reflects the masterplan is unclear. An affidavit filed in 1963 by the architects does note this

¹¹ Gould, 'Hawthorn Heritage Study', p44, cited from Reeves, p146



work as complete. A block plan from 1962 shows the extent of building on the site with flats 1-4 and 5-6 and the proposed 11 and 12, and the existing Gilmour house on Riversdale Road.

The first group of four, two-bedroom flats were completed by 1960, as advertised in the *Age* newspaper in June that year. The features of the 'Exclusive architect-designed superbly built Flats' included a spacious combined lounge-dining room, 2 bedrooms with built-in robes, a well-fitted kitchen, beautiful, tiled bathroom, Venetian blinds, flywire screens and doors, and wiring for a phone and television. Ready for occupation they were priced at £6,350, and £6,500 with a lock-up garage. Prices for units had risen markedly during the 1950s as illustrated by Hawthorn's Power Court flats. Built on a portion of one of the suburb's historic homes at 146 Power Street, they were selling in 1953 from £3,250 to £5,000.¹²



This advertisement for Kaydon Court flats is for the 1st release of the initial block comprising 4 flats with garages.

They were described as 'Exclusive architect-designed superbly built Flats [with] No party walls ...'.

Age classifieds, June 11, 1960.

Note the advertisement describes these as 'Own-Your-Own Flats', a specific form of ownership which had been developed prior to the introduction of strata title ownership in 1967.

The planning and layout of the Kaydon Court flats is atypical of other contemporary multi-unit developments included on the Boroondara Heritage Overlay schedule. The small scale of the buildings, the low density of the forms across the site, the open garden arrangement which provides for shared spaces, and the single house at the rear of the site, create the sense of a private court or housing cluster, rather than a multi-unit development of single buildings commonly seen in Boroondara. Part of the reason for this is probably due to the staged development of the site, the available capital of the owner-developer and the unusual shape and topography of the site. The only other comparable multi-unit development with design and planning similarities is *Parklands* in Hawthorn, built in 1951 by the architect Frederick Romberg.

Kaydon Court Flats were developed at the beginning of a changing system of ownership that allowed for flats in multi-unit buildings to be purchased by individual share-holders. From the early 1950s it was possible to purchase part of a property using a co-operative system of members, each buying a share in a Corporation which owned the property. This came to be known as an *Own-Your-Own* purchase. It gave the purchaser a self-contained property (interior), while exteriors, service zones and yards were held by a corporation, in this case Kaydon Court Pty Ltd. Other examples of this *Own-Your-Own* system include *Parklands* and *Power Court* flats, both in Hawthorn, and in St Kilda the celebrated *Greyfriars*, designed and developed by the entrepreneurial architect Bernard Evans. *Greyfriars* was the first use of the *own-your-own* system and was lauded in the newspapers for this approach. In 1960 the *Transfer of Land Act* legislated individual ownership of property according to plans approved by Councils, and this later developed into the *Strata Titles Act* 1967, which corrected deficiencies of the previous Act. The *Strata Titles Act* effectively saw the end of the *Own-Your-Own* system although there are complexes (such as Kaydon Court) which still continue under this system.

¹² *Argus*, 29 October 1953, p12



Mackay and Potter

Eric Keith Mackay (1903-97), Charles Potter (1915-1999), Norman Henry Mussen (1909-67), and briefly Denis George Mirams, formed the firm of Mussen, Mackay & Potter in 1950.¹³ Potter and Mussen were both civil engineers and Mackay was an architect and the firm specialised in commercial, educational and industrial buildings.¹⁴ Their designs included the Oakleigh Centre for the Retarded, which they completed free of charge (1952); the 'Triangle House', Kew (1952, in association with Roy Grounds); a boiler house for Australian Paper Manufacturers (1954); a grandstand for Caulfield Racecourse (1955, in association with Albion H. Walkley); and a complex of gabled, brick buildings for the John Curtin School of Medical Research at the Australian National University (1955-56).¹⁵ The latter, a massive construction on the scale of a city hospital.

Around 1958, Mussen left the practice and moved to Canberra. Following his departure, from 1959 to circa 1967, the practice, then known as Mackay and Potter, designed a number of large office blocks for quasi-government agencies in the inner Melbourne area, including; the State Rivers & Water Supply Commission administration building, Orrong Road, Toorak (1959); the Gas & Fuel Corporation administrative offices, St Kilda Road, Melbourne (1960) and the State Accident & Motor Car Insurance Co. office building at 480 Collins Street, Melbourne (1965). These very competent and substantial constructions share certain stylistic features with the domestic scale, suburban Kaydon Court flats. There is a similar restrained use of brick pattern-work, window walls and an interest in balanced rectilinear geometry in the use of horizontal and vertical elements in the structure.

Of the above the large Canberra Medical research institute holds similarities with Kaydon Court through the use of gabled roofs, brick walls and timber framed window walls made popular by the Stegbar Company.

The construction of the flats at 1 CooLoongatta Road was planned and built in stages, with a masterplan developed in 1959 with up to 30 flats initially proposed. The first buildings housing a block of four flats, numbers 1-4, were constructed in circa 1961. Then flats 5 and 6 in a separate building in 1962, and flats 11 and 12 in 1963. The relationship between the owner of the site and the architects had evidently soured as in 1963, Mackay and Potter launched legal action to recover fees from Gilmour. In their 1963 affidavit, the architects listed a series of completed drawings and actions that amounted to unpaid fees of some \$42,000 in 2021 value. They listed a masterplan and multiple building plans for the 30 units plus inspection of building works as being unpaid by Gilmour. The architects appear to have not continued to work on the site after 1962.¹⁶

Plans from the City of Boroondara building department indicate un-authored drawings (no title blocks) were made in 1962 for Units 11 and 12 and although they do not have the name of Mackay and Potter on them, they appear to follow the existing designs of Mackay and Potter. The drawings show brick construction split gabled roofs with tiles, window walls and vented gabled walls and the building is aligned parallel to the main path.

More un-authored architectural drawings were made in 1965 and 1966 for blocks containing units 7-10 and 14-17. Unit 13, which was originally constructed as flats 18 and 19 was designed by a Balwyn drafting company in 1978. It was lived in by Stanley Gilmour as a single house. Prior to this he had lived in flats 11 and 12, they were converted in 1979 back into two units.

¹³ Goad and Willis, *Encyclopaedia of Australian Architecture*, p484

¹⁴ Ibid

¹⁵ Ibid, p489

¹⁶ Mackay and Potter vs Kaydon Court Pty Ltd 1963 affidavit on costs PROV VPRS 267, P0005



Description & Integrity

The unusual planning and arrangement of the buildings on the site at 1 Cooalongatta Road, was no doubt influenced by the irregular shape of the site, its topography and the natural stream which ran through the site from east to west, but it can also be attributed to the staged development of the site and available capital in Kaydon Court Pty Ltd. From Cooalongatta Road, the driveway and the first two storey block of flats appear more like a private road than a driveway, and the arrangement within the site is more like a cul-de-sac of individual properties than a single multi-unit development.

The property comprises five symmetrical, free-standing blocks of 17 flats loosely arranged in a cluster either side of a curving concrete driveway with generous garden landscape surrounds and a number of mature exotic trees. The single house at the rear (number 13) has a different arrangement to the other buildings, with an asymmetrical massing, variegated dark brick, dark tiling and metal framed windows. The unusual, angular shape of the property has influenced the layout of the site, and the long, staged development of the buildings has given rise to subtle differences in building materiality and form. Overall however, the property presents as a harmonious and pleasant cluster of low-rise flats in a shared garden setting with generous spaces provided between and around buildings.

Six free-standing brick buildings were constructed on the site, arranged to provide privacy to the occupants and views of landscaped areas. The landscape is open and flows around and between the buildings and there are no fenced or private garden areas except at Flat 13, so that it appears more as a single property. Each block of flats is two storey in height, and is constructed in sand-coloured brick with timber windows and doors. The roofs are gabled and clad with glazed Marseille tile work. Unobtrusive carports and garages are located to the rear or side of four blocks. Internally there is a high degree of intactness to the shared areas, with tiled or terrazzo floors, metal work bannisters to floating timber stairs and stained timber doors. Externally there are simple decorative features to front doors and metal work balustrades to balconies, and large window walls, all of which are featurist elements of the period.

The first block to be built, which is closest to Cooalongatta Road has flats 1 to 4, constructed in a staggered arrangement with two flats on each level. The next smaller block which is slightly downhill from the entrance, has only two flats, 5 and 6 stacked one on top of the other. These were followed by the block which has flats 11 and 12, which was lived in as one house until the owner moved into number 13. The exterior of this block is different to the others with a cantilever balcony, external stairs to the first floor and a sub-floor open carport. The metal work has a more ornate patterning to the balustrades and the use of areas of tessellated tiles to the carports.

These south side buildings were followed by the first of two buildings to be built on the north side of the property, facing into the site. Two linear blocks of flats with hipped roofs in glazed Marseille tiles, each with four flats numbers 7 to 10 and numbers 14 to 17. These have slight variations on the overall theme with greater external massing and slight changes to the windows, but the same arrangement of central entrances, metal work to balconies and generous windows like the earlier blocks. The final building to be constructed was flat 13 in 1978. These three buildings were constructed on the site after the architects had taken Gilmour to court for non-payment of fees. It is not known if the designs for three buildings had already been provided by Mackay and Potter, or a new architect submitted designs to follow the Mackay and Potter scheme.

The five blocks of flats are highly intact and retain a high degree of integrity. The degree of intactness extends to building form, fabric, colours and external details, the landscaping, landform, driveway, carports and brick garages, and brick bank of letterboxes. Mackay and Potter had created a landscape plan but without the plan it is unknown whether the state of the site is in conformity with their original idea.



The house which is now flat 13, does not contribute to the architectural significance of the site, due to its single storey nature, its broken back shape, its dark variegated brick walls, dark tiled roof and metal framed singular windows.

Comparative Analysis – Post-war Flats in Boroondara

Parklands, 4 Grattan Street, Hawthorn (City of Boroondara HO647)

Parklands is a group of ten, two-storey flats described at the time as 'maisonettes'. Commenced in 1950 and completed in 1951, they were built soon after *Greyfriars* (1949-51) as another example of own-your-own accommodation. They were designed by architect Frederick Romberg (1913-1992), a leading figure in the development of Modernism in Melbourne. High rise towers of flats were suitable for city development, but middle-ring suburbs required contextually sensitive, more homely designs of two or perhaps three stories. Romberg limited the *Parklands*' flats to ten, two-storey units in a design that was 'intended to represent an ideal compromise between individual suburban housing and multi-unit flat dwellings'.¹⁷ His L-shape plan retained a large part of the land for garden and also preserved the old trees on the site.¹⁸

The fabric is cream brick, including the party walls extending as pilasters, which visually separate each unit and provide a sense of privacy. As reported by the *Herald*, Romberg conceived this application as a modernised interpretation of Melbourne's nineteenth century terrace housing. Each flat faces the garden with wide tri-partite, timber-framed window walls, with the upper and lower fenestration separated by a panel with vertical timber strapping, somewhat suggestive of balcony railing on a terrace house. The roof is clad with concrete tiles and a driveway leads to garages to the rear and side.

Parklands was the first in a series of similar projects undertaken by LH Luscombe & Co, estate and business agents.¹⁹ The company were also the developers for the cream brick *Power Court* flats (no Heritage Overlay), erected in 1953/1954 at 146 Power Street, Hawthorn (architect unknown).

Parklands and *Kaydon Court* are examples of the *own-your-own* title scheme. Their designs are contextually sensitive to their middle-ring suburban locations and both feature cream brickwork, large timber-framed windows and hipped, tile roofs and stand in garden settings with trees. *Kaydon Court*, designed a few years later, more emphatically anticipates the cluster forms and layouts that emerged following the introduction of the *Stata Titles Act* (1967).

Yarralands Flats, 150 Power Street, Hawthorn (City of Boroondara HO792)

Designed by Frederick Romberg, and built in 1958, *Yarralands Flats* further demonstrate his consideration 'and design for the changing levels of privacy within a small community of flats'.²⁰ The cream brick set of eight joined flats with metal skillion roofs run perpendicular to the street with each north facing unit stepped down the southern site boundary. The functional and compactly designed units include two-bedrooms and an open kitchen and living space and each is provided with full length timber-framed windows overlooking a private front garden separated by opaque glass partitions. Brickwork laid in a 'breeze block' pattern provides filtered light to the rear of the units.

Yarralands Flats and *Kaydon Court* are examples of the *own-your-own* title scheme and are designed for garden settings. They demonstrate the evolving styles and forms of the post-war multi-unit/flat typology in Boroondara.

¹⁷ *Herald*, 17 November 1950, p14

¹⁸ *Ibid*

¹⁹ *Ibid*

²⁰ Trethowan in association with Context, 'City of Boroondara Municipal-Wide Heritage Gap Study', June 2019, pp582-595



Ardene Court, 11 Ardene Court, Hawthorn (City of Boroondara HO781)

The cul-de-sac, Ardene Court, resulted from the subdivision of a neighbouring property in 1960 and the two, two-storey blocks of flats were constructed at the head of the court in 1960-61. Designed by architect, Klaus (Nick) Veltjens (c.1927-) for the company, Innovation Development Pty Ltd, the 'model flats and maisonettes' with 'sun balconies and private gardens' were built in 1960-61.²¹ Constructed of cream/salmon brick, they feature a flat-roof, cantilevered balconies and an interest in pattern work, which includes metal balcony panels, contrasting wall fabric and the arrangement of large and small timber-framed windows. The siting in the court contributes to the garden setting of the blocks, with one set of flats standing parallel the street and the other at an angle. Designed without a front fence, the flats have an open front lawn, which provides a sense of space to their relatively short set-back from the public footpath.

Ardene Court and Kaydon Flats are examples of the *own-your-own* title scheme and are designed in low density forms and stand in garden settings with shared spaces. Both are of two-storey, cream brick construction and feature large timber-framed windows and balconies.

Flats, 20 Denmark Hill Road, Hawthorn East (City of Boroondara HO854)

This three-storey block by architect, Ernest Fooks is a further expression of his interest in pattern work, in this instance incorporating a rubble stone feature wall and spandrels into the street-facing façade, and ribbed glazing and textured wood, and continuing the use of decorative metal balcony panels. Like several examples of other flats of this period, they have cantilevered balconies, although in this case they extend along the side of the stepped side of the flat-roofed building, which is orientated to occupy a long narrow site. The flats were constructed in 1960 and also include a pair of garages under the building and a rear cantilevered corridor at the rear, both of which would become increasingly common features of flats throughout the 1960s. Although the landscaping is limited, the natural qualities of the stonework, other textured surfaces, stepped form of the block and side hedging relieve the concrete surfaces and bulk of the building.

The Denmark Hill flats and *Kaydon Court* are examples of the *own-your-own* title scheme. They demonstrate the evolving styles and forms of the post-war multi-unit/flat typology in Boroondara. While sharing some features in their construction, the Denmark Hill flats differ in their corridor form which extends back into the site with a stepped side elevation with limited landscaping.

Kylemore Flats, 52 Union Road, Surrey Hills (City of Boroondara HO629)

The group of seven o-y-o, split-level cream brick flats have flat skillion roofs and are stepped along one side down the allotment. Each has a private rear courtyard and sits above a garage, which is accessed by a driveway running the length of the side boundary. The concrete cantilever stairs and associated verandahs have wrought iron balustrades and grille columns, which support a pergola, features typical of brick veneers of this period. Suited to singles or couples more than families, the compact flats provided an alternative to the standard form of housing usually associated with suburban living. They were designed by Kurt Popper for the company, Glengariff Heights P/L, registered by J & B Boumeester and constructed in c.1961.²²

Kylemore further demonstrates the evolving styles and forms of the post-war multi-unit/flat typology in Boroondara in their corridor design. A strong design feature of Kylemore flats is their pronounced corridor, villa unit form which is in marked contrast to Kaydon Park's clustered arrangement. Both feature small scale, low-density forms which create the sense of private living.

²¹ Context, 'City of Boroondara Municipal-Wide Heritage Gap Study', June 2019, p215

²² Lovell Chen, 'Surrey Hills and Canterbury Hill Estate Heritage Study', 2011, pp184-190



Comparative Post-war Cluster Development in Victoria

Winter Park, Doncaster, City of Manningham, (VHR1345)

The cluster-style arrangement of the *Kaydon Court* flats anticipates the designs for unit construction which emerged following the introduction of the *Strata Titles Act* in Victoria in 1960. This legislation led to a new typology characterised by low level villa unit forms in groups joined by a connective tissue of pergolas and carports in a common garden setting; today a housing form omnipresent throughout Melbourne's suburbs.

This new style reflected an approach taken to design explored and developed by the housing project firm, Merchant Builders in the 1960s. After completing six townhouse projects in Melbourne's middle-ring eastern suburbs, including Kew and Hawthorn, in 1967 and 1968, the company began focussing on housing projects in the outer-eastern suburbs, including the prototype *Winter Park* development (1970-74), which eventually comprised twenty houses representing five different designs sited around a shared landscape discreetly paved to provide access. The project aimed to pleasantly relate the designs and integrate the units with their surroundings while also enjoying privacy and sharing communal facilities.²³ The innovative, award-winning *Winter Park* - an almost archetypal "cluster" development - predated the advent of cluster housing as a policy and led to the initial formation of the Victorian Cluster Code Committee in 1971, headed by David Yencken with substantial involvement from Graeme Gunn. The *Cluster Titles Act* of 1974 resulted from the committee's work.

Importantly, *Kaydon Court* anticipates the new style of housing forms which emerged following the *Strata Titles Act*, the prototype being the *Winter Park* cluster development pioneered by Merchant Builders.

²³ O'Callaghan and Pickett, p138



Assessment Against Criteria

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

Kaydon Court flats, built between 1959 and 1966, are historically significant for their association with the post-war boom in architect designed flats built throughout the metropolitan area which continued the inter-war pattern of their development along tram and train routes. Kaydon Court Flats are significant as a relatively early illustration of the extension of the post-war boom from Hawthorn to socially conservative Camberwell, where the community was highly protective of the suburb's residential character.

Kaydon Court flats are historically important for demonstrating the growing demand for smaller-size accommodation options and the increasing attention that architects and developers paid to this issue while the ideal of the single, free-standing house continued to prevail.

Kaydon Court Flats illustrate an alternative to the standard form of housing usually associated with suburban living. They are historically important as an early example of the *Own-Your-Own* system of accommodation introduced in c.1952-53, which allowed for flats to be sold to individual owners under a co-operative system of members, each buying a share in the Corporation which owned the property.

CRITERION D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).

Kaydon Court Flats is a representative example of a complex of compact, grouped flats, developed in the Post World War Two period, in a high amenity suburban location in a garden setting. Designed in rectilinear styles generally influenced by the Modern movement, they demonstrate the principal characteristics of the easily recognised, functional two-storey blocks of brick flats which proliferated as an evolving typology throughout Melbourne's inner and middle-ring suburbs during these years.

CRITERION E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

Kaydon Court Flats are aesthetically significant as an architecturally competent and intact complex of units purposefully designed for a garden setting by accomplished modernist architects, Keith Mackay and Charles Potter. Mackay and Potter are better known for larger commercial buildings that share certain stylistic features with the domestic scale, suburban Kaydon Court flats in their restrained use of brick pattern-work, window walls and an interest in balanced rectilinear geometry.

Flats 1- 4, 5 and 6 and 11 and 12 were built to designs by Mackay and Potter. The design drawings for flats 7-10 and 14-17 are not authored and so we cannot be certain if the design was done by them or another architect. They show the same materiality, massing and stylistic features and a similar scheme in terms of arrangement and landscaping.

All the flats are aesthetically important for their ability to demonstrate a planned design that is contextually sensitive to an acceptable level of density for Camberwell, which is typified by free-standing houses, family living, gardens and privacy. The design of the complex contributes to the domestic character of Camberwell as a successful compromise between the ideal of individual suburban housing (and owning a house) and multi-unit developments.

Kaydon Court Flats are aesthetically significant as a development which anticipates the pioneering cluster style housing projects in the outer eastern suburbs designed and constructed by Merchant Builders from 1968.



Statement of Significance

What is Significant?

Kaydon Court Flats, 1 Cooloongatta Road, Camberwell, is significant to the City of Boroondara. The complex comprises five blocks of 17 flats loosely arranged in a court setting either side of a curving concrete driveway with generous garden landscape surrounds. The blocks are two-storey in height and are constructed in sand-coloured brick with timber windows and doors. The roofs are either hipped or gabled and clad with glazed Marseille tile work. The earliest block closest to Cooloongatta Road includes flats 1 to 4, the next has flats 5 and 6. These are followed by two linear blocks with hipped roofs each with four flats – numbers 7 to 10 and numbers 14 to 17. The last block to be constructed, with flats 11 and 12, illustrates a variation of the form in their planning and materials. Unobtrusive carports and garages are located to the rear or side of the blocks.

In addition to the flats there is number 13, possibly built for the owner/developer. This is a substantially larger and later construction with darker brick walls and tiled roof. This building does not contribute to the significance of the flats and their setting.

How is it significant?

The whole of the site, excluding the free-standing house, (number 13) is of local historical, architectural (representative) and aesthetic significance to the City of Boroondara.

Why is it significant?

Kaydon Court Flats, substantially completed between 1960 and 1966, is historically significant for its association with the post-war boom in architect-designed flat construction throughout the metropolitan area, continuing the pattern of inter-war development along tram and train routes. The flats are important as a relatively early illustration of the extension of the post-war boom from Hawthorn to socially conservative Camberwell, where the community was highly protective of the suburb's residential character. (Criterion A)

Kaydon Court flats are historically important for demonstrating the growing demand for smaller-size accommodation options and the increasing attention that architects and developers paid to this issue while the ideal of the single, free-standing house continued to prevail. (Criterion A)

The flats are historically significant for illustrating an alternative to the standard form of housing usually associated with suburban living. They are important as an early example of the *Own-Your-Own* system of accommodation introduced in c.1952-53, which allowed for flats to be sold to individual owners under a co-operative system of members, each buying a share in the Corporation which owned the property.

Kaydon Court Flats is a representative example of a complex of compact, grouped flats, developed in the Post World War Two period, in a high amenity suburban location in a garden setting. Designed in rectilinear styles generally influenced by the Modern movement, they demonstrate the principal characteristics of the easily recognised, functional two-storey blocks of brick flats which proliferated as an evolving typology throughout Melbourne's inner and middle-ring suburbs during these years. (Criterion D)

Kaydon Court Flats are aesthetically significant as an architecturally competent and intact complex of units purposefully designed for a garden setting by accomplished modernist architects, Keith Mackay and Charles Potter. Mackay and Potter are better known for larger commercial buildings that share certain stylistic features with the domestic scale, suburban Kaydon Court flats in their restrained use of brick pattern-work, window walls and an interest in balanced rectilinear geometry. (Criterion E)



The flats are aesthetically important for their ability to demonstrate a planned design that is contextually sensitive to acceptable levels of density for a middle-ring, suburb typified by free-standing houses, family living, gardens and privacy. The design of the complex contributes to the domestic character of Camberwell as a successful compromise between the ideal of individual suburban housing (and owning a house) and multi-unit developments. (Criterion E)

Kaydon Court Flats are aesthetically significant as a development which anticipates the pioneering cluster style housing projects in the outer eastern suburbs designed and constructed by Merchant Builders from 1968. (Criterion E)

Recommendation

Recommended for inclusion in the Schedule to the Heritage Overlay of the City of Boroondara Planning Scheme.

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

External Paint Colours <i>Is a permit required to paint an already painted surface?</i>	No
Internal Alteration Controls <i>Is a permit required for internal alterations?</i>	No
Tree Controls <i>Is a permit required to remove a tree?</i>	Yes [peppercorn at Units 5+6), Oak Tree at Unit 11] and Blue Atlas Cedar in central landscape area.
Victorian Heritage Register <i>Is the place included on the Victorian Heritage Register?</i>	No
Incorporated Plan <i>Does an Incorporated Plan apply to the site?</i>	No
Outbuildings and fences exemptions <i>Are there outbuildings and fences which are not exempt from notice and review?</i>	Yes (brick garages)
Prohibited uses may be permitted <i>Can a permit be granted to use the place for a use which would otherwise be prohibited?</i>	No
Aboriginal Heritage Place <i>Is the place an Aboriginal heritage place which is subject to the requirements of the Aboriginal Heritage Act 2006?</i>	No

Design Guidelines

Basis for Guidelines: The guidelines are prepared for this *individually significant* heritage site within the planning scheme.

They are prepared on the basis that the blocks of brick flats and the brick garages are of primary importance and that the rear side open garage carports and the rear west house are of lesser importance. The open space between the blocks of flats and the simple concrete drive is of primary importance including any specified trees while rear open areas are of lower importance. Low gardens cannot be controlled under the planning scheme and are not being specified.

Brick external walls	Not to be altered or painted anywhere externally, face brick is to remain the prominent material on all sides of the buildings. Minor alterations may be approved with a permit on the rear side of the buildings.
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Terracotta tile roofs	All roofs to remain as variegated terracotta tile of a Marseille pattern matching the original configuration and fabric.
Window walls	The exterior (timber) window walls and other external joinery on the frontage and ends is to be retained as part of the original expression of the buildings. Any alteration to include plain aluminium sections may only be made to minor ventilating windows on the rear side. Glazing shall remain as untinted. Apartment windows may be double glazed provided that new glazing is added on the rear side of existing glass and no changes are obvious on the frontages. On the rear side, owners should consider completing double glazing as a joint proposal to complete the work as one operation to the one consistent design.
Brick garages	Brick garages and their doors are to remain as designed as they are part of the original design of the site.
Landscape	The open landscape between the buildings is to be retained along with the identified trees. The peppercorn and blue atlas cedar may require the attention of an arborist from time to time. Other garden variety shrubs and bushes from the period are Lily Pily and Lemon Wood and should be managed for longevity The plain simple concrete driveway is to be retained. Gravel paths are to remain. Retain the concrete lampstand.
New constructions	These should be small scale single storey in matching brick, and have no visual or physical impact on the sides and frontages of the flats.
Rear west House	External alterations cannot be made that would be determined to the overall site i.e. changing the external appearance in any substantive way except for the rear side where alterations to the appearance including addition of heaters, service equipment and the like and the addition of low decks do not need a planning permit. No additions to be higher than the existing building.
Solar Panels	No panels are to be placed on forward facing roofs. Panels should result in a shared electrical supply in the case of PV cells as buildings on the south side have only limited opportunity for solar cells.

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Appendix of Images



Earliest constructed flats (flats 1 to 4) 1959-60



Flats constructed 1962. (flats 11 + 12) used as residence



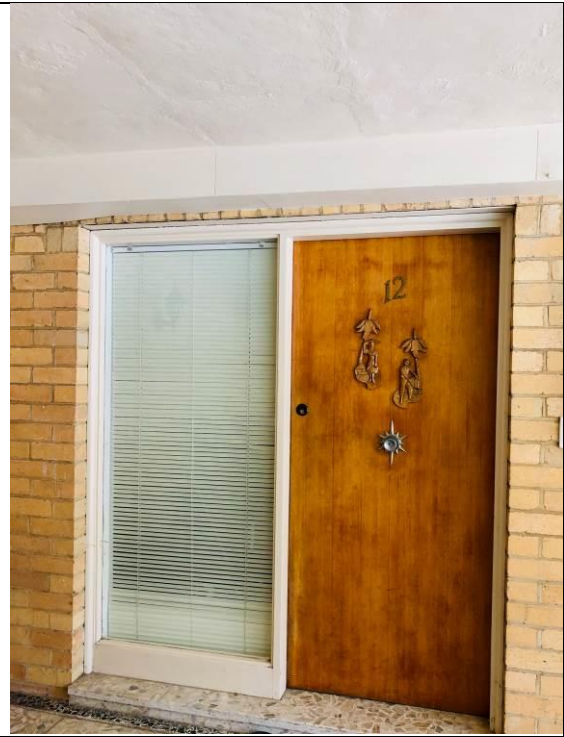
Entry timber door to flats 7-10 (1965)



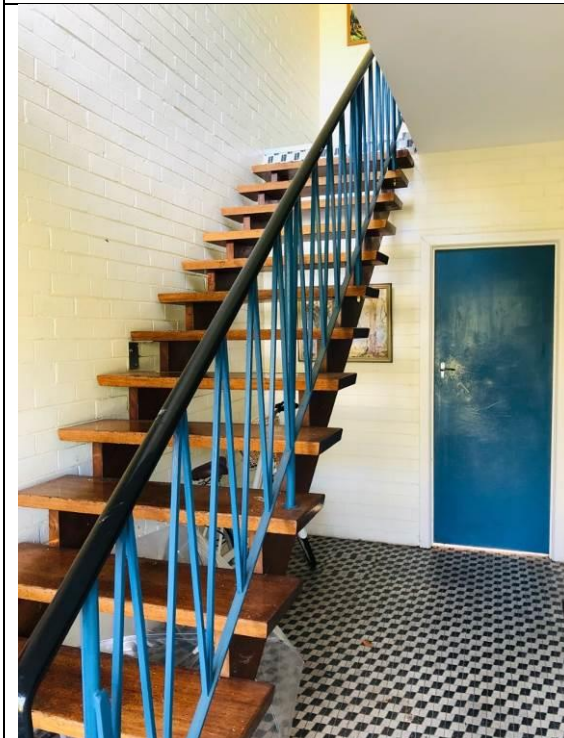
Tessellated tiles on exterior of Flat 11



Mosaic Tiling to upper and lower levels in common stairwells.



Front door with original stain finish and applied decoration. Note also the nougat terrazzo floor finish



Open treads and tiled pavement floor with simple decorative metal balustrading of the period.



Blue Atlas Cedar, Concrete lamp-post and Lilly Pilly planting all part of the introduced landscape



First group flats constructed (Flats 1 to 4) Note the shrub landscape 1960

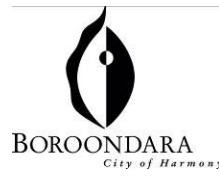


Second constructed group of flats with early surviving peppercorn tree (Flats 5 to 6) 1960-61



Fourth group constructed (Flats 7 to 10) of 1965 Note the generous open space landscape with flats 14 to 17 at rear.





Third constructed (Flats 11 + 12) of 1962 – the most featurist of the flats. Used by Gilmour as a house until 1978-79