

12 September 2022

Submission on behalf of the Planning Authority
Amendments C367boro and C368boro to the Boroondara Planning Scheme

Boroondara City Council submission: Part A

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Introduction

1. This submission is made on behalf of Boroondara City Council (**Council**).
2. Council is the Planning Authority for Amendments C367boro and C368boro (**Amendments**) to the Boroondara Planning Scheme (**Scheme**). Council has prepared and is the proponent of these Amendments.
3. As exhibited, Amendment C367boro proposes to apply the Heritage Overlay to 57 and 60 Berkeley Street, Hawthorn on a permanent basis.
4. As exhibited, Amendment C368boro proposes to apply the Heritage Overlay to 32 Corby Street, Balwyn North on a permanent basis.
5. Submissions have been received for all affected properties and are noted at **Attachment 1**.
6. For Amendment C367boro, Council is recommending minor changes to the heritage citation and Statement of Significance for 57 Berkeley Street, Hawthorn, to clearly identify non-contributory 1995 additions in the Statement of Significance. No changes are recommended to the citation or Statement of Significance for 60 Berkeley Street, Hawthorn.
7. For Amendment C368boro, Council is recommending minor changes to the heritage citation and Statement of Significance for 32 Corby Street, Balwyn North following the discovery of outbuilding plans from 1963 and 1964.

Panel directions

8. This submission responds to Direction 8 of the Panel Directions issued on 24 August 2022 (**Panel Directions**) directing Council to circulate its 'Part A' submission by 12 noon on Monday, 12 September 2022, and specifies the items to be included in its submission.
 9. Accordingly, this 'Part A' submission includes the following items in accordance with the Panel Directions:
 - 9.1 Background to the Amendments including chronology of events;
 - 9.2 Strategic context and assessment;
 - 9.3 Issues identified in submissions; and
 - 9.4 Any suggested changes to the Amendments in response to submissions.
 10. In addition to this Part A submission, Council will, at the hearing:
 - 10.1 Present a Part B submission which will address the key issues raised in submissions, Council's response to the matters raised in evidence, and its final position on the Amendments; and
 - 10.2 Call evidence from Aron Paul of Trethowan Architecture (C367boro, 60 Berkeley Street, Hawthorn), Sue Silberberg of Silberberg Consulting (C367boro, 57 Berkeley Street, Hawthorn) and Simon Reeves of Built Heritage (C368boro, 32 Corby Street, Balwyn North).
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Background to Amendment C367boro

Heritage assessments and preliminary consultation

11. Both 57 and 60 Berkeley Street, Hawthorn have received varying degrees of heritage assessment at different points dating back to the 1993 Hawthorn Heritage Study. These are detailed in full, in the UPDC report for the meeting held 5 September 2022.
12. As a result of these assessments, neither property had been found to meet the threshold for individual heritage protection.
13. The heritage significance of 57 and 60 Berkeley Street, Hawthorn was reinvestigated (separately) in 2020 and 2021 by Peter Andrew Barrett and Trethowan Architects respectively, in response to community requests and interest in the protection of the properties.
14. The significance of the two individual properties was assessed against the criteria set out in *Planning Practice Note 1: Applying the Heritage Overlay* (January 2018) (**PPN1**), and the assessments undertaken by the consultants determined each respective property to be of individual heritage significance.
15. Preliminary consultation on the draft heritage citations was undertaken from 4 May 2021 to 4 June 2021 and included the following:
 - 15.1 Letters to all owners and occupiers of directly affected and abutting properties and the relevant community groups.
 - 15.2 Emails to residents who had directly contacted Council's Strategic and Statutory Planning Department to request Council reinvestigate the heritage value of the properties.
 - 15.3 Documentation publicly available at Council's Camberwell office; and online at Council's website.
16. In response to the preliminary consultation, Council received feedback from 57 parties, including three (3) opposing submissions and fifty-four (54) supporting submissions.
17. These were summarised and presented at Council's Urban Planning Delegated Committee (**UPDC**) meeting on 4 October 2021.
18. At that meeting the UPDC resolved to:
 - 18.1 Receive and note the feedback received and outcomes of the preliminary consultation process undertaken on the draft heritage citations for 57 and 60 Berkeley Street, Hawthorn.
 - 18.2 Adopt the heritage citations for 57 and 60 Berkeley Street contained in Attachment 1 and 2, as annexed to the minutes.
 - 18.3 Endorse the officers' response to the preliminary feedback received and recommended changes to the draft heritage citations outlined in Attachment 3, as annexed to the minutes.
 - 18.4 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 57 and 60 Berkeley Street, Hawthorn in the Heritage Overlay.

- 18.5 Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the *Planning and Environment Act 1987*.
- 18.6 Authorise the Director Urban Living to undertake administrative changes to the amendment which do not change the intent of the amendment, or any changes required under the Minister of Planning's Authorisation prior to the commencement of exhibition.

Exhibited Amendment

19. On 11 October 2021, Council wrote to the Minister and sought authorisation to prepare and exhibit the Amendment.
20. By letter dated 12 November 2021, a delegate of the Minister authorised Council to prepare the Amendment.
21. The Amendment was formally exhibited under section 19 of the Act from 12 May 2022 to 14 June 2022. Notice of the Amendment was:
- 21.1 made available, including all exhibited documents on Council's website and on the Department of Environment, Land, Water and Planning (**Department**) website;
 - 21.2 sent to all affected and adjoining property owners and occupiers;
 - 21.3 sent to all parties who submitted feedback during the preliminary consultation period (including a note that the feedback previously submitted would not formally be considered as a submission to the Amendment);
 - 21.4 sent to key stakeholders, including local community groups, historical societies and traders associations and groups;
 - 21.5 sent to prescribed Ministers and public authorities; and
 - 21.6 published in The Age on 10 May 2022 and in the Victorian Government Gazette on 12 May 2022.
22. The Amendment documentation as exhibited comprised the following documents:
- 22.1 the Explanatory Report;
 - 22.2 the Notice of Preparation of an Amendment;
 - 22.3 the Instruction Sheet;
 - 22.4 proposed clauses and schedules:
 - Schedule to the Heritage Overlay (Clause 43.01);
 - Schedule to Clause 72.04 Documents Incorporated in the Planning Scheme, including the Statement of Significance for the proposed Heritage Overlays as exhibited Incorporated Documents; and
 - Schedule to Clause 72.08 Background Documents.
 - 22.5 revised maps to reflect the ordinance (HO938, HO939).

Submissions

- 23. Council received thirty-three (33) submissions in response to the exhibition of the Amendment. Of the 33 submissions received:
 - 23.1 31 submissions supported the Amendment;
 - 23.2 2 submissions objected to the Amendment.

Consideration of submissions and request to the Minister

- 24. Council's officers and Council's heritage consultants considered the submissions and did not recommend any substantive changes to the Amendment.
- 25. Council officers recommended a minor change to the heritage citation and Statement of Significance Incorporated Document, to clearly identify non-contributory 1995 additions to 57 Berkeley Street, Hawthorn in the heritage citation and Statement of Significance. This change is shown as a highlighted change in Attachment 2 to the UPDC report of 1 August 2022.
- 26. On 1 August 2022 Council's UPDC resolved to (amongst other things):
 - 26.1 Receive and note the submissions to Amendment C367boro (Attachment 1) to the Boroondara Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987*.
 - 26.2 Endorse the officers' response to submissions and recommended change to Amendment C367boro as shown at Attachment 2.
 - 26.3 Request that the Minister for Planning appoint a Planning Panel under Section 153 of the *Planning and Environment Act 1987* to consider unresolved submissions to Amendment C367boro.
 - 26.4 Refer the amendment and all submissions to a Planning Panel in accordance with Section 23(1) of the *Planning and Environment Act 1987*.
 - 26.5 Authorise the Director Urban Living to undertake administrative changes to Amendment C367boro that do not change the intent of the amendment prior to a Panel Hearing.
- 27. The Panel have been provided with the following in the UPDC report (including attachments) dated 1 August 2022:
 - 27.1 A summary of all submissions
 - 27.2 The corresponding Council officers' response to submissions (as endorsed by Council)
 - 27.3 The adopted citations with changes from the exhibited version highlighted (where relevant).

Chronology of Events

28. A chronology of events relating to C367boro is set out below.

Date	Event
25 August 2020	Survey date of draft citation as prepared by Peter Andrew Barrett for 57 Berkeley Street, Hawthorn
March 2021	Survey date of draft citation as prepared by Trethowan Architects for 60 Berkeley Street, Hawthorn
4 May 2021 to 4 June 2021	Preliminary consultation period for heritage investigation of 57 and 60 Berkeley Street, Hawthorn
4 October 2021	<p>Council's UPDC resolved to (amongst other things):</p> <ul style="list-style-type: none"> Receive and note the feedback received and outcomes of the preliminary consultation process undertaken on the draft heritage citations for 57 and 60 Berkeley Street, Hawthorn. Adopt the heritage citations for 57 and 60 Berkeley Street contained in Attachment 1 and 2, as annexed to the minutes. Endorse the officers' response to the preliminary feedback received and recommended changes to the draft heritage citations outlined in Attachment 3, as annexed to the minutes. 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 57 and 60 Berkeley Street, Hawthorn in the Heritage Overlay. Following receipt of authorisation from the Minister for Planning, exhibit the amendment in accordance with Section 19 of the Planning and Environment Act 1987. Authorise the Director Urban Living to undertake administrative changes to the amendment which do not change the intent of the amendment, or any changes required under the Minister of Planning's Authorisation prior to the commencement of exhibition.
11 October 2021	Council wrote to the Minister and sought authorisation to prepare Amendment C367boro
12 November 2021	Minister authorised Council to prepare Amendment C367boro
12 May to 14 June 2022	Amendment C367boro formally exhibited
1 August 2022	<p>Council's UPDC resolved to:</p> <ul style="list-style-type: none"> Receive and note the submissions to Amendment C367boro (Attachment 1) to the Boroondara Planning Scheme in accordance with Section 22 of the Planning and Environment Act 1987.

	<ul style="list-style-type: none"> ▪ Endorse the officers' response to submissions and recommended change to Amendment C367boro as shown at Attachment 2. ▪ Request that the Minister for Planning appoint a Planning Panel under Section 153 of the Planning and Environment Act 1987 to consider unresolved submissions to Amendment C367boro. ▪ Refer the amendment and all submissions to a Planning Panel in accordance with Section 23(1) of the Planning and Environment Act 1987. ▪ Authorise the Director Urban Living to undertake administrative changes to Amendment C367boro that do not change the intent of the amendment prior to a Panel Hearing.
3 August 2022	Request to appoint Panel submitted to Planning Panels Victoria.
4 August 2022	Panel appointed. Mr Con Tsotsoros appointed Chair.
22 August 2022	Directions Hearing.
24 August 2022	Panel reconstituted. Mr Michael Ballock appointed Chair.
24 August 2022	Directions issued by Planning Panels Victoria.

Background to Amendment C368boro

Balwyn and Balwyn North (including Deepdene and Greythorn) Heritage Study

29. In 2012, Council engaged Built Heritage Pty Ltd to undertake the *Balwyn and Balwyn North Heritage Study* (including Deepdene and Greythorn), to identify places and precincts of local cultural heritage significance in the suburbs of Balwyn, Balwyn North and Deepdene.
30. In June 2014, a draft of the Study was completed identifying a master list of 370 properties for investigation. The property at 32 Corby Street, Balwyn North was included on this list.
31. However, budget constraints required strict prioritisation of assessments of those places identified on the master list deemed most likely to be of individual heritage significance.
32. As a result, only 26 individual properties and four precincts were recommended for inclusion in the Heritage Overlay, including 18 post-World War 2 properties. A further 40 properties were identified for further investigation. The property at 32 Corby Street was not identified for immediate protection or further investigation despite having received a preliminary score of 16.
33. A preliminary score of 16 meant it was identified as a possible place of individual heritage significance but required further research and assessment.
34. On 9 September 2015, Council's then Urban Planning Special Committee (UPSC) resolved to not adopt the Study and not progress with a planning scheme amendment.

Peer review process

35. On 20 March 2017, the UPSC resolved to undertake a peer review of the draft Study. This would involve engaging a new heritage consultant to review the assessments and citations prepared as part of the draft Study. This peer review specifically excluded properties demolished, properties already within the Heritage Overlay and any post-World War 2 properties.
36. Following a procurement process, Council officers were unable to appoint a suitable heritage consultant to undertake the review at the time.

Peer Review Stage 1 and 2

37. Following the unsuccessful procurement process, the UPSC resolved on 18 September 2017 for Context (now GML Heritage) to undertake the peer review as part of their ongoing heritage consultancy contract.
38. The UPSC also resolved to commence preliminary consultation on twelve individual properties and two precincts for which heritage citations had already been prepared as part of the Draft Study (Stage 1). Stage 1 of the Peer Review was completed in July 2019 with the gazettal of Amendment C276 to the Boroondara Planning Scheme.
39. Concurrently, Council's heritage consultants completed their review of the Draft Study's master list to identify properties warranting a detailed assessment as part of Stage 2 of the Peer Review (excluding post-war places). Stage 2 comprised 15 individual properties and one precinct and was completed in December 2020 with the gazettal of Amendment C318 to the Boroondara Planning Scheme.

Peer Review Stage 3

40. On 17 August 2020, the UPSC resolved to add 18 individually significant post-World War 2 properties identified in the Draft Study to the 'Possible Heritage Place' layer on Council's GIS program, to identify them until a further investigation could be completed to confirm their heritage significance.
41. Council engaged Context in February 2021 to undertake Stage 3 of the Peer Review, which comprised a review of 16 post-World War 2 properties (originally 18 but two had been demolished in the meantime) for which draft heritage citations had already been prepared as part of the Draft Study.
42. Context also proposed that the Peer Review Stage 3 include a heritage assessment of four additional properties identified in the Draft Study master list for which a heritage citation had not yet been prepared. 32 Corby Street, Balwyn North is one of those properties.
43. To ensure consistency with the other properties included in Stage 3, the four properties were added to the 'Possible Heritage Place' layer on Council's GIS program.
44. Property owners were notified in August 2021 (prior to the commencement of the fieldwork) their property had been identified and would be investigated for its heritage significance and suitability for inclusion in the Heritage Overlay. The letter outlined the assessment process and the potential implications including explaining Council's Section 29A demolition application process should an owner try to demolish their house.

Section 29A demolition application and interim heritage protection

45. On 28 April 2021, Council's Building Services Department received a Report and Consent application for full demolition of the house at 32 Corby Street, Balwyn North under Section 29A of the *Building Act 1993*. The application was referred to Strategic Planning in accordance with Council's adopted Section 29A Internal Process given the site was identified on Council's 'Possible Heritage Place' GIS layer. In response to the application, Context undertook a priority heritage assessment of the property to determine whether the house met the threshold for inclusion in the Heritage Overlay.
46. Context identified that the property met the threshold for local heritage significance under Criterion D (representativeness) and Criterion E (aesthetic significance) and prepared a draft heritage citation.
47. Based on the assessment, Council requested the introduction of an interim Heritage Overlay under Section 20(4) of the *Planning and Environment Act 1987* from the Minister for Planning (Amendment C357boro).
48. As required under Section 29B of the *Building Act 1993*, Council's Building Department suspended consideration of the Report and Consent demolition application following the interim Heritage Overlay request. The suspension ensured no building permit could be issued for demolition while the Minister considered the interim Heritage Overlay request.

Bryce Raworth assessment

49. In May 2021, in response to the interim Heritage Overlay request, the (previous) owner of the property commissioned Bryce Raworth Pty Ltd to prepare a memo assessing the heritage significance of the property. The assessment argued the property does not meet the threshold for local heritage significance and does not warrant heritage protection.
50. Context reviewed Bryce Raworth's assessment to determine whether it changes their assessment and recommendation to protect the place. Following their review, Context did not agree with the key arguments presented by Bryce Raworth and confirmed their initial assessment and recommendation.

Built Heritage peer review and assessment

51. In June 2021, in response to a request from the previous owner, Council commissioned Built Heritage to peer review the Context draft heritage citation and the Bryce Raworth assessment given their expertise in post-war heritage.
52. Built Heritage formed the view Bryce Raworth did not provide a compelling argument for a Heritage Overlay not to be applied. While Built Heritage identified some issues with the heritage citation prepared by Context, they agreed with the overall assessment and confirmed Context's conclusion that the site warrants protection as an individually significant place.
53. Built Heritage recommended undertaking a further heritage assessment and preparation of a heritage citation to address the issues identified in the Context draft heritage citation. Accordingly, Built Heritage carried out a full assessment and determined the property met the threshold for local heritage significance under Criterion E (aesthetic significance) and Criterion H (associative significance).
54. This new draft citation was provided to the Department of Environment, Land, Water and Planning (DELWP) on 13 July 2021 to support the interim Heritage Overlay request and replace the Context citation submitted originally.

Preliminary consultation and adoption of Study

- 55. Preliminary consultation was undertaken on the draft heritage citation prepared by Built Heritage from 16 August 2021 to 13 September 2021.
- 56. A total of ten submissions were received including three supporting and seven opposing the recommendation to include the property in a Heritage Overlay.
- 57. On 18 October 2021, the UPDC considered a report on the outcomes of the preliminary consultation process including the officers' response to the issues raised in the feedback.
- 58. The UPDC resolved to (amongst other things) adopt the heritage citation subject to some changes to address feedback received during the preliminary consultation, and to write to the Minister for Planning to seek authorisation to prepare and exhibit a planning scheme amendment.

Amendment C357boro – Interim heritage controls

- 59. On 14 May 2021, Council officers requested the Minister for Planning to apply interim heritage controls to 32 Corby Street, Balwyn North.
- 60. On 22 March 2022 Amendment C357boro was approved to apply an interim Heritage Overlay to the site. The controls were gazetted on 8 April 2022.
- 61. The interim Heritage Overlay is currently due to expire on 12 March 2023.

Exhibited Amendment

- 62. On 27 October 2021, Council wrote to the Minister and sought authorisation to prepare and exhibit the Amendment.
- 63. On 9 November 2021 a delegate of the Minister advised Council that the application for authorisation required further review.
- 64. By letter dated 22 March 2022, a delegate of the Minister authorised Council to prepare the Amendment subject to the following condition:
 - 66.1 Amend the Schedule to Clause 72.08 (Background Documents) and any associated amendment documents to remove reference to the heritage citation prepared by Context Pty Ltd.
- 65. The Amendment was formally exhibited under section 19 of the Act from 5 May to 6 June 2022. Notice of the Amendment was:
 - 65.1 made available, including all exhibited documents on Council's website and on the Department of Environment, Land, Water and Planning (**Department**) website
 - 65.2 sent to all affected and adjoining property owners and occupiers
 - 65.3 sent to all parties who submitted feedback during the preliminary consultation period (including a note that the feedback previously submitted would not formally be considered as a submission to the Amendment)
 - 65.4 sent to key stakeholders, including local community groups and historical societies
 - 65.5 sent to prescribed Ministers and public authorities
 - 65.6 published in The Age and in the Victorian Government Gazette on 5 May 2022.

66. The Amendment documentation as exhibited comprised the following documents:
- 66.1 the Explanatory Report
 - 66.2 the Notice of Preparation of an Amendment
 - 66.3 the Instruction Sheet
 - 66.4 proposed clauses and schedules:
 - Schedule to Clause 43.01 (Heritage Overlay)
 - Schedule to Clause 72.04 (Incorporated Documents), including the Statement of Significance for the property as an Incorporated Document
 - Schedule to Clause 72.08 (Background Documents), including the heritage citation as a Background Document
 - 66.5 revised map to reflect the ordinance (4HO).

Submissions

67. Council received 11 submissions in response to the exhibition of the Amendment. Of the 11 submissions received:
- 67.1 7 submissions supported the Amendment¹
 - 67.2 4 submissions objected to the Amendment².

Consideration of submissions and request to the Minister

68. Council's officers and Council's heritage consultants considered the submissions and did not recommend any substantive changes to the Amendment or exhibited documents.
69. Council's heritage consultants and officers did, however, recommend minor changes to the Amendment in the form of the exhibited heritage citation and Statement of Significance, following the discovery of plans of outbuildings from 1963 and 1964. These proposed changes are highlighted yellow in the heritage citation at Attachment 2 to the relevant UPDC report of 1 August 2022.
70. On 1 August 2022 Council's UPDC resolved to (amongst other things):
- 70.1 Receive and note the submissions to Amendment C368boro (Attachment 1) to the Boroondara Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987*.
 - 70.2 Endorse the officers' response to submissions and recommended changes to Amendment C368boro as shown at Attachments 1 and 2.
 - 70.3 Request that the Minister for Planning appoint a Planning Panel under Section 153 of the *Planning and Environment Act 1987* to consider all submissions to Amendment C368boro.
 - 70.4 Refer the amendment and all submissions to a Planning Panel in accordance with Section 23(1) of the *Planning and Environment Act 1987*.

¹ Submissions 1, 2, 6, 7, 8, 10 and 11

² Submissions 3, 4, 5, and 9.

- 70.5 Authorise the Director Urban Living to undertake administrative changes to Amendment C368boro that do not change the intent of the amendment prior to a Panel Hearing.
71. The Panel have been provided with the following in the UPDC report (including attachments) dated 1 August 2022:
- 71.1 A summary of all submissions.
- 71.2 The corresponding Council officers' response to submissions (as endorsed by Council).
- 71.3 The adopted citations with changes from the exhibited version highlighted (where relevant).

Chronology of Events

72. A chronology of events relating to Amendment C368boro is set out below.

Date	Event
14 May 2021	Council requested the Minister for Planning (Minister) prepare, adopt and approve an Amendment to introduce an interim heritage control to the property, in response to a demolition request made under Section 29A of the <i>Building Act 1993</i> .
16 August 2021 to 13 September 2021	Preliminary consultation on the draft heritage citation (prepared by Built Heritage).
18 October 2021	Council's UPDC resolved to (amongst other things) adopt the heritage citation subject to some changes to address feedback received during the preliminary consultation, and to write to the Minister for Planning to seek authorisation to prepare and exhibit a planning scheme amendment.
27 October 2021	Council wrote to the Minister and sought authorisation to prepare Amendment C368boro.
9 November 2022	Delegate for the Minister advised Council that the application for authorisation required further review.
22 March 2022	Minister authorised Council to prepare Amendment C368boro.
8 April 2022	Gazettal of Amendment C357boro introducing interim heritage controls to the property.
5 May to 6 June 2022	Amendment C368boro formally exhibited.
1 August 2022	<p>Council's UPDC resolved to (amongst other things):</p> <ul style="list-style-type: none"> receive and note the submissions received in accordance with s. 22 of the Act; endorse the Council officers' response to submissions and recommended changes to the Amendment and the citation (as exhibited); and

	<ul style="list-style-type: none"> request the Minister appoint an independent Planning Panel under s. 23 of the Act to consider the unresolved submissions received in response to the Amendment.
3 August 2022	Request to appoint Panel submitted to Planning Panels Victoria.
4 August 2022	Panel appointed. Mr Con Tsotsoros appointed Chair.
22 August 2022	Directions Hearing.
24 August 2022	Panel reconstituted. Mr Michael Ballock appointed Chair.
24 August 2022	Directions issued by the Panel.

Strategic context and assessment

73. The strategic context and assessment of the Amendment is set out in each Explanatory Report exhibited with the Amendment and provided to the Panel. This section provides an overview of the strategic basis of the Amendments.
74. The Amendments are consistent with State and Local policy.
75. Section 4 of the Act sets out the objectives of planning in Victoria. Relevant to these Amendments is:
- (1)(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
76. These Amendments will meet this objective by ensuring the heritage significance will be considered in future development proposals at affected properties. The Heritage Overlay is the appropriate planning mechanism to protect the heritage values of the precincts and individual properties as a permit will be required for building and works, including demolition that could affect the significance of the precincts and individual properties.

Plan Melbourne

77. These Amendments also support the outcomes and directions sought by *Plan Melbourne* 2017-2050. Direction 4.4 'Respect Melbourne's heritage as we build for the future' notes that:
- Heritage will continue to be one of Melbourne's competitive strengths, contributing to its distinctiveness and liveability and attracting visitors, new residents and investors. Heritage is an important component of Victoria's tourism industry and benefits the economy.
78. Policy 4.4.1 'Recognise the value of heritage when managing growth and change', notes that:
- There will need to be continuous identification and review of currently unprotected heritage sites and targeted assessments of heritage sites in areas identified as likely to be subject to substantial change.

Planning Policy Framework

79. The strategic justification for the Amendments are grounded in the Planning Policy Framework.
80. The Amendments implement the objectives and strategies of Clause 15.03 Heritage by including properties that contribute to the heritage significance of Boroondara.
81. Clause 15.03-1S (Heritage conservation) seeks to ensure the conservation of places of heritage significance through the following strategies:
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
 - Provide for the conservation and enhancement of those places which are of aesthetic, archaeological, architectural, cultural, scientific or social significance.
82. The Municipal Planning Strategy (**MPS**) further acknowledges the significant contribution heritage assets make to Boroondara's character.
83. The Amendments are consistent with and implement the strategic direction outlined in the MPS at Clause 02.03-4 to "protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance".
84. The Amendments are consistent with and implement Clause 15.03-1L (Heritage in Boroondara), which seeks to "preserve 'significant' heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm".
85. The Amendments implement the objectives and strategies of both Boroondara's MPS and the Planning Policy Framework.

Boroondara Community Plan 2021-31

86. The *Boroondara Community Plan 2021-31* sets out the 10-year vision for Boroondara's future based on values, aspirations and priorities important to the community, and includes the Council Plan 2021-25.
87. The Amendments implement the Strategic Objective of Theme 4 of the Plan, to "Protect the heritage and respect the character of Boroondara, while facilitating appropriate, well-designed development".
88. Specifically, the Amendments implement Strategy 4.1 - "Boroondara's heritage places are protected through ongoing implementation of heritage protection controls in the Boroondara Planning Scheme."

Minister's Directions

89. The Amendments comply with the requirements of the following Minister's Directions:
 - 89.1 Ministerial Direction - The Form and Content of Planning Schemes
 - 89.2 Ministerial Direction No. 9 Metropolitan Planning Strategy
 - 89.3 Ministerial Direction No. 11 Strategic Assessment of Planning Scheme Amendments
 - 89.4 Ministerial Direction No. 15 The Planning Scheme Amendment Process.

Planning Practice Note 1: Applying the Heritage Overlay

90. Finally, the Amendments are consistent with Planning Practice Note 1: *Applying the Heritage Overlay* (DELWP, August 2018) (PPN1). PPN1 provides guidance about the application of the Heritage Overlay.
91. The Amendments and the citations meet the requirements of PPN1, in that:
- 91.1 The recognised criterion has been adopted in the assessment of the heritage values of each place.
 - 91.2 Detailed comparative analysis has been undertaken to substantiate the significance of the places.
 - 91.3 For each of the heritage places, a statement of significance has been prepared using the three-part format of 'What is significant?'; 'How is it significant?' and 'Why is it significant?'.

Identification of the issues raised in submissions and Council's response

92. A common theme in supporting submissions is the support for heritage protection generally. Council also supports the protection of identified heritage places through the application of the Heritage Overlay.
93. The common issues raised in opposing submissions are summarised as follows:
- 93.1 Negative personal impacts, including financial and emotional costs³
 - 93.2 Future development opportunities⁴
 - 93.3 Poor structural integrity of buildings⁵.
94. The site-specific issues raised in submissions are:
- 94.1 Individual property level of significance/threshold issues.
95. Council's response to the submissions has been provided to the Panel, through the UPDC reports dated 1 August 2022.

Negative personal impacts, including financial and emotional costs

96. Several submitters to Amendment C368 raised concerns about personal financial and emotional implications, including the costs associated with participating in the amendment process and money already spent on redevelopment plans.
97. Council submits the personal financial and emotional impacts for property owners (such as those raised by submitters) are not relevant matters to take into account in the assessment of appropriate heritage controls. PPN01 identifies the criteria for assessing the heritage significance of a heritage place and refers only to matters of a heritage nature.

³ C368boro - Submissions 3, 5 and 9.

⁴ C368boro - Submissions 3, 5 and 9.

⁵ C368boro - Submissions 3, 4, 5 and 9.

98. While Council acknowledges financial impacts may be considered if they overlap with, or translate into public economic effects, it is evident that the financial matters raised in the submissions are expressed on a site-by-site basis (that is to say how the Heritage Overlay affects the submitter personally) and not at a broader community level.
99. Council's approach to these submissions is consistent with the views of various planning panels and judicial authority set out below.
100. In Amendments C91, C101 and C103 to the Stonnington Planning Scheme, the Panel specifically considered the potential impacts of a Heritage Overlay on property values. Under the heading 'Economic and Personal Factors', the Panel stated:

A number of submissions – written and at hearing – dealt with perceptions that the Heritage Overlay process would:

- reduce the value of the property; and/or
- Impede owners' freedom to repair, renovate or replace the building.

Panels have repeatedly ruled that such issues are not material to this stage of the planning process - a position supported by Practice Notes and numerous VCAT decisions. It is not the purpose of this comment to re-confirm the (very appropriate) rationale for this position.

[Emphasis added]

101. This approach is also consistent with the views of the Panel in Amendment C129 to the Moreland Planning Scheme. To this end, the Panel observed under the heading 'Property Ownership and Land Values'.⁶

What is the issue?

The principal issue is the personal financial impact of inclusion of an owner's property in the Heritage Overlay. For some owners the issue plays out in a number of ways:

- a perception that property value will be diminished;
- a perception that future use or development of the property will be restricted or not be allowed;
- a perception that owners will be obliged to restore their properties to something approaching original condition entailing extra expenditure on repairs, maintenance or other works; and, consequently,
- a perception that controls are not equitable.

...

Discussion

In relation to financial impacts, in its decision on Frankston Amendment C53 (June 2010) the Panel held that:

Panels have repeatedly ruled that such issues are not material to this stage of the planning process – a position supported by Practice Notes and numerous VCAT decisions. This view maintains that it is appropriate for the responsible authority to consider all the objectives of the Planning and Environment Act 1987 - including fair, orderly,

⁶ Pages 10-13.

economic and sustainable use, and development of the land”(s.4(1)(a)) ... and ... to balance the present and future interests of all Victorians” (s.4(1)(g)). However, the question of personal economic impact or potential constraint on development are seen as matters for the next stage of the planning process i.e. at the time a permit is applied for.

The Frankston C53 Panel also noted that:

This approach has the merit of separating two distinct issues – assessment of the significance of the place; and, the question of its conservation, adaption, alteration or demolition. This conforms to proper heritage conservation practice including the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (the ‘Burra Charter’), and mirrors the processes of the Victorian Heritage Act 1985.

It reflects the desirability of considering long term matters (if we accept that heritage significance is likely to be somewhat enduring, if not immutable) at one point in time; and shorter term matters (personal desire, financial considerations and economic circumstances) when they are most relevant. The so-called ‘two-stage’ process also underlines the proposition that heritage assets (unlike some other aspects of planning) are often irreplaceable. It is important that neither the Planning and Environment Act 1987 nor the Frankston Planning Scheme envisage their loss on the basis of personal whim or desire in continually changing economic or financial environments.

In addition, as noted in Moreland C78 and reiterated in this report, the Southern Grampians C6 Panel reasoned:

The Panel takes the view that that there is a two stage planning process in relation to management of heritage places – the objective identification of heritage significance (the current stage); and, second, ongoing management of the place having regard to such matters such as the economics of building retention and repair, reasonable current day use requirements etc. (consideration of permits for development).

102. The Panel concluded in Amendment C129 that while it is appropriate for a planning panel to consider the ‘fair, orderly, economic and sustainable use, and development of land’ in accordance with the objective set out under s 4(1)(a) of the Act, ‘personal’ financial circumstances (amongst others) are not the type of economic matters envisaged by this objective:

This Moreland C129 Panel takes the view that it is appropriate for the planning authority to consider all the objectives of the *Planning and Environment Act 1987* and, accordingly, it is quite appropriate to consider fair, orderly, economic and sustainable use, and development of the land and to balance the present and future interests of all Victorians; and it is open to the Panel to similarly balance these matters with heritage considerations, based on the evidence submitted to it.

This Panel, however, adopts the position that personal financial (and other) circumstances are not the *economic* matters envisaged in s.4(1)(a) - which the Panel takes to refer to the economy in its usual broad community sense. By way of example, the Panel may consider conflict with policies regarding the location of a new airport as a relevant matter. Again, for the Amendment to meet the other tests of *fair ... orderly ... sustainable use ... and development of the land*, the Act requires the Panel to satisfy itself that the Amendment has been:

Developed, documented and exhibited in accordance with the Act – rigorously, transparently and with equal access to process; and

That there is no evidence submitted that establishes that there is no sustainable use for the property.

103. Since the release of the Panel's report on Amendment C129, s 12(2)(c) of the Act has been amended and now states that a planning authority, in preparing a planning scheme amendment, 'must take into account its social effects and economic effects'.
104. In Amendment C207 to the Melbourne Planning Scheme a question arose as to whether the private cost implications for property owners was a relevant consideration by a panel or planning authority in the context of considering the 'economic effects' of an amendment.
105. The panel distinguished private costs of this kind from public costs and benefits. Public costs were identified as a proper consideration in relation to planning scheme amendment matters while the panel held private economic impacts fell outside the scope for consideration. It was suggested however that the private costs (or at least the economics of building retention versus demolition) **might be** matters which were relevant if a planning permit triggered by the overlay were later to be considered:⁷

The Panel agrees with Mr Morris [who appeared for an objecting submitter], relying on *Gantidis*, that the social and economic effects most likely to be relevant at the Amendment stage are those of a broad community nature rather than of a personal kind. Personal economic and social impacts, as against effects for the community as a whole, are generally not matters taken into account in planning decisions. This is also recognised in the Panel report on Amendment C50 to the Campaspe Planning Scheme at Section 5.10

...

The Panel recognises that the changes to s.12(2)(c) of the Act in relation to preparing amendments have implications for the manner in which various social and economic matters raised in relation to heritage amendments are to be treated. Where the social and economic effects raised in submissions are of a community nature, they may well be relevant matters. To meet the requirements of the Act, planning authorities and Panels will have to endeavour to consider those matters when preparing an amendment along with other relevant issues.

[Emphasis added]

106. The Panel's report in Amendment C207 was considered by the Victorian Supreme Court per Garde J in *Dustday Investments Pty Ltd v Minister for Planning* [2015] VSC 101. In response to extensive submissions from the Plaintiff, Justice Garde found that the Plaintiff had failed to show any legal error on the part of the Panel which heard Amendment C207 to the Melbourne Planning Scheme.
107. In relation to the question of social and economic effects, Justice Garde determined:⁸
- Where planning authorities are directed to consider conservation or heritage matters, or social and economic effects, consideration must inevitably be given as to the stage in the planning process that has been reached, and the nature of the consideration that is to be given to these matters or effects at that stage.
108. In Amendment C149 to the Moreland Planning Scheme, the Panel agreed with the views of the Amendment C207 Panel, stating:⁹

The Panel agrees with the views of the C207 panel that private financial impacts are not appropriate economic matters to take into account when considering an amendment unless they overlap with or translate into public economic effects of some kind.

The financial matters raised in the present Amendment have generally not been expressed as translating into public effects.

⁷ Pages 22, 27.

⁸ Paragraph 101.

⁹ Moreland C149 [2014] PPV (14 May 2014).

109. In Amendment C266 to the Boroondara Planning Scheme, the Panel again confirmed 'private economic issues of a personal or property specific nature are not relevant' to the amendment stage, stating:¹⁰

The Panel recognises the concerns of the submitters but PPN1 and judicial authority cited by Council make it clear that the key issue at the amendment stage is the heritage significance of the property. Private economic issues of a personal or property specific nature are not relevant at this stage. Council may consider those matters when presented with a planning permit application.

110. In Amendment C274 to the Boroondara Planning Scheme, the Panel again confirmed 'individual or personal economic effects are not a matter for consideration by the Panel', stating:¹¹

The Panel agrees with the view expressed by other panels that, with respect to section 12(2)(c) of the Act, the economic effects considered as part of an Amendment should be of a broader or community nature and not individual circumstances. The Panel acknowledges that the Amendment should deal with the significance of the place or precinct and whether it is suitable for inclusion in the Heritage Overlay. A permit application is the appropriate stage for the consideration of individual issues concerning the conservation, alteration, adaption or demolition of the place, including the economic implications for the individual concerned.

111. Council submits in accordance with the above Panel reports and judicial authority, social and economic considerations of a personal or property-specific nature are not to be taken into account at the planning scheme amendment stage.

Future development opportunities

112. Several submitters raised concerns that the Heritage Overlay would limit redevelopment opportunities and make altering these properties too onerous.
113. Council acknowledges that the Heritage Overlay introduces another layer of control for property owners by imposing additional permit triggers and relevant considerations to a future planning permit application.
114. However, in Council's submission, this is necessary to ensure those places with the requisite level of heritage value are recognised and appropriately managed within the municipality.
115. In Amendment C14 to the Latrobe Planning Scheme, the Panel commented, under the heading 'Economic and Personal Factors'¹²:

Panels have repeatedly ruled that such issues are not material to this stage of the planning process – a position supported by Practice Notes and numerous VCAT decisions. This view maintains that although it is appropriate for the responsible authority to consider all the objectives of the *Planning and Environment Act 1987* - including, inter alia, fair, orderly, economic and sustainable use, and development of the land (s.4(1)(a)) ... and ... to balance the present and future interests of all Victorians (s.4(1)(g)) – the question of personal economic impact or potential constraint on development are matters for the next stage of the planning process i.e. at the time a permit is applied for.

This approach has the merit of separating two distinct issues: assessment of the significance of the place, and the question of its conservation, adaptation, alteration or demolition. This conforms with proper heritage conservation practice and mirrors the processes of the *Victorian Heritage Act 1985*. It reflects the

¹⁰ Page 23.

¹¹ Page 84.

¹² Latrobe C14 (PSA) [2010] PPV 53 (19 May 2010).

desirability of considering long term matters (if we accept that heritage significance is likely to be somewhat enduring, if not immutable) at one point in time; and, shorter term matters (personal desire, financial considerations and economic circumstances) when they are most relevant.

The Panel observed that in the long life of many heritage properties economic uses can rise and fall – sometimes with no impact on owners, sometimes with substantial impact. In many cases threats to continuing economic viability may be mitigated by permit allowances or use changes. In other cases, personal situations change. In some cases demolition may be an appropriate response. In all these situations it would seem highly desirable for all parties that consideration is: (a) based on clear understanding of significance; and (b) at a time when action is real and current, not conjectural.

The so-called two-stage process also underlines the proposition that heritage assets (unlike some other aspects of planning) are often irreplaceable and it is important that neither the *Planning and Environment Act 1987* nor the Latrobe Planning Scheme envisage their loss on the basis of personal preference or desire in a continually changing economic or financial environment.

[emphasis added]

116. Further, in Amendment C266 to the Scheme, the Panel recognised provisions within the Boroondara Planning Scheme restricting land use and development are not uncommon and that alterations to heritage properties are possible. It stated:¹³

The Boroondara Planning Scheme has many provisions that restrict or enable land use and development in different circumstances. The Heritage Overlay gives Council the ability to assess certain permit applications in response to the heritage place, including applications to demolish or remove a building.

The extent of further development will vary depending on each property's individual characteristics including positioning of the building on the lot, the design and configuration of the significant building, location of buildings abutting the property and the aspirations of each land owner.

Most of the exhibited properties are in the Neighbourhood Residential Zone or the General Residential Zone which restricts development through mandatory maximum building heights and mandatory garden area requirements. Clause 54 and 55 provisions (commonly referred to as ResCode), policy and overlays might also restrict a property owner's development plans.

Many buildings in the Amendment have been altered and modernised while retaining heritage significance, which demonstrates that heritage properties can be altered and modernised.

117. In addition, in Amendment C274 to the Boroondara Planning Scheme, the Panel concluded that:¹⁴

The application of the Heritage Overlay may restrict the development potential of a property, but this is not a justification for recommending against the application of the Heritage Overlay.

118. The above Planning Panels have correctly understood and applied the right 'test'. If a property or precinct display the requisite levels of significance, this warrants heritage protection by application of a Heritage Overlay.

119. Future redevelopment opportunities of heritage properties are immaterial to this stage of the planning process. They are properly considered at the time a planning permit is applied for.

¹³ Page 26.

¹⁴ Page 85.

120. Council considers this approach correctly recognises the importance of prioritising enduring and long term matters such heritage protection and conservation over matters of development potential, building condition, economic matters and planning approvals which are, by contrast, short-term in nature.
121. Importantly, Council submits the introduction of the Heritage Overlay does not preclude buildings, works or demolition to a property altogether. Council's local heritage policy (at Clause 15.03-1L of the Scheme) generally supports the demolition of 'non-contributory' graded buildings provided their removal does not compromise significant built fabric.
122. While the full demolition of 'significant' or 'contributory' buildings is generally discouraged, the partial demolition of 'significant' or 'contributory' buildings may be allowed provided the partial demolition, additions and alterations will not adversely affect the cultural heritage significance of the place and will assist the long term conservation of the building.
123. Further, where a development proposal necessitates a number of different planning permits (e.g. a multi-unit development in a residential zone), the permit application falls to be assessed against a range of policy considerations.¹⁵

Poor structural integrity of buildings

124. Opposing submitters to Amendment C368boro claim that the poor structural condition of the building at 32 Corby Street, Balwyn North means that the Heritage Overlay should not be applied.
125. The issue of structural integrity is also one that is typically irrelevant to determining whether a place has heritage significance. It is a matter for heritage management and not identification and therefore is most appropriately considered at the planning permit stage.
126. The Advisory Committee on the *Review of the Heritage Overlay Provisions in Planning Schemes*¹⁶ made the following remarks about this issue:

...structural integrity or condition should not be a criterion in assessing heritage significance. It would be contrary to the fundamental principle in the Burra Charter that ...the consideration of significance should not be coloured by consideration of the management consequences of listing. There are also good policy reasons why condition should not affect the assessment of criteria: if it were to be a factor, it would encourage owners of heritage properties who were opposed to listing to allow them to fall into disrepair.
127. Recent Planning Panels have repeatedly confirmed this approach, including those for Amendments C308boro¹⁷, C318boro¹⁸, C337boro¹⁹ and C333boro²⁰.

¹⁵ *Boroondara CC v 1045 Burke Road Pty Ltd* [2015] VSCA 27.

¹⁶ p.2-46.

¹⁷ Boroondara PSA C308boro [2020] PPV, p. 20.

¹⁸ Boroondara PSA C318boro [2020] PPV, pp. 13-14.

¹⁹ Boroondara PSA C337boro [2021] PPV, p. 7.

²⁰ Boroondara PSA C333boro [2022] PPV, p. 13.

Issues with individual places

128. Several issues raised in submissions are specific to the level of significance/threshold of individual properties including:

Individual Properties

- 57 Berkeley Street, Hawthorn (Amendment C367boro – Submissions 1, 2, 3, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 30, 31, 32 supporting; Submission 11 opposing).
 - 60 Berkeley Street, Hawthorn (Amendment C367boro – Submissions 1, 2, 3, 5, 6, 7, 9, 14, 16, 31, 32, 33 supporting; Submission 4 opposing).
 - 32 Corby Street, Balwyn North (Amendment C368boro - Submissions 1, 2, 6, 7, 8, 10 and 11 supporting. Submissions 3, 4, 5 and 9 opposing).
129. Council notes that the justification for the application of the Heritage Overlay has been established by rigorous heritage assessments, which included community consultation prior to the preparation of the Amendments.
130. Council's response to these individual submissions is set out in the detailed response to submissions which was presented to the UPDC on 1 August 2022 and has been provided to the Panel.
131. Council's witnesses will address the property-specific submissions in their expert evidence.
132. Council will further address the property specific issues raised in submissions in detail in Council's Part B submissions.

List of Attachments

Attachment 1 – List of heritage places affected by Amendments C367boro and C368boro

Attachment 2 – Proposed changes to the exhibited Amendment C367boro documents

Attachment 3 – Proposed changes to the exhibited Amendment C368boro documents

Attachment 1 – List of heritage places affected by Amendments C367boro and C368boro

Heritage Place	Property address	Criteria	HO number (Interim Heritage Overlay)	Submission No.
C367boro				
Chesney Wolde	57 Berkeley Street, Hawthorn	D, E	N/A	Submissions 1, 2, 3, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 28, 30, 31, 32 supporting. Submission 11 opposing.
House	60 Berkeley Street, Hawthorn	A, D, E	N/A	Submissions 1, 2, 3, 5, 6, 7, 9, 14, 16, 31, 32, 33 supporting. Submission 4 opposing.
C368boro				
Withers House (former)	32 Corby Street, Balwyn North	E, H	HO940 (expires 12 January 2023)	Submissions 1-11. Submissions 3, 4, 5 and 9 opposing.

Attachment 2 – Proposed changes to the exhibited Amendment C367boro documents²¹

Schedule to Clause 72.04 (Incorporated Documents), including Statements of Significance for the following properties where changes are proposed since being exhibited:

- Chesney Wolde, 57 Berkeley Street, Hawthorn

Schedule to Clause 72.08 (Background Documents) including the *57 Berkeley Street, Hawthorn (Chesney Wolde) Heritage Citation, August 2020* for the following properties where changes are proposed since being exhibited:

- Chesney Wolde, 57 Berkeley Street, Hawthorn

Attachment 3 – Proposed changes to the exhibited Amendment C368boro documents²²

Schedule to Clause 72.08 (Background Documents) including the heritage citation for the following properties where changes are proposed since being exhibited:

- Withers House (former), 32 Corby Street, Balwyn North.

²¹ Only documents with proposed changes since exhibition are included in this attachment.

²² Only documents with proposed changes since exhibition are included in this attachment.

NAME OF HERITAGE PLACE: Chesney Wolde

Address: 57 Berkeley Street, Hawthorn

Name: Chesney Wolde	Survey Date: 25 August 2020
Place Type: Residential	Architect: Not Known
Grading: Significant	Builder: Not Known
Extent of Overlay: To title boundaries	Construction Date: c1916



Historical Context

The First Nations People, the Wurundjeri, have a connection to the land along the valleys of the Yarra River and Gardiners Creek.¹ This connection extends back thousands of years, and continues today.

The boundaries of Hawthorn are defined by Barkers Road and Burke Road to the north and east; and two watercourses, the Yarra River and its tributary, Gardiners Creek.² Of

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- 1 Gary Presland, *First People. The Eastern Kulin of Melbourne, Port Phillip and Central Victoria*, p 25.
 - 2 The former City of Hawthorn

the watercourses, hills, valleys and plains within the Melbourne region, it is the Yarra River that is its defining feature, and one that serves as its artery. It was its abundant supply of freshwater that saw European settlement establish along the Yarra River in the nineteenth century. Today the metropolis still obtains much of its water from the Yarra and its tributaries in the nearby ranges.

It was a short distance from the subject site, that in 1836-37 pastoralist John Gardiner (1798-1878) settled with his family, and Joseph Hawdon and John Hepburn. They drove cattle overland from Sydney to the property they established on Gardiners Creek,³ land now occupied by Scotch College.

Improved transport links with the city, initially the completion of the railway from the city to Hawthorn in 1861, stimulated residential development. This began the shift away from Hawthorn being purely a pastoral settlement to an urban settlement, a dormitory suburb of Melbourne. The extension of the railway to Camberwell, and beyond, in the 1880s, attracted the Land Boomers to the district, and speculative residential subdivisions occurred in the environs of the railway line. South of Riversdale Road,⁴ some subdivisions were created as a consequence of a horse-drawn tram service commencing along Riversdale Road in the 1890s;⁵ but largely this part of Hawthorn, some distance from the railway stations,⁶ remained mostly undeveloped until the early twentieth century.

It was the completion of electric tram services in Glenferrie Road in 1913,⁷ and more importantly an electric tram along Riversdale Road from the city in 1916,⁸ that stimulated residential development on the slope of land extending into the Gardiners Creek valley. It is this part of Hawthorn that is said to have undergone the most intensive residential development in the period between 1910-1940.⁹

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- 3 Leslie J Wilmoth, 'The Gardiners of Gardiner's Creek', manuscript, part of the 'Papers of the Gardiner Family 17882-1959, National Library of Australia, <https://nla.gov.au/nla.obj-742766936/findingaid?digitised=y>, retrieved 10 October 2020. Leslie J Wilmoth, 'Gardiner, John (1798-1878)', Australian Dictionary of Biography, Australian National University, <http://adb.anu.edu.au/biography/gardiner-john-2077>, retrieved 11 October 2020.
 - 4 Bradley and Curtain, auction notice for the Glen Estate of c1888 for residential blocks in the environs of Glenferrie Road, south of Riversdale Road, held by the State Library of Victoria.
 - 5 *Hawthorn, Kew and Camberwell Citizen*, 25 February 1916, p 2.
 - 6 Some distance from railway stations on both the Lilydale (Camberwell) and Darling railway lines. The Darling railway line, now part of the Glen Waverley Line, is to the south of Gardiners Creek in Stonnington. Kooyong Railway Station, initially called North Malvern, is closer to the subject site than Hawthorn station, and is noted in auction notices of the area. Bradley and Curtain, auction notice for the Glen Estate of c1888 for residential blocks in the environs of Glenferrie Road, south of Riversdale Road, held by the State Library of Victoria. *Herald*, 10 October 1913, p 12.
 - 7 *Australasian*, 7 June 1913, p 61.
 - 8 *Hawthorn, Kew and Camberwell Citizen*, 25 February 1916, p 2.
 - 9 Built Heritage, 'City of Boroondara Thematic Environmental History', May 2012, p 130.



Land south of Riversdale Road, Hawthorn, c1912, looking towards Gardiners Creek, prior to residential development. Glenferrie Road is visible at right. Source of image: Stonnington History Centre

The former City of Hawthorn amalgamated with the cities of Kew and Camberwell in 1994 to form the City of Boroondara. Hawthorn still maintains a distinct identity within Boroondara, in part defined by its undulating landscape in places, its fine homes in leafy streets, and its many independent schools, churches, cultural and sporting groups, including its own football team. These have contributed to Hawthorn being a select residential area of Melbourne.

History of Chesney Wolde

Chesney Wolde is built in the southern part of Hawthorn that forms the Gardiners Creek valley. It is here that intensive residential development occurred between the 1910s-1940s.¹⁰ Much of this housing was of the middle or professional classes, their substantial villas sited on larger allotments, representing the ideals of the Garden Suburb Movement.¹¹ In the case of Chesney Wolde, its site is formed by two allotments (allotments 6 & 7) of a residential subdivision of 1914, which subdivided 2.8 hectares of land into 21 allotments on the east side of Berkeley Street.¹²

10 Built Heritage, 'City of Boroondara Thematic Environmental History', May 2012, p 130.

11 Built Heritage, 'City of Boroondara Thematic Environmental History', May 2012, pp 139 and 141.

12 Apart from 4 allotments, all of the allotments of this subdivision are south of Callantina Road. Landata, Certificate of Title, vol 3824 fol 680.

The subject site was purchased in July 1915 by Annie Eva Silvester of Cassell Street, Hawksburn.¹³ Chesney Wolde was built by December 1917, when a notice of its pending sale was listed in the *Herald*.¹⁴ The name Chesney Wolde is derived from the name of the house, Chesney Wold, in the Charles Dickens novel *Bleak House*.

Chesney Wolde was sold in 1918 to Albert Arthur Head, a draper.¹⁵ His drapery firm, Head & Son, commenced business in Richmond in 1903, and until the mid 1930s it traded from premises in Bridge Road, opposite the Richmond Town Hall.¹⁶ Ownership of Chesney Wolde transferred from the Heads to several others during the period of 1949- 50.

In November 1950, Chesney Wolde was purchased by the distinguished orthopaedic surgeon, Bryan Tobin Keon-Cohen (1903-1974).¹⁷ His obituary from the Royal College of Surgeons of England is in Appendix One of this heritage citation. The Keon-Cohen family lived at Chesney Wolde until the early 1970s.

In October 1971, Oliver John Nilsen and Penelope Dorothy Nilsen purchased the house.¹⁸ Oliver John Nilsen was a Director of the electronics manufacturer Nilsen Industries.¹⁹ The Nilsens retained ownership of the house until 1995, when Chesney Wolde was purchased by Louise Tuckwell. An auction notice in September 1994, noted the house being sited on a large block, and it having generously proportioned rooms with decorative ceilings.²⁰ A copy of that auction notice is in Appendix Two of this heritage citation.

Architectural drawings of rear additions undertaken in 1995 by the Tuckwells, designed by Oaten Stanistreet Pty Ltd, architects, show the works retained Chesney Wolde, although some minor changes were made to its interior planning. The addition, oriented in a north-south direction, includes living spaces, a kitchen, laundry and a guest bedroom. An internal stair provides access to a basement garage and cellar. Landscaping works include terraces either side of an existing in ground swimming pool. A tennis court existed by this time to the northeast of the swimming pool.

The addition is designed in a Federation-style, referencing in its materials and detailing Chesney Wolde.²¹ The works involved relocating an early bow window on the rear of the house, which was refitted on the west (street-facing) elevation of the addition.²²

13 Landata, Certificate of Title, vol 3863 fol 423.

14 *Herald*, 20 December 1917, p 13.

15 Landata, Certificate of Title, vol 3863 fol 423 and Certificate of Title, vol 7269 fol 631.

16 *Argus*, 4 November 1932, p 5.

17 Landata, Certificate of Title, vol 7269 fol 631.

18 Landata, Certificate of Title, vol 7269 fol 631. Nilsen website www.nilsen.com.au/100years.html retrieved 30 November 2020.

19 Nilsen's grandfather was a Lord Mayor of the City of Melbourne, and started radio station 3UZ. Nilsen Industries was also one of the consortium of companies to establish GTV Channel 9. <http://www.nilsen.com.au/100years.html>.

20 Collins Simms, auction notice '57 Berkeley Street, Hawthorn', dated 1994.

21 Oaten Stanistreet Pty Ltd, architectural drawings titled 'Proposed Alterations and Additions for Mr G and Mrs L Tuckwell at 57 Berkeley Street, Hawthorn', dated January 1995.

22 Ibid

Description & Integrity

Berkeley Street

Chesney Wolde is situated on the east side of Berkeley Street, one property south of Callantina Road. Berkeley Street descends as it extends south into the Gardiners Creek valley. The street is relatively wide, and concrete kerbing is along each side of its carriageway. Deep nature strips extend between the kerbs and the concrete footpaths along the street beside property boundaries. Mature street trees are planted along the nature strips at intervals and these, in places, create a canopy of vegetation over this part of Berkeley Street. At irregular intervals, concrete crossovers provide vehicle access to properties.

The housing stock in Berkeley Street, south of Callantina Road is of varying types and styles, and from various periods from the early twentieth century. These are villas, flats and units; and in parts of the street, there is housing of recent decades that have replaced earlier housing. The housing styles of the initial stage of development (1910s- 1940s) include the Federation villa, Chesney Wolde, several bungalows (No's 54, 60, 62, 65 and 76), and an English Vernacular Revival style house (No 58). Most share the common characteristics of being substantial housing, well-detailed, and set back from the street(s)²³ in mature gardens. Although later housing defines many of the parts of the street, a pocket remains of housing from the 1910s-40s in the environs of Chesney Wolde.

Chesney Wolde

Chesney Wolde is a detached Federation-style house, built on the north side of a double-block. Located on the higher portion of its site, the house has a slightly elevated character when viewed from the southwest. The villa is set back from its Berkeley Street frontage behind a mature garden, and this garden extends along part of the south of the site.

Approximately midway along the street boundary, recessed in the timber palisade front fence, is a pair of (pedestrian) gates. These access a path of concrete pavers that lead towards the verandah and front door of the house. The pavers follow the alignment of an earlier drive on this site.²⁴ Further south, on the front boundary, is a pair of timber gates that provide vehicular access to this site, via a concrete crossover in Berkeley Street. A drive leads from the gates to the basement garage of the rear addition of the house.

The front, original, portion of Chesney Wolde has a prominent hip and gable roof clad in unglazed terracotta tiles. The terracotta ridge cappings of the roof are extent; as are finials, although orbs or other detailing at their tops may have been removed. A tall rendered chimney projects up from the front ridge of the roof, and this chimney has a pronounced dentilated capping. A chimney of a similar scale, materials and detailing is on a south pitch of the roof on the rear of the original portion of the house.

23 Four of these house, No's 54, 60, 62 and 76, are built on corner sites. Consequently, they have two street frontages.

24 The drive is shown in the Collins Simms auction notice, titled '57 Berkeley Street, Hawthorn', dated 1994. See appendix three of this citation.

The west (street-facing) elevation is asymmetrically composed. A gabled-bay projects forward at left, and its gable end is half-timbered. A hood extends above a bay window of this bay. The timber frame casement windows of the bay window have leadlight in their upper sashes. A verandah extends to the side of this bay and returns along the south elevation, terminating at another projecting bay on that elevation. The main roof of the house extends forward beyond the walls of the villa to form the roof of this verandah. The verandah is supported by square timber posts, with chamfered edges terminating at capitals. A frieze, with a flattened-arched profile, and with vertical timber brackets, extends between the posts of the verandah. The base of the verandah is masonry.

The house sits upon a brick base, the upper portion of the walls are timber frame and finished in roughcast render detail that is divided into bays by vertical battens. A moulding extends around the walls at cill height, creating a dado effect. This dado also has vertical battens. A circular window is on the side of the projecting bay on the west elevation, and this window faces the verandah. A gable projects at a diagonal where the verandah returns along the south elevation. Its gable end is half timbered and its posts and frieze are similar to the detailing found elsewhere on verandah, apart from curved brackets below the gable end and a centre bracket supporting a small timber member with a diamond-pointed profile. A curved bay is on the wall at this point in the verandah, where it returns along the south elevation. The curved bay has casement windows with leadlight glazing on both the upper and lower sashes.

The front door of the house is designed in a tripartite arrangement, with a central door with a fixed upper glazed panel of leadlight, and two lower fixed timber panels. The glazed panel has a flattened-arched profile. Two side panels of the door, each have a fixed timber panel at the base and an upper glazed leadlight panel. The three fanlight panels that extend above the width of the entire doorway have leadlight glazing. A timber, multi-paned, door is fitted to the side of the projecting bay, providing direct access from the verandah to a living room.

The interior planning of the house adopts the Federation-style manner of arranging rooms accessed from an L-shaped central corridor that leads from the front door. The living areas (spaces) are relatively generous in proportions.

At the rear of the house is an addition that has a linear north-south orientation. The addition was completed in the 1990s. The addition includes the previously mentioned basement garage. The addition is designed in a Federation-style, referencing the materials and detailing of Chesney Wolde. A curved bay window, formerly on the rear of the original part of the house, was relocated to the front (west/street-facing elevation) of the addition. At the rear of the house are landscaped areas that are adjacent to an in- ground swimming pool and a tennis court.

Comparative Analysis

In comparison with most other parts of Hawthorn, this portion of the suburb, south of Riversdale Road, developed relatively late. Intensive residential development did not occur until the early twentieth century, with Chesney Wolde, built c1916, being part of this phase of development that occurred up until the 1940s. Other housing in Berkeley Street share similar characteristics of being substantial houses and fine examples of their respective styles/periods. An example of this, in this portion of Berkeley Street south of Callantina Road, is the slightly later (c1918) substantial bungalow, diagonally opposite (No 54). This house is subject to an individual heritage overlay in the *Boorondara Planning Scheme* – HO446 House, 54 Berkeley Street, Hawthorn.



54 Berkeley Street, Hawthorn, diagonally opposite Chesney Wolde, was built c1918 and is another example of the substantial housing in the area, and a fine example of its respective (bungalow) style. It is subject to a site-specific heritage overlay in the Boroondara Planning Scheme. Source of image: Jellis Craig - Boroondara

Chesney Wolde is a Federation villa. It is not, as is sometimes claimed, a Queen Anne-style house. It shares some similarities in detailing and materiality with this other style of housing, such as terracotta roofing, roughcast rendered walls and projecting bay windows with timber casement windows - influences of the Arts & Crafts Movement. Queen Anne-style housing, however, in as far as that found in suburban Melbourne, is more complex in its detailing and in particular its roof forms and massing, resulting in busier architectural compositions. Whereas, a Federation style villa demonstrates more restraint in its massing and detailing, using similar materials and decorative elements. Chesney Wolde is a fine example of the Federation-style of villa in terms of its massing, materiality and detailing.

Few other comparable houses of the Federation-style exist in the immediate environs of Chesney Wolde. In Berkeley Street, north of Callantina Road, there are a few houses of the Federation period. Avondale (No 22), is a larger Federation-style house, has red face brick, and built on a block with a broad frontage to Berkeley Street. It is relatively intact and a fine example of a larger house of this period, but of an earlier origin (1903-4).²⁵ It is subject to a site-specific heritage overlay in the *Boroondara Planning Scheme* – HO15 Avondale, 22 Berkeley Street, Hawthorn.

25 Subject to a site-specific heritage overlay in the *Boroondara Planning Scheme* HO15 Avondale, 22 Berkeley Street, Hawthorn.



Avondale, 22 Berkeley Street, is a Federation-style brick house with a broader façade than Chesney Wolde, but is also sited upon a double-block. It is subject to a site-specific heritage overlay in the Boroondara Planning Scheme. Source of image: Peter Andrew Barrett Collection.

The Gables, 1 Berkeley Street, Hawthorn is a two-storey Federation-style house. Its upper level is expressed as an attic in a steeply pitched, dominant and expressive roof form. This, with its bold detailing, results in a dynamic composition, with a vertical emphasis, in contrast to a lower, horizontal oriented composition, more typically found on Federation style housing such as Chesney Wolde and Avondale. The ornamentation on The Gables is described as having 'richness', and is 'unusual' and 'inventive' in its application.²⁶ In contrast, the application of detailing on Chesney Wolde demonstrates more restraint, but still achieves a fine aesthetic. The Gables is subject to a site-specific heritage overlay in the *Boroondara Planning Scheme* – HO443 The Gables, 1 Berkeley Street, Hawthorn.

These other houses demonstrate, with Chesney Wolde, the aspirations of the middle-classes and professional people, living in Hawthorn in the early twentieth century, of a desire for large, comfortable housing, in a garden suburb setting. They are all relatively intact, and fine examples of their respective styles, and can all be considered as contributing to the fine built form environment of early twentieth century housing of which Boroondara is known and valued for.

26 — Lovell Chen, 'Boroondara Heritage Review C* Graded Buildings, volume 2, The Gables, Building Citation.



The Gables, 1 Berkeley Street, is a Federation-style brick house, its upper level expressed as an attic. In contrast to Chesney Wolde, it has more of a vertical emphasis in its composition. Source of image: realestateview.com.au

Federation-style villas that are comparable to Chesney Wolde are found throughout Boroondara. A single-storey weatherboard Federation-style villa on an elevated site is at 1 Montrose Street, Surrey Hills. It has a slate tile, hip and gable, roof relieved with terracotta ridge capping. A verandah returns along one side of the house, as with Chesney Wolde. The original composition of the house has been diminished by what appears to be a skillion addition at one side, however the original asymmetrical massing, a common feature of this smaller type of villa is retained. This house is subject to a site-specific heritage overlay in the *Boroondara Planning Scheme* - HO627 House, 1 Montrose Street, Surrey Hills.

Two houses in Hawthorn East are subject to interim heritage overlays on the Boroondara Planning Scheme, Heritage Overlay Schedule. Rosetta (1912-1914) at 43 Clive Road, on a corner site with a frontage to Campbell Grove, is a brick Federation villa. Another, Merledon (1913-14), situated at 16 Beaconsfield Road, Hawthorn East, is a timber Federation-villa. Both are well detailed, with dominant terracotta tile roofs, asymmetrically massing, with verandahs returning at one side, with detailing on and around their verandahs. Another element shared with Chesney Wolde are timber casement windows, some with leadlight. Rosetta and Merledon are comparable in massing, scale and detailing, and materiality (apart from differing wall finishes) with Chesney Wolde. The interim heritage overlays HO851 Merledon, 16 Beaconsfield Road, Hawthorn East, and HO854 Rosetta, 43 Clive Road, Hawthorn East expire on 11 March 2022.



1 Montrose Street, Surrey Hills, a weatherboard Federation-style villa with a slate tile hip and gable roof.



Rosetta, 43 Clive Road, Hawthorn East. A brick Federation-style villa



Merledon, 16 Beaconsfield Road, Hawthorn East is a timber Federation-style villa (Source of photograph: www.realestate.com)

A brick house at 44 Denman Street, Glen Iris, also subject to an interim heritage overlay, is a fine example of a brick Federation-style house, built around World War I (1912-16). It is set within a context of later (inter-war) housing, making it a distinct element in this street.

Sharing similar characteristics found on the other Federation houses in terms of massing, materiality and detailing, this Glen Iris house shares a similar curved bay on the corner where the verandah changes direction. Some notable differences to Chesney Wolde are the slate tile roof and bolder pattern of the timber fretwork on the verandah. Visible additions including a brick front fence and a double garage at one side, detract from what is otherwise an intact and fine example of a Federation-villa. The interim heritage overlay – HO898 House, 44 Denman Street, Glen Iris, will expire 31 January 2022.



Federation-villa at 44 Denman Street, Glen Iris. Like Chesney Wolde, it has a corner curved window bay where the verandah returns along the side of the house.

Comment on Earlier Studies

Assessments of Chesney Wolde in earlier studies have concluded that the house is not of local significance, and does not warrant protection under the heritage overlay in the *Boroondara Planning Scheme*.

In reaching that conclusion, one study found that the 1995 rear additions were thought to have impacted upon the intactness of Chesney Wolde.²⁷ Rather, on inspection during the course of this assessment, the host building (original part of the house) is found to be largely intact, and remains the prominent element on the site. This assessment found that the addition takes a secondary and recessive role, due to its siting at the rear of the original house. This addition has not prevented the front, original part of Chesney Wolde to be seen and interpreted.

27 Lovell Chen, 'Review of C-graded Buildings in the former City of Hawthorn. Addendum 1, p 4.

The recent 'Hawthorn Heritage Gap Study' was of the view that Chesney Wolde had potential to be a contributory house within a precinct,²⁸ but did not warrant a site-specific heritage control.

Assessment Against Criteria

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

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

Chesney Wolde is not important to the course or pattern of the cultural or natural history of the City of Boroondara.

CRITERION B: Possession of uncommon, rare or endangered aspects of the City of Boroondara's cultural or natural history (rarity).

Chesney Wolde does not possess uncommon, rare or endangered aspects of the cultural or natural history of the City of Boroondara.

CRITERION C: Potential to yield information that will contribute to an understanding of the City of Boroondara's cultural or natural history (research potential).

Chesney Wolde does not have any apparent potential to yield information that will contribute to an understanding of cultural or natural history that is of importance to the City of Boroondara.

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

Chesney Wolde is a fine and early representative example of the substantial villas built south of Riversdale Road, during a period of intensive residential development of this area of Hawthorn between the 1910s – 1940s. This residential development was stimulated by improved public transport links, in the form of electric tram lines opened in Riversdale and Glenferrie Roads in the 1910s.

The scale of Chesney Wolde, its grounds on two blocks of a 1914 residential subdivision, demonstrate the evolution of this part of Hawthorn as a select locality for the homes of the middle classes and professional classes, and their desire for comfortable living in a garden suburb setting.

28 Context, 'Hawthorn Heritage Gap Study', 2019, pp 5-6.

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

Chesney Wolde is a fine and intact example of a Federation-style villa. It is well-detailed in its use of materials including terracotta roofing, roughcast render finish walls and half timbering. This includes the L-shaped front verandah with its ornate timber fretwork and its projecting gabled bay on a diagonal where the verandah returns, and a curved corner bay window on the adjacent wall where the verandah returns. The windows on the front of the house retain leadlight glazing. The house is further enhanced by its site's broad frontage to Berkeley Street, and its garden setting typifying the Garden Suburb Movement popular in the early twentieth century.

CRITERION F: Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).

Chesney Wolde does not have any apparent high degree of creative or technical achievement.

CRITERION G: Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).

There are no known associations that are of a level that can be considered to be of importance to any social, cultural or spiritual group within Boroondara.

CRITERION H: Special association with the life or works of a person, or group of persons, of importance in the City of Boroondara's history (associative significance).

Although Chesney Wolde is associated with being the former home of eminent Orthopaedic surgeon, Bryan Tobin (Tobyn) Keon-Cohen, his service to his profession does not have any direct association with Boroondara, and the association of Keon-Cohen and his family is not evident in the fabric of Chesney Wolde. Nor is the association with the life or work of A A Head, or Oliver John Nilsen and Penelope Dorothy Nilsen, of importance to the City of Boroondara.

Statement of Significance

What is Significant?

The Federation-style villa, Chesney Wolde, and its garden setting on a double-block, at 57 Berkeley Street, Hawthorn is of local significance to the City of Boroondara.

The rear alteration dating to 1995 is non-contributory and can be retained, altered and/or removed as required.

How is it significant?

Chesney Wolde is of representative value (Criterion D) and of aesthetic value (Criterion E) to the City of Boroondara.

Why is it significant?

Chesney Wolde is a fine and early example of a house, which is representative of the substantial villas built south of Riversdale Road during a period of intensive residential development of this area of Hawthorn between the 1910s – 1940s. This residential development was stimulated by improved public transport, in particular the opening of an electric tram line along Riversdale Road to the city in 1916, around the same time Chesney Wolde was built. The house, built on one of two blocks of the site, demonstrates the evolution of this part of Hawthorn as a select locality for the homes of the middle and professional classes and their desire for comfortable living in a garden suburb setting. (Criterion D).

Chesney Wolde is a fine and intact example of a Federation-style villa. It is well-executed in its use of materials and the application of Arts & Crafts detailing. Elements that contribute to its aesthetic value are its asymmetry, both in terms of its siting on its block and the composition of the house. Elements of note on the house include its L-shaped verandah and its detailing, the curved bay window and diagonal projecting gable where the verandah returns along the side of the house, leadlighting in its windows; and materiality including its unglazed terracotta tile roofing, roughcast render finish walls, and half timbering of gable ends. The house, sited on the higher portion of its double block, is further enhanced by its broad site that creates a large garden setting for the house when it is viewed from Berkeley Street (Criterion E).

Grading and Recommendations

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

The following fields are recommended to be included the Schedule to the Heritage Overlay (Clause 43.01) in the *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>	No
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>	No
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

Conservation Guidelines

The general conservation policy for Chesney Wolde is to correctly interpret, represent and conserve the recognised heritage values of this heritage place, as identified in its statement of significance.

A key characteristic of Chesney Wolde is its garden setting, as viewed from Berkeley Street. The house should remain as a freestanding element visible in this garden.

The rear addition of 1995 is of non-contributory value to Chesney Wolde. It can be retained, altered and/or removed as required. The original rear bow window relocated to the west elevation of this addition, should be salvaged and re-used on the house in any future works that remove the 1995 addition.

Development at the rear of the site can be considered if it is recessive and does not impact upon the physical form of Chesney Wolde, or visually impact upon its setting as viewed from Berkeley Street.

Prepared by:

Peter Andrew Barrett

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Argus

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Herald

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Graham Tuckwell, document titled 'Summary of Oral Presentation to Council, Monday 17 February 2020'

Document titled 'Saving 57 Berkeley St', author believed to be a member of the Tuckwell family.

Leslie J Wilmoth, 'The Gardiners of Gardiner's Creek', manuscript, part of the 'Papers of the Gardiner Family 17882-1959, National Library of Australia,

Appendix 1



Royal College
of Surgeons
of England
ADVANCING SURGICAL CARE

Plarr's
Lives of the Fellows

Keon-Cohen, Bryan Tobin (1903 - 1974)

Identifier: RCS: E006616

Full Name:

Keon-Cohen, Bryan Tobin

Date of Birth: 1 June 1903

Date of Death: 24 February 1974

Occupation:

Orthopaedic surgeon

Titles/Qualifications:

MRCS and FRCS 1933

MB BS Melbourne 1927

FRACS 1938

Details:

Bryan Tobin Keon-Cohen was born on 1 June 1903, the second son of the Honorable Henry Isaac Cohen, KC, and of Ethel Mary Cohen, a concert pianist. He claimed to be the only renegade from an entirely legal family and was educated at Scotch College, Melbourne, and then Trinity College in the University of Melbourne where he was a rowing blue. He graduated with first class honours and was appointed resident medical officer at the Royal Melbourne Hospital where he was house surgeon to Sir Alan Newton. He also spent a year in the pathology school and gained the Beaney Scholarship in pathology. He came to England in 1932 and worked at the Royal Free Hospital for six months as a casualty officer and then as RMO for a further year. After passing the FRCS in 1933, a vital four years was spent as RMO at the Robert Jones and Agnes Hunt Hospital, Oswestry, where he worked with Harry Platt, Watson-Jones, Naughton Dunn and Henry Osmond-Clarke. He married Jessie Firth, a physiotherapist, in 1938. In the same year they returned to Melbourne and he completed the FRACS.

After the outbreak of the second world war he enlisted in the Australian Army Medical Corps in 1940 and served first in the Middle East with the 2/7 Australian General Hospital. He returned to Australia in 1943 and then went to New Guinea with the same hospital before appointment as orthopaedic surgeon to Heidelberg Military Hospital. In the last nine months of the war he was seconded to Britain, the USA and Canada to study the subject of artificial limbs. He was then demobilised as a Major, but later, in 1956, he was appointed consultant orthopaedist to the three armed services with the rank of Colonel.

Shortly after the war he was appointed honorary orthopaedic surgeon to the Royal Melbourne Hospital, succeeding his old chief C W B Littlejohn, CBE, and in the following years contributed many articles to the Journal of bone and joint surgery as well as other medical journals. He was an Honorary Fellow of the American Academy of Orthopaedic Surgeons, and of the British Orthopaedic Association; an honorary member of both the

Canadian and the Australian Orthopaedic Associations, and a corresponding member of the American Orthopaedic Association.

He served on the Court of Examiners of the Australasian College of Surgeons from 1950, became a member of Council in 1959, Censor-in-Chief, 1967-68, and Vice-President in 1969; but valued most highly his election to Honorary Fellowship of the Faculty of Anaesthetists of that college in 1972, in recognition of all his support for the faculty in its formative years. Keon-Cohen was a man of notable integrity, deeply devoted to orthopaedics and had a wide circle of friends in his specialty. He was President of the Australian Orthopaedic Association in 1963 and delivered the R L Harris Memorial Lecture in 1970. He had a happy family life with two sons, both of whom were also rowing blues at Melbourne, and a daughter. He was ill for the last seven years of his life and spent 19 months confined to bed during which period he wrote *Things - and other things*, a delightful little book of anecdote, humour and orthopaedic wisdom. When he died on 24 February 1974, aged 70, he was survived by his wife and their three children.

Author: Royal College of Surgeons of England

Sources:

Aust NZ J surg 1974, 44, 199-203

Med J Aust 1975, 1, 119-120

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Publication Date: 24 December 2014/23 January 2015

Format: Obituary

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(<https://www.rcseng.ac.uk/terms-and-conditions/>)

Appendix 2

A U C T I O N

ON THE PROPERTY

SATURDAY 3RD SEPTEMBER 1994
AT 11AM

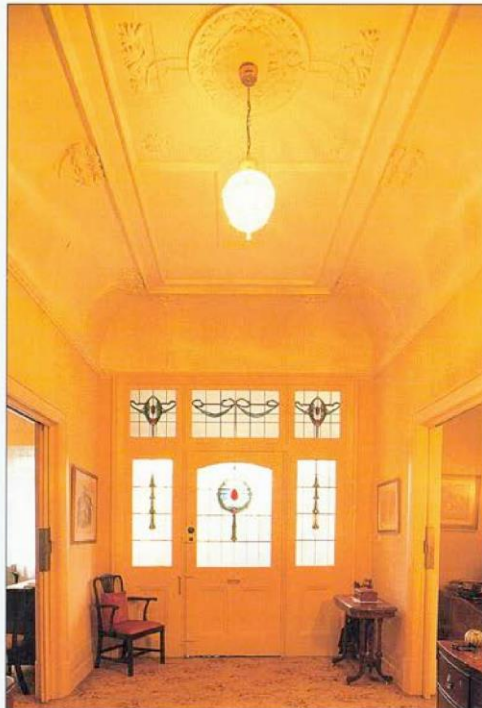


57 BERKELEY STREET, HAWTHORN

*A grand Edwardian family home set on
approximately 28,000 sq.ft.*

 **Collins Simms**

860 Glenferrie Road, Hawthorn
Telephone 819 2233



57 BERKELEY STREET HAWTHORN

***B**erkeley Street is one of Hawthorn's most highly regarded streets and is the location of some of the area's finest homes. Often referred to as the "Scotch College Hill" it provides immediate access to not only this college but a host of other leading schools via Glenferrie or Riversdale Road trams.*

The magnificent 120ft x 234ft site (approx. 28,000 sq. ft.) provides an enviable lifestyle that includes a North/South tennis court, pool and expansive lawns. With the home set to one side of the site, ample room exists for that family game of footy or cricket. The home offers an excellent floorplan with very generously proportioned rooms rich in period character. The decorative ceilings are some of the finest you will see. Accommodation includes a wide reception hall, gracious sitting room, formal dining room, study, 4 bedrooms, kitchen and informal family area, bathroom and laundry.

A very comfortable home with the potential for enhancement in this most prestigious location.

Handwritten calculations and notes:

$7,200 \times 1.14 = 8,208$
 $8,208 - 1,400 = 6,808$
 $6,808 \times 1.13 = 7,693$
 $7,693 - 1,400 = 6,293$
 $6,293 \times 1.15 = 7,237$
 $7,237 - 1,400 = 5,837$
 $5,837 \times 1.12 = 6,537$
 $6,537 - 1,400 = 5,137$
 $5,137 \times 1.11 = 5,702$
 $5,702 - 1,400 = 4,302$
 $4,302 \times 1.10 = 4,732$
 $4,732 - 1,400 = 3,332$
 $3,332 \times 1.09 = 3,632$
 $3,632 - 1,400 = 2,232$
 $2,232 \times 1.08 = 2,410$
 $2,410 - 1,400 = 1,010$
 $1,010 \times 1.07 = 1,081$
 $1,081 - 1,400 = -319$

Although every care has been taken on the preparation of this brochure, no responsibility can be accepted and prospective purchasers should satisfy themselves as to the accuracy of detail.

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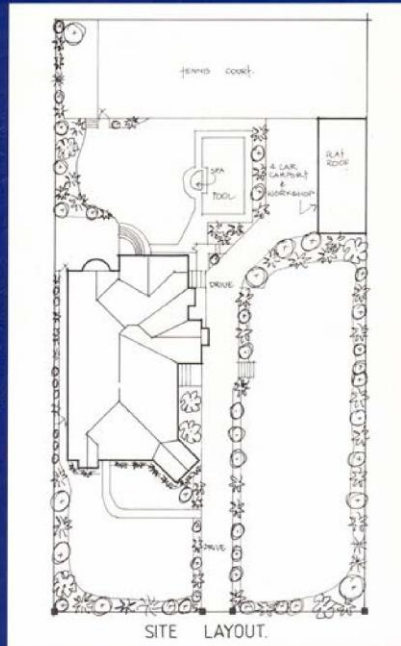


FEATURES

- Exceptionally Decorative Ceilings
- Security System
- 4 Car Garaging
- Garden Sprinkler System
- Heated Pool
- Ducted Heating
- Fire Places
- Nth/Sth en tout cas Tennis Court
- Beautiful Leadlight Windows
- Potential To Improve



57 BERKELEY STREET, HAWTHORN



A U C T I O N

SATURDAY 3RD SEPTEMBER AT 11AM

TERMS:

A deposit equal to 10% of the purchase price to be paid on the signing of the contract and the residue within 120 days.

OUTGOINGS:

Hawthorn City Council Rates \$3586.45
 Melbourne Water Rates \$3897.40
 Land Tax \$5422.50

TITLE PARTICULARS:

Certificate of Title Vol. 7269
 Fol. 631

LAND SIZE:

120ft. x 236ft. (28,000 sq. ft.)
 approximately on two lots.

SOLICITOR:

Best Hooper

INSPECTIONS:

By appointment or at advertised times.

AFTER HOURS ENQUIRY:

Mark Dayman 808 4153 or Bruce Bell 818 2391

 **Collins Simms**

860 Glenferrie Road, Hawthorn
 Telephone 819 2233

CITY OF BOROONDARA

[FORMER] WITHERS HOUSE

32 CORBY STREET, BALWYN NORTH

HERITAGE ASSESSMENT

Prepared for

City of Boroondara

6 July 2022



ACN 134 500 115

architectural historians
heritage consultants

TWENTIETH CENTURY SPECIALISTS

PO Box 222 Emerald 3782
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www.builtheritage.com.au

1.0 INTRODUCTION

1.1 BACKGROUND & BRIEF

This report was commissioned by the City of Boroondara on 25 June 2021 to provide a detailed heritage assessment of the former Withers House at 32 Corby Street, Balwyn North, designed by Alistair Knox in 1962. This follows a preliminary assessment commissioned on 11 June, which took into account the content and findings of two previous assessments: one prepared by Context Pty Ltd on behalf of the City of Boroondara, and another prepared by Bryce Raworth Pty Ltd on behalf of the property's owners. The former concluded that the subject building was of heritage significance at the local level, while the latter maintained an opposing viewpoint.

In reviewing these two reports, and undertaking further assessment as deemed necessary, the preliminary assessment by Built Heritage Pty Ltd concluded that the house did indeed reach the for inclusion on the heritage overlay schedule. As such, it was considered appropriate for the preliminary assessment to be expanded into a detailed assessment.

1.2 METHODOLOGY

In expanding the preliminary assessment into a detailed assessment, the following tasks were undertaken:

- (a) A brief site visit, to inspect and photograph the exterior of the house from the street;
- (b) Additional research into the history of the place, examining sources that had not been consulted for the two reports prepared by others (including contact with the Withers family), in order correct minor factual errors and to fill any gaps in the story;
- (c) Investigation of the archive of landscape designer Peter Glass, in order to confirm whether or not he was responsible for preparing the unattributed garden layout plan;
- (d) Preparing a written description of the building and its landscaped context;
- (e) Additional comparative analysis, expanding on material that had previously consolidated for the preliminary assessment;
- (f) Completing the other standard components of a heritage citation, namely the Assessment by Criteria, Statement of Significance,

Comparative analysis would be informed by reference to the extensive documentation of Alistair Knox's work contained in the website www.alistairknox.org, and by my own extensive knowledge of the study area, derived principally from the prior involvement of Built Heritage Pty Ltd as author of the *Balwyn & Balwyn North Heritage Study* (2015).

1.3 CONCLUSIONS

The case for heritage significance at the local level, which was already considered to be compelling following the preliminary assessment, was considerably bolstered on completion of the present detailed assessment. As such, it is recommended that former Withers House be added to the heritage overlay schedule as an individually significant heritage place.

1.4 AUTHORSHIP

The peer review was completed by Simon Reeves, director and principal of Built Heritage Pty Ltd.



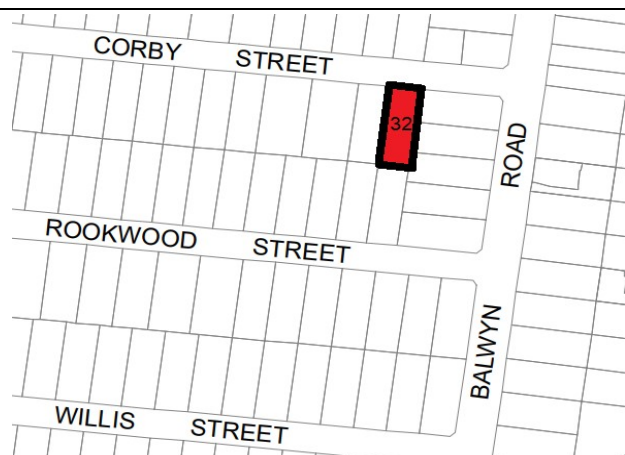
HERITAGE PTY LTD

2.0 DETAILED HERITAGE ASSESSMENT

IDENTIFIER	HOUSE	Citation No	N/A
Other name/s	Withers House	Melway ref	46 E2
Address	32 Corby Street BALWYN NORTH	Date/s	1962 (house) 1963, 1964 (minor additions)
Designer/s	Alistair Knox Pty Ltd (house) Unknown (garden)	Builder/s	Alistair Knox Pty Ltd



Photograph by Built Heritage Pty Ltd, 30 June 2021



Location map and proposed extent of HO

Heritage Group	Residential building (private)	Condition	Excellent
Heritage Category	House	Intactness	Excellent

Thematic context	6.7 Making homes for Victorians
-------------------------	---------------------------------

Recommendation	Include on heritage overlay schedule as an individual heritage place
Controls	<input type="checkbox"/> External Paint <input type="checkbox"/> Interior Alteration <input type="checkbox"/> Trees

2.1 HISTORICAL CONTEXT

The area comprising the present-day suburb of Balwyn North, bounded by Burke Road, Belmore Road, Winfield Road and the Koonung Creek, originally formed part of the vast land holding that was reserved in 1841 as Elgar's Special Survey. Initially settled by viticulturists and wood-carters, the Balwyn North area was served by the nearby Village of Balwyn from the 1870s. While Balwyn proper underwent more intensive residential expansion consequent to the connection of mains water (1880) and the opening of the Outer Circle railway line (1891), Balwyn North would remain sparsely settled into the early twentieth century. Although suburban sprawl burgeoned during the inter-war years, it was not until 1938, after the electric tramway and sewerage mains both reached Balwyn North, that the area became more desirable to prospective homebuilders. Further expansion was hampered by WW2, but a major boom was to commence soon afterwards.

With wartime restrictions on labour and building material relaxed by the early 1950s, Balwyn North became one of Melbourne's most sought-after and swiftly developed post-WW2 suburbs. One of the last remaining expanses of undeveloped land close to the city, it attracted crowds of enthusiastic homebuilders, many of whom engaged leading architects of the day as well as others who turned to builders and burgeoning project house companies. As the suburb rapidly filled out, the residential building boom in Balwyn North gradually abated during the 1960s.

2.2 PLACE HISTORY

2.2.1 The Clients: Percy and Gwen Withers

The house at 32 Corby Street was erected in 1962 for Percy Withers (1898-1981), proprietor of a leading Melbourne transport company, and his wife Gwen (1915-1993). Born in Elmore, near Bendigo, (Alfred) Percy Withers was the youngest son of Arthur Albert Withers (1861-1929), once described as ‘the pioneer of motor coach tours in Victoria’ (*Herald* 17/07/1929:1). From the late 1880s, the elder Withers had worked in Bairnsdale (and later Bendigo) as a horse coach proprietor, storekeeper and farmer before settling in Melbourne and organizing Victoria’s first motor coach tour in 1905. The business thrived and, formalized in 1913 as Withers & Son, began to secure contracts for local bus services, including a short-lived route in Warrandyte. By WW1, four of Withers’ five sons were involved in the venture: the two eldest, Arthur and Edward, as mechanics and the younger Sydney and Percy as drivers.

After WW1, the firm was rebadged as the Pioneer Motor Company, which was duly absorbed in June 1923 by a new entity, Pioneer Tourist Coaches Pty Ltd, under the control of brothers Edward, Sydney and Percy (*Herald* 22/06/1923:14). During the 1920s, the business boomed as its tourist coach trade spread interstate. In February 1929, Percy married Clare Josephine Dalley (1902-1977), daughter of Melbourne’s well-known female scrap-metal dealer, Marie ‘Ma’ Dalley, and the newlyweds settled in Kew. That year saw the birth of Percy and Clare’s only child, daughter Joan Mignonette Withers (died 2006), as well as the death of Percy’s father, Albert. By the early 1940s, Percy and Clare had separated and he was residing alone in a flat in Parkville. After their divorce was finalized in late 1948, Percy married again, to Gwendoline Marion McLean. The couple took up residence in Balwyn North, at 30 Longview Road.

The early post-WW2 era saw Percy Withers form a new company, Withers Transport Pty Ltd, to exploit the rapidly rising demand for local bus services. Initially based in South Melbourne, the firm duly expanded with a bus depot in Nicholson Street, Fitzroy, and then another on Doncaster Road, Doncaster East, to serve Box Hill and Warrandyte. To oversee the latter, Percy moved his family (by then, expanded by son David and daughters Jillian and Margaret) from Balwyn to Doncaster East in the early 1950s, taking up residence in a modest cream brick dwelling at 175 Blackburn Road. It was towards the end of that decade that Withers, with an eye on upgrading the facilities of his bus depot, became acquainted with designer Alistair Knox.

2.2.2 The Designer: Alistair Knox

Alistair Knox (1912-1986) started his career as a bank clerk and, returning from WW2, enrolled in the architecture course at Melbourne Technical College (now RMIT) only to drop out after two years. From 1948, he began experimenting with mud-brick as a solution to the post-WW2 housing shortage, and was responsible for the design and erection of several high-profile houses for brave clients, mostly artists and academics in the Eltham area, characterised not only by their bold articulation of natural building materials but also by their innovative planning, passive solar design and sensitive integration of the landscaped context.

From 1955, Knox turned his attention to the development of a modular construction system based on more conventional forms, details and materials, designing brick and timber houses on compact rectilinear plans with flat or low-pitched roofs. In 1958, while still embracing this mode, Knox was engaged by Withers to prepare plans for expansion of the bus depot on Doncaster Road, in a rare foray beyond the residential work that largely defined Knox’s output at the time. The designer’s involvement with the depot site commenced with plans for a four-lot subdivision and a small shop with rear residential flat (June 1958), followed by evolving schemes for a gable-roofed bus garage and repair workshop with attached offices (January to April 1959), and two subsequent phases of addition (July and September 1959). Historic aerial photographs confirm that these works were realised in accordance with Knox’s proposal.

After the Credit Squeeze of the early 1960s, Knox reverted to his earlier approach and developed an idiosyncratic environmental style that was based on the use of mud brick, stone, rough timber and second-hand brick. From the mid-1960s, his residential work was invariably characterised by this trademark use of natural materials as well as open planning, irregular skillion rooflines with clerestory windows, and a careful consideration of landscaped context (often, in collaboration with garden designers such as Ellis Stones, Gordon Ford and Peter Glass). Knox's reputation rose sharply during the self-building movement of the 1970s, and he remained keenly sought-after until his death in 1986. Simultaneously active in local affairs (serving as an Eltham Shire councillor), he wrote several books and many articles, and also lectured. Two years before his death, Knox received an honorary Doctorate of Architecture for his unique contribution to design.

2.2.3 The House

Percy Withers' desire for a new house in Balwyn North can be traced back to early July 1961, when the Box Hill and Warrandyte bus routes operated by Withers Transport Industries were acquired by the Melbourne & Metropolitan Tramways Board 'for an undisclosed sum' (*Age*, 14/04/1961:5). The takeover included the bus depot on Doncaster Road, which was retained by the MMTB for a few years before it was superseded around 1965 by new and larger counterpart on the other side of the street (now 868-870 Doncaster Road). The former depot site, with its Knox buildings, was duly sold and redeveloped with a row of commercial premises (now 861 Doncaster Road).

While Withers retained his interest in Pioneer Tourist Services, the sale of his suburban bus lines ushered in an era of semi-retirement that prompted the family's relocation back to Balwyn North. On 26 July 1961, barely three weeks after the MMTB takeover, Percy and Gwen acquired the title to a block of land on the south side of Corby Street (Certificate of Title, 6891/051). This formed Lot 101 of the *Rockwood Estate*, a subdivision of 66 allotments created in 1927 from a vast property held for more than four decades by farmer William Patterson Vettler, who had died the previous year (*Weekly Times*, 27 November 1926:88). While the *Rookwood Estate* underwent limited development prior to WW2, residential settlement boomed in the 1950s. By the time that Percy and Gwen Withers purchased Lot 101 in 1961, it was one of the last vacant sites remaining in Corby Street.

Following Knox's involvement with Withers' bus depot, spanning at least fifteen months, it is no surprise that his services were retained for the new house at Balwyn North. To accommodate their family of three children, Percy and Gwen required a four bedroom house with generous living space. Knox proposed a single-storey flat-roofed brick building on a stepped rectilinear plan with separate areas for 'formal living' and 'general living' (the latter, unusually for the time, integrated with an open-planned kitchen). The master bedroom (to the front) and three smaller bedrooms (to the rear) were separated by a service core with two bathrooms flanking a laundry. In Knox's initial proposal, the street frontage incorporated a small entry porch to the west (left) corner and a flat-roofed carport to the right (east). This was subsequently revised, with a second set of drawings showing substantial reconfiguration of the northern part of the house: the formal living room was rotated by ninety degrees, the entry porch relocated, a wide balcony added, and the attached carport replaced with a capacious sub-floor parking area with space for three cars.

A building permit for the new house, to be erected in accordance with the second scheme, was issued by the City of Camberwell in August 1962. On the permit card, the builder was listed as Alistair Knox Pty Ltd of York Street, Eltham, and the project referred to as '6RBV' (ie, six-roomed brick veneer) worth £7,500. Although not specifically noted on the drawings, the house was to be erected of so-called modular concrete bricks, which had then only recently been introduced into Victoria after several years of successful use interstate (*Age*, 06/07/1959:8). Marketed by the Besser company under the trade name of Beslite, these concrete bricks were manufactured in the firm's factory in Dandenong and were available in ninety different sizes (all based on a standard four-inch module) and a range of colours that included 'terra cotta, desert buff, dawn pink, golden sand, sage green charcoal and natural grey' (*Age*, 01/07/1960:13).

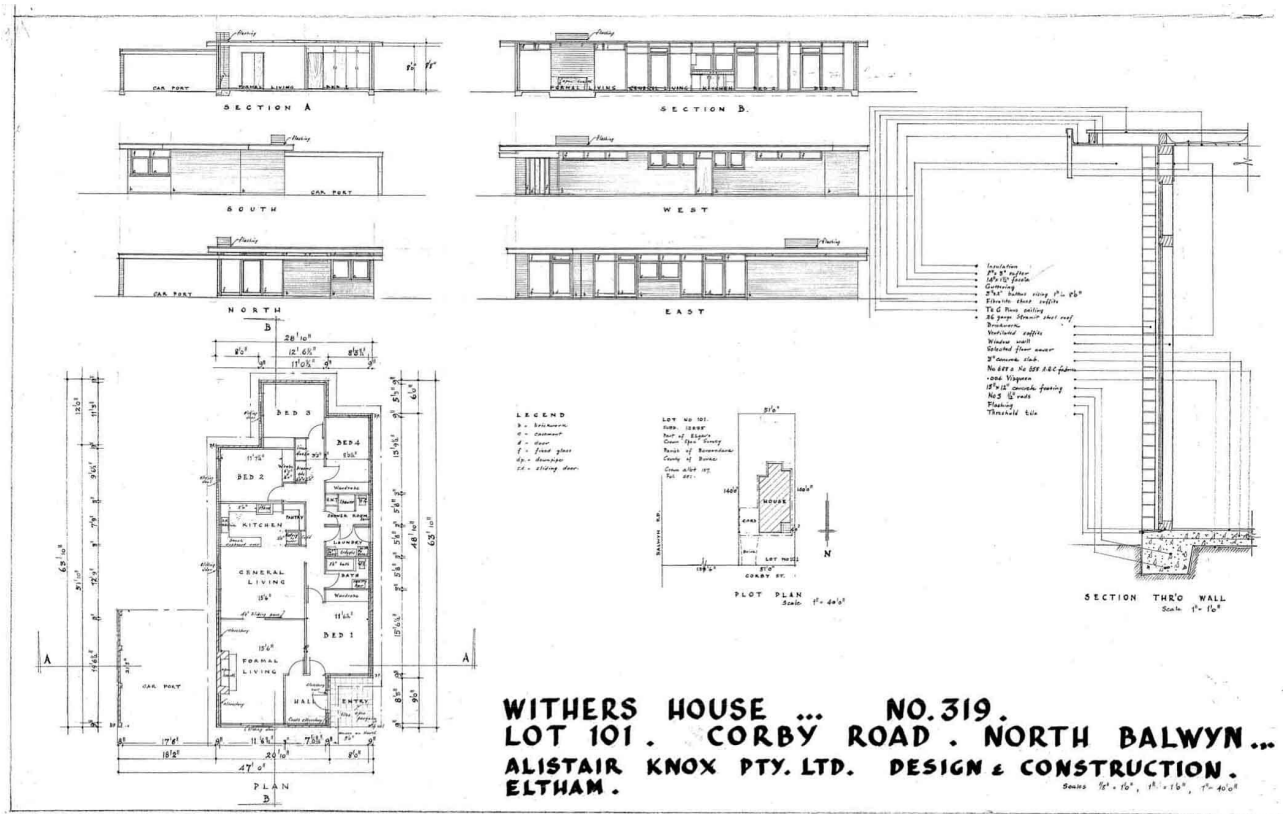


Figure 1: Undated working drawings for initial scheme with attached carport to east side
source: www.alistairknox.org

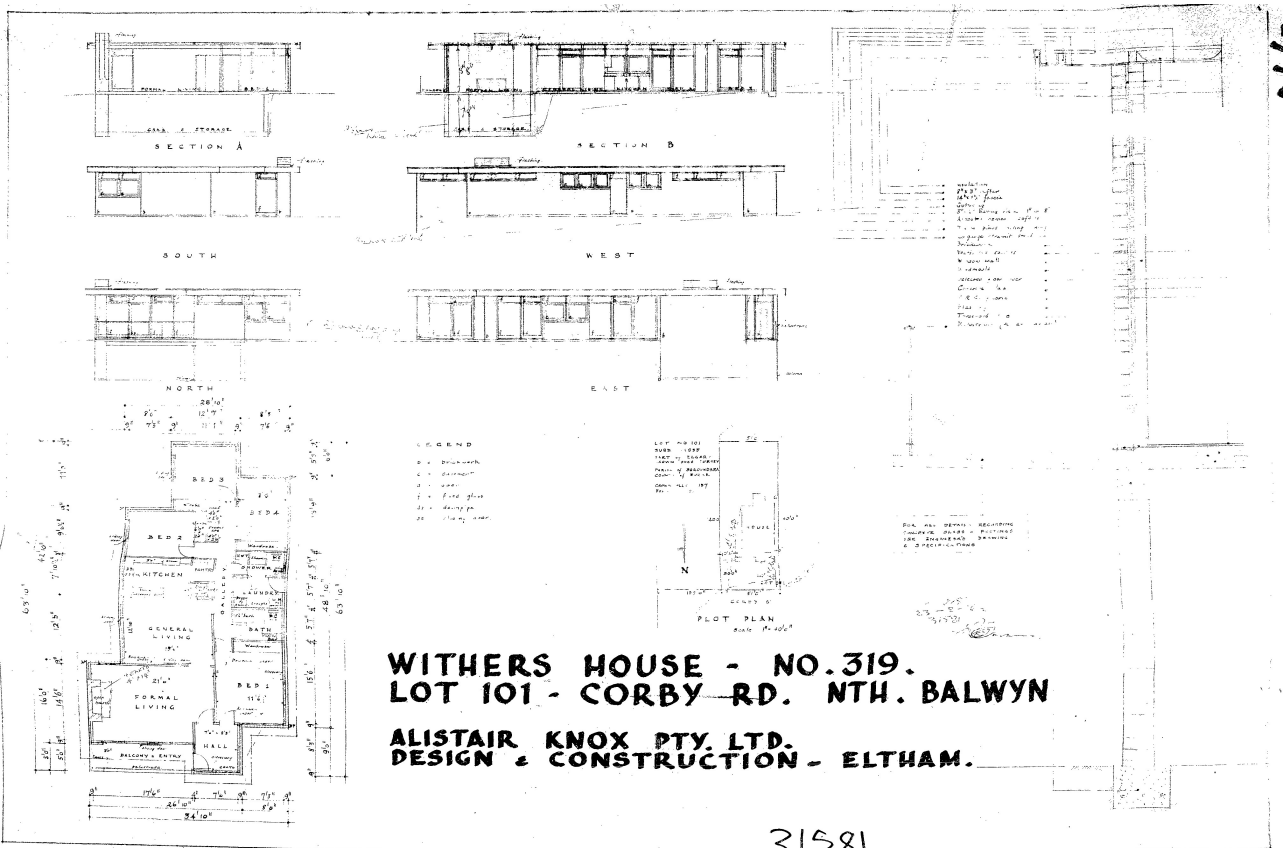


Figure 2: Undated working drawings for revised scheme with sub-floor garage
source: City of Camberwell Building Permit No 31,581, copy held by City of Boroondara

Percy and Gwen's son David moved to Sydney around the time that the house was completed, but the family continued to live there for the rest of the decade. During the early years of their tenure, schemes were prepared for a small outbuilding in the back yard, and for garden landscaping.

In February 1963, a building permit was issued for a 'workshop', worth £210. The accompanying drawings, prepared by Alistair Knox Pty Ltd, show a skillion-roofed brick shed of utilitarian form, located in the south-west corner of the property (figure 3). In October 1964, a separate permit was issued for a 'fowl shed' in the same location, with drawings (again prepared by Knox) showing a similar but longer skillion-roofed brick shed, containing a workshop, store and fowl area.

Drawings survive in the Knox archive for a 'path and garden layout' (Figure 4). While undated, this scheme evidently post-dates completion of the house, as it references both proposed and existing paths. The plan shows a bottleneck driveway with 'toppings' (ie crushed rock), stone retaining walls and various plantings that include two prunus trees, a liquidambar, and 'selected Australian native shrubs' to the front garden. The designer of the landscaping scheme is unknown, as the plan lacks a title block. Suggestion that it may have been the work of Peter Glass (1917-1997), a one-time Knox employee and later a noted landscape designer in his own right, is disproven by reference to Glass's archive, now held by the State Library of Victoria, which contains no documentation pertaining to this project.¹

An aerial photograph of the property from the late 1960s (Figure 5) confirms that a shed was indeed built in the location proposed on Knox's drawings and that the landscaping was at least partially realised in accordance with the undated 'path and garden layout'.

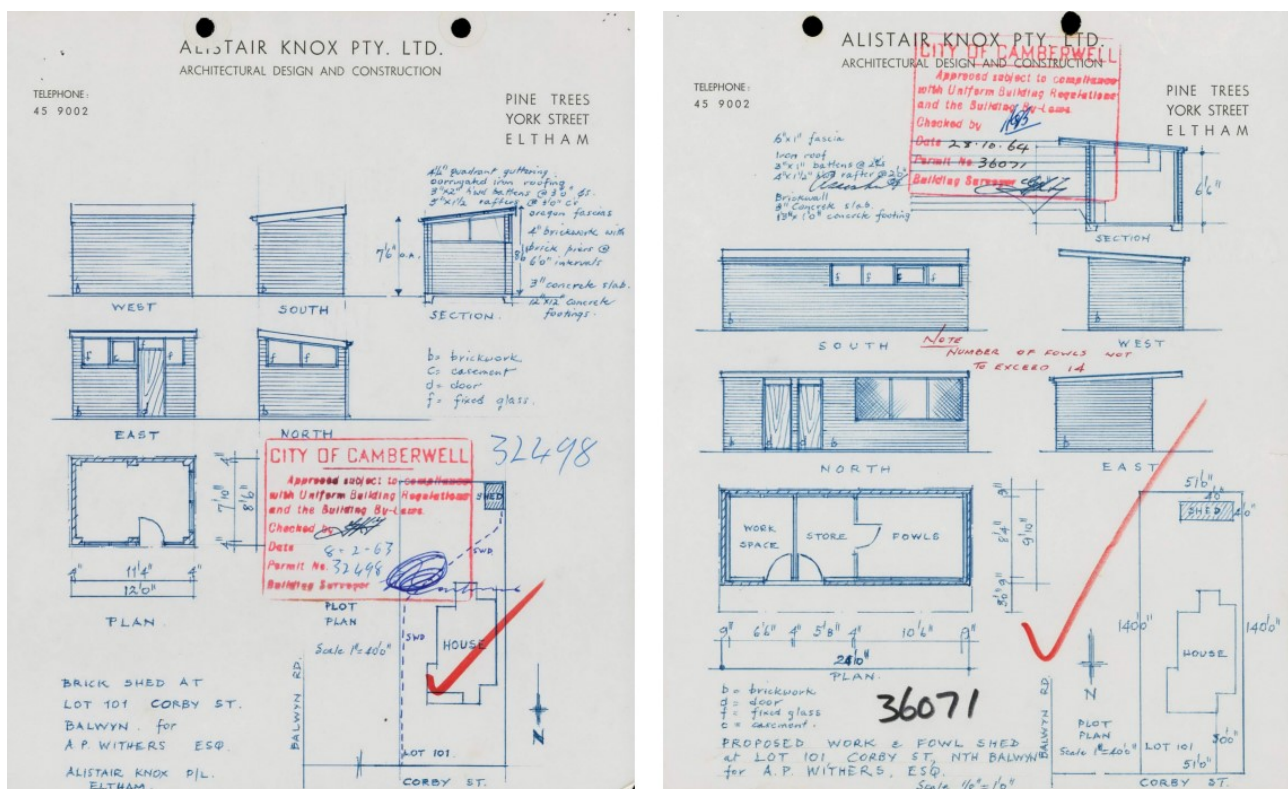


Figure 3: Drawings for Alistair Knox's two proposals for a backyard outbuilding, dated 1963 and 1964
 source: City of Camberwell Building Permit No 32,498 & 36,071, City of Boroondara

1 Peter Glass, Collection of Landscape Designs, LTAD131, State Library of Victoria. The collection, spanning three decades from 1960, includes drawing for four other residential landscaping projects in the Balwyn area: the Cooke House, Barnsbury Road (1970), the Barden House, 48 Yerrin Street (1978), the Gibson House, 12 Duggan Street (undated) and the Wail House, 41 Inverness Way (undated). Glass also undertook at least 17 commissions elsewhere in the municipality, at Burwood, Camberwell, Canterbury, Glen Iris, Hawthorn, Kew and Kew East.

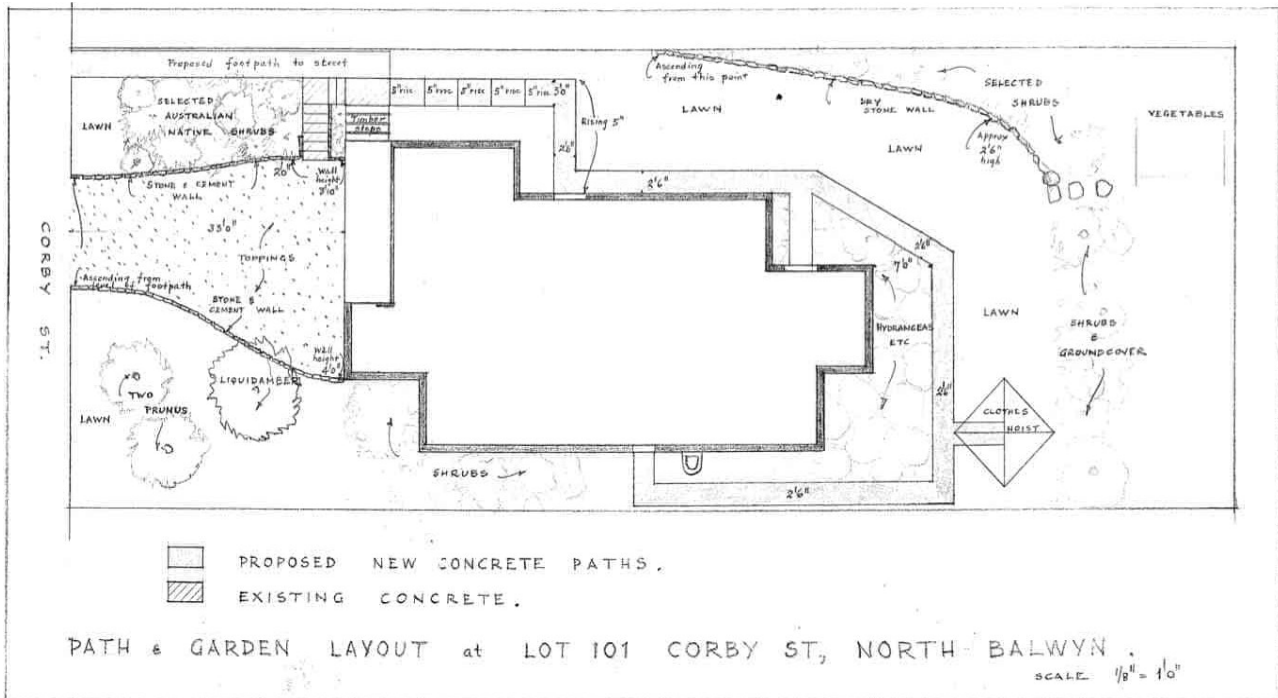


Figure 4: Undated and unattributed plan showing development of hard and soft landscaping
source: www.alistairknox.org



Figure 5: Detail of aerial photograph from January 1969, showing outbuilding and landscape development
source: Frame 216, Run 5, Eastern Freeway Project, Central Plan Office

In May 1970, the house was offered for sale by auction as 'an elevated contemporary brick veneer home' with 'superb views from front terrace across Yarra Valley' (Age 02/05/1970:27). Another advertisement underscored the fact that the house was 'designed and built by ALISTAIR KNOX' [emphasis original], drawing attention to its well-appointed interior with 'exposed beams and parquet floors' and its atypically grand family-oriented layout, with four bedrooms, three-car garage and 'family room' – the latter still a relatively new term at the time (Age, 14/11/1970:36). In 1971, the house was acquired by barrister Paul Willee and his wife Barbara, who lived there until 2006, and there have been two owners since then. Council records confirm that no major changes or additions have been made to the property since Knox's follow-up works in 1963-64.

2.3 DESCRIPTION

2.3.1 House

The former Withers House (Figure 6) is a single-storey flat-roofed modernist house of concrete brick veneer construction. Occupying a site that slopes upwards from the street, the house is partially elevated to incorporate a generous three-bay parking area below. External walls are of beige-coloured modular concrete brickwork, laid in stretcher bond, and the flat roof is clad in metal tray decking, and has broad unlined eaves with exposed rafters, matching timber fascias and concealed guttering. The street facade is triple-fronted and asymmetrical. The left side is dominated by the wide recessed bay of the formal living room, which has sliding glass doors, large fixed windows and narrow highlights, opening onto a concrete slab balcony with simple metal balustrade. To the right of the balcony is a projecting off-centre bay, containing the entry porch, with a long horizontal window below the eaves lines. Further to the right, and recessed further back, is the exposed front wall of the master bedroom, which has a large picture window.

At the far left end of the balcony is a metal framed staircase with matching balustrade, which connects to a right-angled flight of concrete steps leading down to the driveway level, alongside stepping planter boxes. The carport area, which extends almost the full width of the house, is framed by brick walls, with a row of black-painted metal poles below the front door. The carport includes a doorway to the rear and a workshop area off the west side, enclosed by a timber infill wall. A garden wall, in matching concrete brick, extends further west, forming a raised bed.

2.3.2 Garden

The front garden comprises two irregular lawn areas flanking a bottleneck driveway with textured concrete finish (inset with slate panels) and slate-clad kerbing. To the left (east) side, the lawn contains a mature deciduous tree, behind which is a low retaining wall of coursed river stone, running north-south from the concrete steps to the letterbox on the street (Figure 7). The letterbox itself is a freestanding pier-like structure, erected of matching modular concrete brickwork.

The current garden layout does not wholly correspond with either the undated landscape plan (Figure 4) or the aerial photograph from 1969 (Figure 5). The driveway is slightly different in form and its paving and kerbs are not original, having replaced the crushed stone toppings shown on the plan and seemingly evident on the aerial photograph. The stone wall is set slightly further east than shown on the drawing, while the proposed concrete path from the house to the street is not evident. The trees planted to the west of the driveway have been removed.



Figure 6: General view of the street frontage
Photograph by Built Heritage Pty Ltd, 2021



Figure 7: Oblique view, showing landscaping
Photograph by Built Heritage Pty Ltd, 2021

The status of the landscaping in the backyard has not been confirmed, as it cannot be seen from the street or recent aerial photographs. The 1969 photograph shows a slightly different configuration of concrete paths than indicated on the plan. Photographs of the rear of the house, taken at the time of its last sale in 2020, confirm the existence of a curving stone retaining wall that appears to correspond to the c1963 plan, as well as areas of crazy paving that are not shown on the plan.

Recent aerial photographs also confirm a small brick shed in the south-west corner of the property.

Based on this evidence, it would appear that the original landscaping scheme was only partially implemented, and has since been reconfigured. The concrete entry steps, stone retaining wall and brick letterbox appear to constitute the surviving fabric from the 1960s hard landscaping. The brick shed in the backyard, even if designed by Knox, is not considered to be significant.

2.4 COMPARATIVE ANALYSIS

2.4.1 Post-WW2 Houses in Balwyn & Balwyn North

Examples already on HO Schedule

The following is a list of the relatively few post-WW2 houses in Balwyn and Balwyn North that are currently included on the City of Boroondara HO schedule (as of June 2021)

- Cameron House, 6 Bulleen Road, Balwyn North (C S Cameron, 1951) [HO170]
- Sanders House, 3 Kalonga Road, Balwyn North (F J Sanders, 1948-55) [HO176]
- Gillison House, 43 Kireep Road, Balwyn (Robin Boyd, 1951) [HO177]
- Castle House (*Stargazer*), 1/2 Taurus Street, Balwyn North (Peter McIntyre, 1953) [HO189]
- Bunbury House, 300 Balwyn Road, Balwyn North (Robin Boyd, 1949) [HO616]

All of these examples were built in the early post-WW2 period, with the most recent one dating from 1955 (representing a belated date of completion for the Sanders House in Kalonga Road). Both chronologically and aesthetically, none of these houses is directly comparable to the subject building. The examples on Bulleen Road and Kalonga Road (both designed by owners who were not qualified architects) are in a *retardataire* mode, far more evocative of pre-WW2 Streamlined Moderne style than post-WW2 modernism. The houses on Kireep Road and Taurus Street, both dating from the early 1950s, are exceptional manifestations of the emerging Melbourne Regional style, and were designed by two of its leading exponents. The Bunbury House, a hitherto unknown Boyd project that was only rediscovered in 2014, is a seminal example of the architect's maturing approach to residential work, dating from his brief period in solo practice before entering into his celebrated partnership with Roy Grounds and Frederick Romberg in 1953.



Figure 8: Lipton House, Hill Road (1964-66)
 Photograph by Built Heritage Pty Ltd, 2012



Figure 9: Plotkin House, Mountainview Rd (1966)
 Photograph by Built Heritage Pty Ltd, 2012

Examples recommended for addition to HO Schedule

While the current heritage overlay schedule includes no houses in Balwyn or Balwyn North dating from the 1960s, the four examples were recommended for inclusion in the *Balwyn & Balwyn North Heritage Review*. These are as follows:

- Lipton House, 67 Hill Road, Balwyn North (Kevin O'Neill & Raymond Tung, 1964-66)
- Plotkin House, 47 Mountain View Road, Balwyn North (Conarg Architects, 1966)
- Mitchell House, 2 Salford Avenue, Balwyn (Tad Karasinski, 1962-63)
- Raftopolous House, 69 Sylvander Street, Balwyn North (designer unknown, 1962)

The second two comparators have very little commonality with the subject building. The Mitchell House, designed by a European-trained architect for a German-born client, is an idiosyncratic hybrid design that merges a flat-roofed dwelling in the orthodox European Modernist style with a quirkier A-framed wing, intended to evoke the owner's fondness for traditional alpine dwellings. The Raftopolous House, which does not appear to have been architect-designed, was not deemed to be important as an outstanding specimen of modernist design in its own right but, rather as a rare intact surviving example of the so-called 'Immigrant Nostalgic' style associated with the post-WW2 influx of southern European migrants.

The Lipton House (Figure 8) and the Plotkin House (Figure 9) both have broad characteristics in common with the subject building, namely the use of broad-eaved flat roofs, plain brick walls, horizontal strip windows and stepped volumetric massing influenced by the sloping sites. The Plotkin House is even more directly comparable because, like the Withers House, it was erected of modular concrete bricks (unusual at that time) rather than conventional clay bricks. Notably, the Withers House predates both of these comparators by several years. Aesthetically, all three houses are manifestations of a specific sub-style of post-WW2 modernism that has been described by Dr Philip Goad as 'mature modern' (see discussion under 2.4.2).²

Examples flagged for potential significance

In addition to the places for which individual citations were prepared, the *Balwyn & Balwyn North Heritage Study* also provided a list of an additional forty places that were recommended for further assessment. At that time, individual citations were not prepared for these properties merely due to budget limitations, which had necessarily restricted the number of citations to be prepared. Of these forty places, eight were houses dating from the 1960s:

- Heenan House, 41 Campbell Road, Balwyn (Neil Clerehan & Guilford Bell, 1962)
- Montalto House, 101 Cityview Road, Balwyn North (Dr Ernest Fooks, c1962)
- Karakostas House, 9 Earls Court, Balwyn North (Robert H Denny, 1969)
- Inge House, 30 Ferdinand Avenue, Balwyn North (Drayton & Coleman, 1964)
- McBride House, 72 Greythorn Road, Balwyn North (David Godsell, 1961)
- Henning House, 9 Penn Street, Balwyn North (Norman Brendel, 1962)
- Schuster House, 27 Tuxen Street, Balwyn North (Holgar & Holgar, 1964)
- Dr Leong House and clinic, 46 Walnut Road, Balwyn North (John F Tipping, 1965)

All of these houses have characteristics in common with the Withers House, notably the use of face brickwork, broad-eaved flat roofs and strategically-placed windows of varying form. Occupying sloping sites typical for the Balwyn area, most of the houses are expressed as stepped volumes with garages or carports underneath, as with the Withers House.

² Philip Goad, 'The Modern House in Melbourne', Ph D Thesis, University of Melbourne, September 1992, p 6.56.



Figure 10: Montalto House, Cityview Road (c1962)
Photography Built Heritage Pty Ltd, 2012



Figure 11: Henning House, Penn Street (1962)
Photography by Built Heritage Pty Ltd, 2012



Figure 12: Heenan House, Campbell Road (1962)
Photograph by Built Heritage Pty Ltd, 2012



Figure 13: Dr W Adam House, Millah Road (1967)
Photograph by Built Heritage Pty Ltd, 2012

Despite these commonalities, the houses exhibit a range of aesthetic sub-styles associated with post-WW2 Melbourne architecture: the ones by Ernest Fooks and Holgar & Holgar are typical of the academic modernist style associated with European-trained migrant architects, while the McBride House in Greythorn Road evokes the Prairie School mode that imbues much of Godsell's work. Of the eight examples listed above, those more directly comparable to the Withers House are the three precisely contemporaneous houses at 101 Cityview Road (**Figure 10**), 9 Penn Street (**Figure 11**) and, particularly 41 Campbell Road (**Figure 12**). The last is by far the most pertinent comparator, being similarly articulated with stark face brick walls in projecting and recessing planes, and similarly evocative of the sub-style referred to by Philip Goad as 'mature modern'.

2.4.2 Houses in the 'Mature Modern' mode

Within the City of Boroondara

In his post-graduate thesis on modern residential architecture in Melbourne, Dr Philip Goad coined the term 'mature modern' to describe an aesthetic sub-style that emerged in the early 1960s. In contrast to the so-called Melbourne Regional style of the 1950s, defined by bold experimentation of geometric forms, structural expression and lively colour schemes, the 'mature modern' was a more sedate and monumental style, characterised by 'efficient structural means, a reduced palette of materials, generous amounts of glass and elegantly simple details'. Houses in the 'mature modern' mode were typically expressed with carefully considered rectilinear planning, broad-eaved flat roofs and stark planar walls in face brick or concrete block.

In his thesis, Goad identified several leading Melbourne architects as the key practitioners of the 'mature modern' idiom, namely Neil Clerehan, Guilford Bell, Bernard Joyce, David McGlashan and John Adam. In his discussion of specific manifestations, Goad drew attention to two houses that are located in what is now the City of Boroondara: the Guss House at 18 Yarra Street, Kew (McGlashan & Everist, 1963) and an architect's own home at 16b Waterloo Road, Camberwell (A R van Rompaey, 1966). Occupying a sloping site, the former is a split-level house articulated as two floating glass-walled volumes, while the latter is a flat-roofed dwelling with plain brick walls and full-height windows that define a sprawling C-shaped courtyard plan. While of aesthetic interest in their own right, neither of these two houses is directly comparable with the Withers House.

Research has identified several other examples of the 'mature modern' in the City of Boroondara, including four houses in Balwyn by John Adam. Of these, the two earliest, at 7 Lydia Court (1960) at 51 Dempster Avenue (1962), have both been demolished. A later house still standing at 7a Millah Road (1967; **Figure 13**), commissioned by the architect's father Dr William Adam, expressed the 'mature modern' style in the quirkier medium of roughly textured brickwork with a white-painted finish. Adam's Pleasance House at 2 Shrimpton Court (c1971), with its stark expression of planar beige brick walls, is more reminiscent of the Withers House, albeit a decade later in date.

The Balwyn houses previously mentioned in section 2.4.1, comprising the Lipton House in Hill Road, the Plotkin House in Mountainview Road and the Heenan House in Campbell Road, stand out as the best local examples of the 'mature modern' style, and thus constitute the most pertinent comparators to the Withers House. However, it is not a question of which one is superior to any of the others. All four houses are considered to be of aesthetic significance in their own right, and worthy candidates for individual heritage overlays.

2.4.3 Houses by Alistair Knox

Within the City of Boroondara

As mentioned in section 2.1, the assertion that Alistair Knox designed only three houses in the City of Boroondara is incorrect. Rather, he is confirmed to have received at least nineteen commissions, comprising eleven new dwellings and eight residential renovations. The individual houses are as follows (client names and dates are as recorded in the website, www.alistairknox.org):

- Withers House, 32 Corby Street, Balwyn (1962)
- Yorston House, 1 Georgian Court, Balwyn (1966)
- Ray House, 84 Wattle Valley Road, Camberwell (1967)
- Drake House, 105 Greythorn Road, Balwyn North (1967) – *demolished c.2020*
- Raynor House, 11 Kembla Street, Hawthorn (1969)
- Cooke House, 2 Barnsbury Court, Balwyn (1970) – *demolished c.2015*
- Coulter House, 12 Barbara Avenue, Camberwell (1971)
- Elms House, 105 Yarrbat Avenue, Balwyn (1972) – *demolished c.2008*
- Grieve House, 44 Hartington Street, Kew (1975) – *demolished c.2013*
- Golias House, 6 Stirling Street, Kew (1975)
- Bell House, 21 Yarrbat Avenue, Balwyn (1978)
- Kennedy House, 4 Norbert Street, Balwyn (1983)³

³ Curiously, this late Knox project is not documented on the website www.alistairknox.org. Rather, it was identified by Built Heritage Pty Ltd during fieldwork for the 2012 heritage study, and its attribution confirmed by drawings sourced from the City of Boroondara's building permit archive.

Thus tabulated, a number of pertinent observations can be made from this data. Of eleven houses that Knox is (so far) known to have designed in what is now the City of Boroondara, more than half were in the Balwyn and Balwyn North area. Dating from 1962, the subject building not only represents the designer's earliest known residential commission in Balwyn, but also in the broader City of Boroondara. As such, it occupies a significant place in the chronology of Knox's work across the entire municipality. In parallel, it represents a sharp contrast to Knox's later houses in the City of Boroondara, in that it was conceived in the more mainstream modernist style, with modular planning, planar brick walls and low rooflines with broad eaves, which characterised his output from c.1955 until c.1964. Subsequently, Knox resumed designing in the environmental approach for which he is best known, adopting more idiosyncratic planning, irregular rooflines, and more overtly organic materials such as mud brick, stone and rough timber.

All of Knox's subsequent houses in the City of Boroondara were conceived in this environmental mode, albeit with some variation in the extent to which the aesthetic was embraced. One example from 1966, the Ray House in Camberwell (**Figure 14**), is an otherwise conventional two-storey hip-roofed house on a rectilinear plan, with Knox's earthy approach demonstrated only by the use of rough brickwork and diagonal timber-lined ceilings. Three other single-storey examples from the 1960s (the Yorston House, Drake House and Raynor House) were consistently expressed in clinker brick with low gabled roofs, broad eaves and full-height window bays. The Raynor House has since been altered by a large two-storey gable-roofed front addition, in white painted brick, which effectively conceals the original single-storey brick house from the street (**Figure 15**).



Figure 14: Ray House, 84 Wattle Valley Road (1966)
Source: www.realestate.com.au
(photograph by Jellis Craig)



Figure 15: Raynor House, 11 Kembla Street (1969)
Source: www.alistairknox.org
(photograph by Tony Knox)



Figure 16: Coulter House, 12 Barbara Avenue (1971)
Source: www.realestate.com.au



Figure 17: Golias House, 6 Stirling Street (1975)
Source: www.realestate.com.au



Figure 18: Kennedy House, 4 Norbert Street (1983)
Photograph by Built Heritage Pty Ltd, 2012



Figure 19: Burnside House addition (1962)
Source: www.realestate.com.au



Figure 20: Trivett House, Syndal (1962)
Source: www.realestate.com.au
(Photograph by Jellis Craig)



Figure 21: Chandler House, Doncaster (1963)
Source: Picture Collection, State Library of Victoria
(Photograph by Peter Wille)

Outside the City of Boroondara

It was not until the early 1970s that Knox's local output began to more boldly reflect his organic approach: this commenced with the two-storey Cooke House in Balwyn (1970), which adopted the designer's trademark expression of exposed trabeation in rough timber with mud brick infill and stone paving. The Coulter House in Glen Iris (1971; **Figure 16**), Elms House in Balwyn (1972) and Grieve House in Kew (1975) were houses of similar expression and comparable scale, albeit in clinker brick rather than mud brick, while the more modest single-storey Golias House in Kew (1975; **Figure 17**), also in clinker brick, had a tighter plan and flat roof with pop-up clerestory and broad timber fascias. For the later Bell House (1978) and Kennedy House (1983), both in Balwyn, Knox returned to his trademark style, with mud brick and exposed timber structure (**Figure 18**).

Clearly, none of the other houses that Knox designed in the City of Boroondara are directly comparable to the subject building. While the other houses are all demonstrative, to a greater or lesser degree, of Knox's characteristic environmental style, the Withers House stands out as a rare local example of his work in the modern mainstream modernist style that defined his work in the later 1950s and early 1960s. The fact that it is not demonstrative of his trademark 'Eltham style', however, does not mean that the house cannot be considered significant in its own right.

Ultimately, the subject building can only be pertinently compared to one other example of Knox's work in the City of Boroondara: a two-storey addition to the rear of an existing single-storey house at 4a Rubens Grove, Canterbury (1962; **Figure 19**). Designed for the Burnside family, this addition is precisely contemporaneous with the subject building and is similarly expressed with flat roof, planar brick walls and full-height windows. However, as it is merely an addition to an existing house (and, in any case, is not even visible from the street), it can hardly be considered in the same league that the subject building as a candidate for an individual heritage overlay.

While it is not necessary to consider Knox's work outside the City of Boroondara to establish a case for significance at a local level, it might be noted that a cursory overview of his contemporaneous houses suggests that the Withers House was one of the designer's more distinguished residential projects of that period. The bulk of Knox's houses from the early 1960s were far more modestly expressed as single-storey dwellings on relatively flat sites, with simpler rectangular plans, low gabled roofs, verandahs, and conventional fenestration. This is evident in such examples as the Armitage House in Doncaster (1960), the Brown House in Watsonia (1960), the Eastman-Nagle House in Eltham (1960), the Munro House in Lower Plenty (1960), the Pitt House in Lorne (1960), the Smith House in Carrum (1960), the Hensle House in Eltham (1961), the Mitchell House in Eltham (1961), and the double-storeyed Crook House in Ivanhoe (1962).

A more refined expression, with broad-eaved flat roofs and windows as horizontal strips and full-height bays, appears to have emerged with the Pain House in Eltham (1960) and then recurred in the Harvey House in Geelong (1962), the Trivett House in Syndal (1962; **Figure 20**), the Bell House in Doncaster (1962), the Bellamy House in Frankston (1963), the Bryant House in Highton (1963), the Neish House in Doncaster (1963), the Nixon House in Kangaroo Ground (1963) and the Van Raalte House in Eltham North (1963). All of these, however, were single-storey dwellings on relatively flat sites, with relatively compact plans. The more expansive and elevated Withers House, built into a slope with a vast sub-floor garage, represents a far more sophisticated architectural composition. In the context of Knox's houses of the early 1960s, its nearest counterpart would be the split-level Chandler House at Doncaster (1963; **Figure 21**), although that house was built into a site that slopes down from the street, rather than up from the street.

2.5 ASSESSMENT OF SIGNIFICANCE

2.5.1 Assessment against Criteria

Criteria referred to in *Practice Note 1: Applying the Heritage Overlay*, Department of Planning and Community Development, September 2012, modified for the local context.

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

Not applicable

CRITERION B: *Possession of uncommon, rare or endangered aspects of the City of Boroondara's cultural or natural history (rarity).*

Not applicable

CRITERION C: *Potential to yield information that will contribute to an understanding of the City of Boroondara's cultural or natural history (research potential).*

Not applicable

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

Not applicable

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

The Withers House is an excellent and virtually unaltered example of a house in the so-called 'mature modern' style that emerged in Melbourne in the early 1960s, characterised by simple but elegant articulation of planar masonry walls, broad-eaved flat roofs and full-height and/or horizontal strip windows. With its stark walls of beige-coloured modular concrete brickwork, exposed timber beams and asymmetrical facade hovering above a capacious sub-floor triple carport, it is a particularly sophisticated expression of this idiom.

CRITERION F: *Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).*

Not applicable

CRITERION G: *Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of continuing and developing cultural traditions (social significance).*

Not applicable

CRITERION H: *Special association with the life or works of a person, or group of persons, of importance in the City of Boroondara's history (associative significance).*

The Withers House has special associations with celebrated designer Alistair Knox, representing the first of many residential commissions that he undertook in what is now the City of Boroondara, and the only one associated with a phase in his career (from c.1955 to c.1964) in which he embraced conventional building materials and a mainstream modernist idiom to produce modular dwellings of simple but elegant design.

2.5.2 Statement of Significance

What is significant?

The former Withers House at 32 Corby Street, Balwyn North, is an elevated single-storey modernist house of beige-coloured modular concrete brick, with a flat roof, broad eaves with exposed beams and an asymmetrical triple-fronted street façade that incorporates a concrete slab balcony with full-height windows and metal balustrade, and a large sub-floor parking area with space for three vehicles. Commissioned in 1962 by transport company proprietor Percy Withers and his wife Gwen, the house was designed and built by Alistair Knox Pty Ltd (who was retained to undertake two minor phases of follow-up work in 1963-64).

The significant fabric is defined at the exterior of the entire house, including the matching concrete brick retaining walls and planter boxes, metal balcony stairs, the concrete steps to the driveway, the low stone retaining wall running north-south to the street, and the matching brick letterbox.

How is it significant?

The former Withers House is of aesthetic and associative significance to the City of Boroondara.

Why is it significant?

Aesthetically, the house is significant as an excellent example of a house in the so-called 'mature modern' style that emerged in Melbourne in the early 1960s, characterised by simple but elegant articulation of planar masonry walls, broad-eaved flat roofs and full-height and/or horizontal strip windows. With its stark walls of beige-coloured modular concrete brickwork (at the time, a fairly new material), exposed timber beams and asymmetrical facade hovering over an atypically

large sub-floor triple garage, it is a particularly sophisticated expression of this idiom. Virtually unaltered since the designer undertook further works in 1963-64, this uncommonly intact house remains potently evocative of its era, enhanced by the retention of some contemporaneous hard landscaping elements such as steps, retaining walls, and a matching letterbox (*Criterion E*)

The house is significant for associations with the eminent and prolific designer Alistair Knox, for whom it represented his first individual residential commission in what is now the City of Boroondara. While Knox went on to design more than a dozen other houses in the municipality over the next two decades (most of which were also located in Balwyn and Balwyn North), the former Withers House stands out as the only one associated with the middle phase of his career, from c.1955 to c.1964, when he embraced conventional building materials and a mainstream modernist idiom to produce modular dwellings of simple but elegant design. (*Criterion H*)

2.5.3 Recommendations

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

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01):

External Paint Controls	No
Internal Alteration Controls	No
Tree Controls	No
Victorian Heritage Register	No
Incorporated plan	No
Exemptions for outbuildings and fences	No
Prohibited uses may be permitted	No
Aboriginal Heritage Place	No

2.6 SOURCES

2.6.1 References

Primary Sources

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working drawings, 14 June 1958, www.alistairknox.org.

Alistair Knox Pty Ltd, 'Withers No 228/2: Resite shop and dwelling',
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Alistair Knox Pty Ltd, 'Withers Transport Industry Pty Ltd Bus Repair Depot & Offices No 227/2',
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Alistair Knox Pty Ltd, 'Withers Transport Industry Pty Ltd, Bus Depot, No 227/3',
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Alistair Knox Pty Ltd, 'Withers Transport Industry Pty Ltd, 227/4',
working drawings, 1 April 1959, www.alistairknox.org.

⁴ Another obituary for Alfred Withers, which appeared in the *Age*, 18 August 1929, p 9, was found to contain a great deal of inaccurate information, stating that he only had three sons, and that their firm was established in 1907.

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working drawings, 1 July 1959, www.alistairknox.org.

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Alistair Knox Pty Ltd, 'Brick shed at Lot 101 Corby Street, Balwyn, for A P Withers, esq'
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Alistair Knox Pty Ltd, 'Proposed work and fowl shed at Lot 101 Corby Street, North Balwyn,
for A Withers, esq', working drawings, undated, copy held by City of Boroondara
(City of Camberwell Building Permit No 36, 071, issued 28 October 1964).

'Path and garden layout at Lot 101 Corby Street, North Balwyn', landscaping plan, undated.
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City of Camberwell Building Permit Card for 32 Corby Street, Balwyn North, held by City of
Boroondara.

David Withers, emails to Simon Reeves, 17 June and 1 July 2021.⁵

Secondary Sources

Fay Woodhouse, 'Knox, Alistair Samuel (1912-1986)', in Diane Langmore (ed), *Australian
Dictionary of Biography*, Volume 17 1981-90 (Melbourne: Melbourne University Press, 2007).

Richard Peterson & Bohdan Kusyk 2014, 'Alistair Knox (1912-1986): Modernism, Environment
and the Spirit of Place', *RMIT Design Archives Journal*, Volume 4, Number 3 (2014), pp 5-23.

Built Heritage Pty Ltd, *Balwyn & Balwyn North Heritage Review* (2015).

2.6.2 Identified by

Built Heritage Pty Ltd, *Balwyn & Balwyn North Heritage Review* (2015)

- designated as 'Priority 2' in master-list of places of potential significance, p 223.

⁵ David Withers, now living in Sydney, is the sole survivor of Percy and Clare Withers' three children.