

**SUBMISSIONS ON  
BEHALF OF THE PLANNING AUTHORITY**

**AMENDMENT C367BORO TO THE BOROONDARA PLANNING SCHEME**

**BOROONDARA CITY COUNCIL SUBMISSION: PART B**

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**Introduction**

1. This Part B submission is made with respect to Amendment C367boro to the Boroondara Planning Scheme and is in addition to and supplements Council's Part A submission to the extent that the Part A submission relates to Amendment C367boro.
2. The recently announced public holiday to commemorate the passing away of the Queen has necessitating a 're-scheduling' of the Panel hearing and resulted in agreement between the parties and the Panel to separate (for the purposes of the Panel hearing) Amendment C367boro (relating to 57 and 60 Berkeley Street, Hawthorn) from Amendment C368boro (relating to 32 Corby Street, Balwyn North).
3. The Part B submission contains Council's commentary on the evidence filed with respect to the properties that are the subject of Amendment C367boro and outlines Council's final position with respect to the Amendment having regard to that evidence.
4. The Part B is filed prior to the submitters presenting their submission to the Panel, prior to the evidence being presented and tested and prior to the Panel raising matters not previously raised by the Panel or other parties. The Council reserves the right to make further submissions (by way of reply) following the presentation of submissions, the testing of evidence and matters raised by the Panel.
5. Council has filed and served the expert heritage evidence upon which it relies with respect to 57 Berkeley Street (Ms Sue Silberberg) and 60 Berkeley Street (Mr Aron Paul). That evidence supports Council's Amendment as it applies to those properties.
6. Further commentary and Council's final position now follows.

**60 Berkeley Street, Hawthorn**

7. Mr Paul's witness statement comprehensively sets out the manner in which he has examined the subject property and assessed its heritage significance. This includes a comprehensive comparative analysis.
8. It is his opinion that the inclusion of 60 Berkeley Street Hawthorn in the schedule to the Heritage Overlay "is justified by the current citation, which determines it meets the *'threshold' of local significance based on HERCON Criteria, supported by the City of*

*Boroondara Thematic Environmental History, and comparative analysis against properties currently subject to the HO".*

9. In terms of integrity and intactness, Mr Paul is of the opinion that: *"Overall the house's primary facades appear intact to the original design and construction, including a high level of detailing. The main alteration has been the demolition of the rear kitchen and verandah section and its replacement with a long addition running from the north to south. The prominence of this addition is enhanced by its extension almost to the southern property boundary, and the large amount of vegetation that obscures the original facades of the house in its mature garden setting. There are some very minor alterations. One of the three original chimneys, towards the rear, appear to have been removed. A new security screen door has been added over the original double doors"* [paras 32 and 33]. The property therefore has a high level of integrity and intactness.
10. Mr Paul finds *"that the primary volume, including the architecturally distinguished corner presentation of the house, has been retained. The addition is to the rear of the house and is comparable to additions that have been made to other significant properties"* [para 68].
11. In response to the submitter arguing that previous heritage studies did not recommend 60 Berkeley Street for a site-specific heritage overlay, Mr Paul observes (and Council agrees) that: *"While some places may have been be passed over in earlier studies, new information about architectural provenance or history can sometimes lead to new assessments of these places. Additional research has since established 60 Berkeley Street's architectural pedigree and provenance, and this may not have been known to the consultants at that time. Previous heritage reports on the property have not been as detailed as the current assessment and have not considered this aspect of the place's history and provenance"* [para 67].
12. The submitter has indicated that it does not propose to make further submissions to the Panel or present heritage evidence. Nonetheless, the panel can be satisfied that the submitter's submission has been thoroughly considered by Council and Mr Paul. Council respectfully submits that the Panel can be satisfied that 60 Berkeley Street is of local historical, representative and aesthetic significance to the City of Boroondara. And that it meets the threshold for inclusion in a heritage overlay on criteria A, D and E.
13. Councils final position is that the Amendment be advanced without further amendment. The statement of significance should, under the heading "Why is it significant?" remain as:

60 Berkeley Street was designed by architect Albion Walkley, for Arthur Ekins, in 1916. Architect designed homes were a distinguishing feature of Middle-Class residential development in Hawthorn as the formerly exclusive 'gentlemen's homes' welcomed the addition of affluent Middle Class residents such as Arthur Ekins, a commercial traveller, who could nonetheless afford architects to design individual homes incorporating

the latest fashions. Walkley has been recognised locally as an important historical influence in the design of numerous homes around Boroondara and in the locality of Hawthorn. (Criterion A)

60 Berkeley Street is a representative and intact example of an Arts and Craft inspired transitional style bungalow built between the Federation and Interwar periods. (Criterion D)

The house at 60 Berkeley Road is an individual design by the architect Albion Walkley, specifically adapted to its corner site. It incorporates notable characteristics of the Arts & Crafts style popular in the Federation and early Interwar periods. These include diverse window styles in the one design – canted bay and box windows, casement windows, with ornate timber brackets and corbels, shingle frieze and hood, and lattice pane windows. The house is high set on the street, creating a grand effect despite its relatively modest single storey height, with an entry stair to a central and spacious ‘piazza’ styled porch under a gabled roof. The porch transitions to a wide verandah returning around the corner of the house, creating a bungalow effect. The verandah itself is characterised by brick piers with rounded edges and cornices all in brick, with timber balustrades and understated ‘belly’ ballusters, and exposed rafter eaves. The house incorporates black ribbon tuckpointed brickwork on the body of the house, with soldier courses below the eaves. (Criterion E)”

## **57 Berkeley Street, Hawthorn**

14. The Panel is presented with evidence from Dr Silberberg and Katherine White. They reach different opinions as to whether the property at 57 Berkely Street meets the threshold requirement for inclusion in the schedule to the heritage overlay for representative (Criterion D) and aesthetic (Criterion E) significance at a local level. Dr Silberberg is of the opinion that the property does meet the threshold. Ms White believes that it does not.
15. Council does not only rely on Dr Silberberg’s evidence in support of the Amendment. Council submits that, whilst Mr Barrett is unavailable to give evidence to the Panel, Mr Barrett’s heritage assessment (which underpins and forms part of the Amendment), was a comprehensive and well considered assessment and ought to be weight by the Panel.
16. Council officers agreed that the conservation guidelines should be amended to add: “*The rear alteration dating to 1995 is non-contributory and can be retained, altered and/or removed as required*” to “What is Significant”.

17. Council's **final position** on the Amendment is that the Amendment be advanced without further amendment. The Statement of Significance ought to remain, under "Why is it significant?" as:

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).

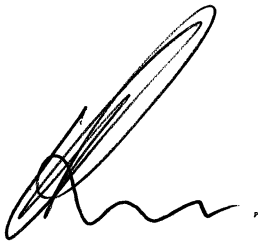
18. It is evident from the witness statements and previous submissions that the aspect of most disagreement is with respect to the extent to which the extension built perpendicular to the original house designed by Oaten and Stanistreet in 1995 diminishes the house's ability to meet the threshold for significance.

19. Dr Silberberg is of the opinion in her evidence that:

- The structure does not dominate the original house which can still be read clearly;
- The structure fits within the Council's heritage guidelines and therefore does not distract from the heritage significance of the property; and
- That there is considerable precedence for properties with extensions and alterations to be granted heritage overlays within the City of Boroondara.

20. Dr Silberberg is of the opinion that the subject site exhibits a high level of integrity with only minor alterations to one room on the north-east corner, which involved the removal of a bay window and the conversion of the external doorway to a window on the north side. The sunroom (of unknown date) was removed and there was some replacement of glazing elements in the windows on the north. In her opinion the 1995 wing is read as a separate structure, perpendicular and visually detached from the original house, and would not be interpreted as a part of the original dwelling.
21. In Dr Silberberg's opinion, the 1995 alterations and extensions have made "made a limited impact on the fabric of the original structure" and are in a form and of a nature that measure favourably against Council's heritage policy and Heritage Conservation Guidelines.
22. Dr Silberberg provides examples of other properties within Boroondara that have been accorded heritage overlay protection notwithstanding extensive extensions to those properties [see section 11.4]
23. Dr Silberberg is satisfied with the comparative analysis undertaken by Mr Barrett.
24. Katherine White's opinions might be summarised as:
- the property having not been considered significant in earlier studies;
  - the property not meeting the threshold of local significance for heritage protection for criterion D & E; and
  - the impact of the 1995 additions and changes to the garden setting.
25. Dr Silberberg will be invited to respond to Ms White's opinions when she gives her evidence to the Panel.
26. With regard to the relevance of previous heritage studies, Dr Silberberg will say that heritage studies are revised over time properties and properties re-evaluated. As new information comes to light, or as a society, our values change, and we accept a greater diversity of views and opinions on what is valuable or important. As increasingly historic built environment is lost through demolition, what is left gains significance both individually and to the community who value and care about it.

27. Council submits that the Amendment is supported by the work undertaken by Mr Barrett and the evidence of Dr Silberberg. The Panel can be satisfied that the property at 57 Berkeley meets the threshold of local significance for criterion D and E.

A handwritten signature in black ink, appearing to be 'Maddocks', written in a cursive style.

Maddocks  
Lawyers for the Planning Authority  
16 September 2022