

**Boroondara Planning Scheme
Amendments C367boro and C368boro
Heritage Overlay – 57 and 60 Berkeley Street, Hawthorn and
32 Corby Street, Balwyn North**

Panel Report

Planning and Environment Act 1987

25 November 2022

How will this report be used?

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

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

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

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

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

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Boroondara Planning Scheme

Amendments C367boro and C368boroboro

25 November 2022



Michael Ballock, Chair

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Glossary and abbreviations

Amendment C367	Boroondara Planning Scheme Amendment C367boro
Amendment C368	Boroondara Planning Scheme Amendment C368boro
Balwyn and Balwyn North Study	Balwyn and Balwyn North Heritage Study 2015
Barrett	Peter Andrew Barrett
Built Heritage	Built Heritage Pty Ltd
Context	Context Pty Ltd
Council	Boroondara Council
MPS	Municipal Planning Strategy
Owners	the owners of 32 Corby Street, Balwyn North
PE Act	<i>Planning and Environment Act 1987</i>
PGA	Ping Gao Australian Investment Pty Ltd
post-war	post-World War 2
PPN01	Planning Practice Note 01 – Applying the Heritage Overlay
Raworth	Bryce Raworth Pty Ltd
UPDC	Council’s Urban Planning Delegated Committee
VHR Guidelines	Victorian Heritage Register Criteria and Threshold Guidelines

Overview

Amendment summary

The Amendment	Boroondara Planning Scheme Amendments C367boro and C368boroboro
Common name	Heritage Overlay 57 and 60 Berkeley Street, Hawthorn and 32 Corby Street, Balwyn North
Brief description	Amendment C367boro applies Heritage Overlay (HO938) to 57 Berkeley Street, Hawthorn and Heritage Overlay (HO939) to 60 Berkeley Street, Hawthorn Amendment C368boro applies Heritage Overlay (HO940) to 32 Corby Street, Balwyn North
Subject land	57 and 60 Berkeley Street, Hawthorn and 32 Corby Street, Balwyn North
Planning Authority	Boroondara City Council
Authorisation	Amendment C367boro by letter dated 12 November 2021 Amendment C368boro by letter dated 22 March 2022
Exhibition	Amendment C367boro: 12 May to 14 June 2022 Amendment C368boro: 5 May to 6 June 2020
Submissions	Amendment C367boro Number of Submissions: 33 Opposed: 2 Amendment C368boro Number of Submissions: 11 Opposed: 4

Panel process

The Panel	Michael Ballock (Chair)
Directions Hearing	By video conference 22 August 2022
Panel Hearing	By video conference 19, 20, 21 September and 27 October 2022
Site inspections	18 September and 15 November 2022, unaccompanied
Parties to the Hearing	Refer to Appendix B
Citation	Boroondara PSA C367boro and C368boro [2022] PPV
Date of this report	25 November 2022

Executive summary

Boroondara Planning Scheme Amendments C367boro (Amendment C367) and C368boro (Amendment C368) seek to apply the Heritage Overlay to the land at:

- 57 and 60 Berkeley Street, Hawthorn (Amendment C367)
- 32 Corby Street, Balwyn North on a permanent basis (Amendment C368)

Key issues raised in submissions included:

- individual property level of significance
- whether the properties meet the threshold of individual significance
- the impact of more recent additions to the building
- the appropriateness of the comparative analysis.

A total of 31 of the 33 submissions supported Amendment C367 while six of the 11 submissions supported Amendment C368 and one raised no objection. All of the opposing submissions were from the owners of the three properties.

While there is considerable community support applying the Heritage Overlay, the Panel's role is to assess both amendments against the requirements of *Planning Practice Note 01 – Applying the Heritage Overlay* (PPN01) and the relevant HERCON criteria.

Amendment C367boro

The Heritage Overlay (HO939) should be applied to 60 Berkeley Street, Hawthorn because the property meets the threshold for Criteria A, D and E. The Heritage Overlay (HO938) should be applied to 57 Berkeley Hawthorn because it meets the threshold for Criteria D.

Amendment C368boro

The Heritage Overlay (HO940) should not be applied to 32 Colby Street, Balwyn North because the property does not meet the threshold for Criteria E and H.

Amendment C368 only affects 32 Corby Street, Balwyn North, so the entire amendment should be abandoned.

Recommendations

Based on the reasons set out in this report, the Panel recommends that:

- 1. Boroondara Planning Scheme Amendment C367boro be adopted as exhibited subject to the following:**
 - a. amend the statement of significance and the citation for 57 Berkley Street, Hawthorn (HO938) as follows:**
 - i. Delete the reference to and assessment under Criterion E.**
 - ii. Under 'What is significant?' add the following text: "The 1995 addition is not significant to the place."**
- 2. Boroondara Planning Scheme Amendment C368boro be abandoned.**

PART A COMMON MATTERS

1 Introduction

1.1 The Amendments

(i) Amendment description

The purpose of the Amendment C367 is to apply the Heritage Overlay (HO938) to 57 Berkeley Street, Hawthorn and Heritage Overlay (HO939) to 60 Berkeley Street, Hawthorn.

Specifically, Amendment C367 proposes to:

- amend Map 12HO to apply HO938 to 57 Berkeley Street, Hawthorn and HO939 to 60 Berkeley Street, Hawthorn
- amend the Schedule to Clause 43.01 (Heritage Overlay) to include HO938 and HO939 and the Statement of Significances for 57 and 60 Berkeley Street, Hawthorn
- amend the Schedule to Clause 72.04 to introduce new incorporated documents titled:
 - 57 Berkeley Street, Hawthorn (Chesney Wolde) statement of significance
 - 60 Berkeley Street, Hawthorn statement of significance
- amend the Schedule to Clause 72.08 to introduce new background documents titled:
 - 57 Berkeley Street (Chesney Wolde), Hawthorn Heritage Citation, August 2020
 - 60 Berkeley Street, Hawthorn Heritage Citation, March 2021.

The purpose of the Amendment C368 is to apply Heritage Overlay (HO940) to 32 Corby Street, Balwyn North on a permanent basis.

Specifically, Amendment C368 proposes to:

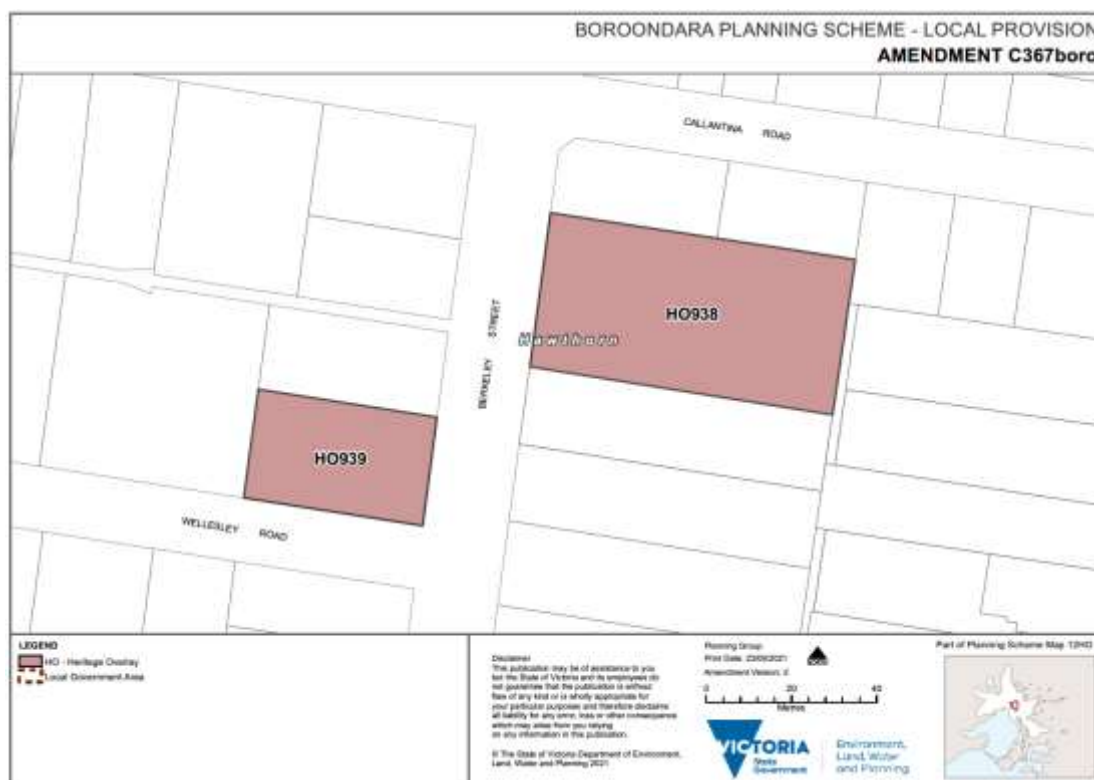
- amend Planning Scheme map 4HO to apply HO940 to 32 Corby Street, Balwyn North on a permanent basis
- amend the Schedule to Clause 43.01 (Heritage Overlay) to include 32 Corby Street, Balwyn North on a permanent basis
- amend the Schedule to Clause 72.04 (Incorporated Documents) to include the statement of significance for 32 Corby Street, Balwyn North
- amend the Schedule to Clause 72.08 (Background Documents) to include [Former] Withers House, 32 Corby Street, Balwyn North Heritage Assessment (Built Heritage, 14 July 2021).

(ii) The subject land

Amendment C367 applies to the following properties shown in Figure 1:

- 57 Berkeley Street, Hawthorn (Chesney Wolde) (HO938)
- 60 Berkeley Street, Hawthorn (HO939).

Figure 1 Land to which Amendment C367 applies



Amendment C368 applies 32 Corby Street, Balwyn North (formerly Withers House) as shown in Figure 2.

Figure 2 Land to which Amendment C368 applies



1.2 Background

1.2.1 Amendment C367

(i) 57 Berkeley Street, Hawthorn

The heritage value of 57 Berkeley Street, Hawthorn has been assessed in the:

- 1993 – The Hawthorn Heritage Study, prepared by Meredith Gould, graded the property a C* heritage grading in a grade '3'¹ streetscape.
- 2006 to 2009 – The review of 'C*'² Graded Buildings in the former City of Hawthorn, prepared by Lovell Chen, downgraded the property from a 'C*' to 'C'³ graded and did not recommend the property for inclusion in an individual Heritage Overlay.
- 2017 – Hawthorn Heritage Gap Study prepared by Context Pty Ltd (Context) did not recommend the property for individual heritage protection.
- August 2019 – Context re-assessed the property, as requested by Council and reiterated its findings that the building does not meet the threshold for individual heritage protection.

In February 2020, Council resolved to request authorisation to prepare a planning scheme amendment to include 57 Berkeley Street in the Heritage Overlay and *“test the merits of protecting the property as an individual, stand-alone contributory graded property in the Heritage Overlay.”*

In May 2020, the Department of Environment, Land, Water and Planning (DELWP) refused Council's request for authorisation. In reaching this decision, DELWP stated the protection of stand-alone contributory properties does not comply with well-established heritage standards in PPN01.

In 2020 in response to further requests by community members to apply the Heritage Overlay to the property, Council engaged Peter Andrew Barrett to assess the individual significance of the property. This assessment provided in a citation for the place and concluded that the building was individually significant and should be included in the Heritage Overlay. The Barrett assessment and citation sought to provide the justification for applying the Heritage Overlay to the property.

(ii) 60 Berkeley Street, Hawthorn

The heritage value of 60 Berkeley Street, Hawthorn has been assessed by three heritage consultants over the past 20 or more years, as follows:

- 1993 – Hawthorn Heritage Study prepared by Meredith Gould, the Study attributed a 'C' grading in a grade 3 streetscape to the property.
- 2017 – Hawthorn Heritage Gap Study prepared by Context, did not recommend the property for inclusion in the Heritage Overlay as an individual place or part of a heritage precinct.

¹ Level 3 Streetscapes represent all streetscapes other than those graded level 1 and level 2

² C* KEYNOTE BUILDINGS are 'C' graded buildings of local significance which also play a key role in formulating the visual impression of the historic character of an area. (They often occur in the absence of nearby A or B graded buildings).

³ C graded buildings are places that make an architectural, historic, scientific or social contribution that is important within the local area.

In response to community concerns in March 2021, Council engaged Trethowan to undertake a further assessment which recommended the Heritage Overlay be applied. The Trethowan assessment and citation sought to provide the justification for the applying the Heritage Overlay to the property.

Table 1 **Amendment C367 chronology of events**

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 Urban Planning Delegated Committee (UPDC) resolved to (among other things):</p> <ul style="list-style-type: none"> - receive and note, the feedback received, and the 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, Hawthorn contained in Attachment 1 and 2, as annexed to the UPDC 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 UPDC 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 <i>Planning and Environment Act 1987</i> to include 57 and 60 Berkeley Street, Hawthorn in the Heritage Overlay - following receipt of authorisation from the Minister for Planning, exhibit Amendment C367 in accordance with section 19 of the <i>Planning and Environment Act 1987</i> - authorise the Director of Council's ? Urban Living Unit? to undertake administrative changes to Amendment C367 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 C367
12 November 2021	Minister authorised Council to prepare Amendment C367
12 May to 14 June 2022	Amendment C367 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 C367 to the Boroondara Planning Scheme in accordance with section 22 of the <i>Planning and Environment Act 1987</i> - endorse the officers' response to submissions and recommended change to Amendment C367 as shown at Attachment 2 of the UPDC minutes

- 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 C367
- refer Amendment C367 and all submissions to a Planning Panel in accordance with section 23(1) of the *Planning and Environment Act 1987*
- authorise the Director of Council's Urban Living Unit to undertake administrative changes to Amendment C367 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	Con Tsotsoros appointed as Chair
22 August 2022	Directions Hearing
24 August 2022	Panel reconstituted to appoint Michael Ballock as Chair
24 August 2022	Directions issued by Planning Panels Victoria

1.2.2 Amendment C368

In 2012, Council engaged Built Heritage Pty Ltd (Built Heritage) to undertake the *Balwyn and Balwyn North Heritage Study 2015* (Balwyn and Balwyn North Study), to identify places and precincts of local cultural heritage. A draft of the Balwyn and Balwyn North Study was completed in June 2014, which prepared a master list of 370 properties for investigation. The property at 32 Corby Street, Balwyn North was included in this list.

Due to budget constraints 26 individual properties and four precincts were recommended for inclusion in the Heritage Overlay. The proposed Heritage Overlay included 18 post-World War 2 properties and a further 40 properties were identified for further investigation. The property at 32 Corby Street was not identified for immediate protection or further investigation.

On 9 September 2015, Council resolved to not adopt the Balwyn and Balwyn North Study and not progress with a planning scheme amendment. On 20 March 2017, Council resolved to engage a new consultant to undertake a peer review of the draft Balwyn and Balwyn North Study. In September 2017, Context, as part of its ongoing heritage consultancy contract, was engaged to review the assessments and citations prepared as part of the Draft Study excluding properties demolished, properties already in the Heritage Overlay and any post-World War 2 (post-war) properties.

The peer review, which commenced with 12 individual properties and two precincts for which heritage citations had already been prepared as part of the Draft Study, was completed in July 2019.

Stage 2 of the peer review, which excluded post-war places, comprised 15 individual properties and one precinct was completed in December 2019?. In February 2020, Context was engaged to undertake Stage 3 of the peer review which examined 16 post-World War 2 properties for which draft heritage citations had already been prepared as part of the Draft Study. Context 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 was one of those properties.

In August 2020², Stage 3 property owners were advised that their property would be investigated for its heritage significance and suitability for inclusion in the Heritage Overlay.

On 28 April 2021, Council's Building Services Department received a Report and Consent application for full demolition of the building at 32 Corby Street, Balwyn North under section 29A of the *Building Act 1993*. In response to the application, Context undertook a priority heritage assessment of the property which concluded 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. Council requested the introduction of an interim Heritage Overlay under section 20(4) of the *Planning and Environment Act 1987* (PE Act) from the Minister for Planning (Amendment C357boro).

In May 2021, in response to the interim Heritage Overlay request, the then owner of the property commissioned Bryce Raworth Pty Ltd (Raworth) to assess the heritage significance of the property. This assessment concluded the property did not meet the threshold for local heritage significance and did not warrant heritage protection. Context reviewed the Bryce Raworth assessment and confirmed its initial assessment and recommendation.

In June 2021, in response to a request from the then owner, Council commissioned Built Heritage to peer review the Context draft heritage citation and the Raworth assessment given their expertise in post-war heritage. This peer review concluded that the Raworth assessment did not provide a compelling argument for a Heritage Overlay not to be applied. The Built Heritage peer review identified issues with the heritage citation prepared by Context, but nevertheless agreed with its overall assessment and confirmed that the site warrants protection as an individually significant place.

The peer review recommended undertaking a further heritage assessment and preparation of a heritage citation to address the issues identified in the Context citation. This further assessment was undertaken by Built Heritage and determined the property met the threshold for local heritage significance under Criterion E (aesthetic significance) and Criterion H (associative significance).

The new citation was provided to support the interim Heritage Overlay request. On 22 March 2022 Amendment C357boro, to apply an interim Heritage Overlay to the site, was approved. The interim Heritage Overlay is currently due to expire on 12 March 2023.

Table 2 Amendment C368 chronology of events

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 (among 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 C368.
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 C368.
8 April 2022	Gazettal of Amendment C357 introducing interim heritage controls to the property.
5 May to 6 June 2022	Amendment C368 formally exhibited.
1 August 2022	Council's UPDC resolved to (among other things): <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 Amendment C368 and the citation (as exhibited); and request the Minister appoint an independent Planning Panel under s. 23 of the Act to consider the unresolved submissions received in response to Amendment C368.
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.

1.3 Summary of issues raised in submissions

(i) Planning Authority

The key issues for Council were:

- whether the additions to the building at 57 Berkeley Street, Hawthorn diminishes the significance of the place
- whether it is appropriate to apply the Heritage Overlay to 60 Berkeley Street, Hawthorn
- whether the property at 32 Corby Street, Balwyn North meets the threshold of local significance for its aesthetic or associative values
- whether the comparative analysis to support the application of the Heritage Overlay to 32 Corby Street, Balwyn North is appropriate.

(ii) Individual submitters or groups of submitters

The key issues by submitters were:

- individual property level of significance
- whether the properties meet the threshold of individual significance
- the impact of more recent additions to the building
- the appropriateness of the comparative analysis.

These issues are unresolved.

1.4 The Panel's approach

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

The Panel considered all written submissions made in response to the exhibition of the amendments, observations from site visits and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning context
- Amendment C367
 - Individual heritage places
- Amendment C368
 - Individual heritage places.

2 Planning context

2.1 Planning policy framework

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

Victorian planning objectives

The amendments will implement section 4(1)(d) of the PE Act to:

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

Planning Policy Framework

The amendments supports:

- **Clause 15.01-5S** (Neighbourhood character) which seeks to recognise, support and protect neighbourhood character, cultural identity and sense of place.
- **Clause 15.03-1S** (Heritage conservation) which seeks to ensure the conservation of places of heritage significance. Relevant strategies are:
 - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the Planning Scheme.
 - Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
 - Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific or social significance.
 - Encourage appropriate development that respects places with identified heritage values.
 - Retain those elements that contribute to the importance of the heritage place. Encourage the conservation and restoration of contributory elements.
 - Ensure an appropriate setting and context for heritage places is maintained or enhanced.

2.2 Other relevant planning strategies and policies

(i) Plan Melbourne

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

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

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

(ii) Boroondara Community Plan 2021-31

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. 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.”

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.”

2.3 Planning scheme provisions

The Heritage Overlay purposes are:

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

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

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the amendments meet the relevant requirements of:

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

That discussion is not repeated here.

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

PPN01 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

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

PPN01 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the HERCON criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).

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

2.5 Discussion and conclusion

The application of the Heritage Overlay to properties identified as having heritage significance is supported by, and implements, the relevant sections of the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. From this perspective the amendments are strategically justified. Amendment C367boro should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

PART B AMENDMENT C367

3 Individual heritage places

3.1 Chesney Wolde 57 Berkeley Street, Hawthorn (HO938)

Exhibited 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.

How is it significant?

57 Berkeley Street, 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)

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO938) to 57 Berkley Street Hawthorn.

(ii) Background

Hawthorn Heritage Study

The Hawthorn Heritage Study was prepared by Meredith Gould in 1993. This heritage study was undertaken for the former City of Hawthorn and included a survey of all properties within the (then) municipality. As part of the study potential conservation areas were identified, together with graded buildings.

The property at 57 Berkeley Street, Hawthorn, was not identified as part of a conservation area in the study. However, in Appendix B to the study, the property was identified as a C* grade place, located in a level 3 streetscape.

The Study defined 'C*' keynote buildings are 'C' graded buildings of local significance which also play a key role in formulating the visual impression of the historic character of an area (They often occur in the absence of nearby A or B graded buildings). Level 3 Streetscapes represent all streetscapes other than those graded level 1 and level 2.

Review of C* Graded Building in the former City of Hawthorn

A review of C* graded buildings as included in the 1993 Gould study was undertaken by Lovell Chen in 2006 (with revisions in 2007 and 2009), as part of a broader project undertaken by the City of Boroondara to translate the letter grading system to a new municipal-wide system which identified heritage places as significant, contributory or non contributory and to abandon the C* grading which only applied to the former City of Hawthorn. The scope of this heritage review involved the review of 116 residential properties identified as C* graded places in the Hawthorn Heritage Study with the intention of identifying those places which were deserving of the application of a Heritage Overlay.

City of Boroondara Municipal-Wide Heritage Gap Study: Hawthorn

The City of Boroondara Municipal-wide Heritage Gap Study: Volume 3 Hawthorn (Hawthorn Heritage Gap Study) was prepared by Context between 2017 and 2020. The intent of the Gap study was to undertake an assessment of all properties/areas outside the existing extent of the

Heritage Overlay, which included consideration of the properties included in the Lovell Chen C* review. This study did not recommend the property for heritage protection.

Context reassessment

In 2019, Council requested Context to reassess the building. Context re-assessed the property and reiterated its findings that the building does not meet the threshold for individual heritage protection. The reassessment prepared by Context formed part of the Urban Planning Special Committee agenda for the meeting on 17 February 2020.

Peter Andrew Barrett assessment

At the request of the Council, the property was assessed by Peter Andrew Barrett (Barrett) in August 2020. The assessment concluded that the property met the threshold for individual significance and there was justification to apply the Heritage Overlay. This assessment forms the basis for Amendment C367.

(iii) Evidence and submissions

Council submitted that the main issue is the extent to which the 1995 extension diminishes the significance of the building. Council acknowledged that the Panel was presented with the evidence of Dr Silberberg and Ms White which contained different conclusions about the significance of Chesney Wolde. Council relied on the evidence of Dr Silberberg and the citation by Barrett, both of whom agreed that the building meets the threshold for individual significance.

Dr Silberberg gave evidence that the building was built in 1917 on lots 6 and 7 of a 1914 residential subdivision of the east side of Berkeley Street. She described the building as:

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.

Dr Silberberg's evidence was that the building "*exhibits a high level of integrity*" with only minor alterations. The new north-south wing, designed by Oaten and Stanistreet, was built in 1995 and reads as a separate structure. She described it as:

...perpendicular and visually detached from the original house, and in no way could it be interpreted as a part of the original Chesney Wolde.

Dr Silberberg stated the Heritage Overlay applied to many buildings with visible extensions in Boroondara, either in a precinct or an individual listing. Her view was that:

- the extension does not dominate the original building which can still be read clearly
- the extension is consistent with Council's heritage guidelines
- there is considerable precedence for properties with extensions in a Heritage Overlay in Boroondara.

Her evidence was that very few buildings of the nineteenth or early twentieth century reach assessment, remain without some alterations or additions. She cited 7 Higham Road, Hawthorn (HO071), 'Rosetta' 43 Clive Road, Hawthorn East (HO853) and 41 Harcourt Street, Hawthorn East (HO855) as individually significant places with extensions. She added:

The 1995 alterations and extensions to the subject site, made a limited impact on the fabric of the original structure. The alterations consisted of the removal of a bay window from the east of the house and its relocation to the new structure, the alteration of a doorway to a window in the north-east corner of the same room, and the removal of the sunroom. These fit within the strategies outlined in this policy. Permit partial demolition of significant built fabric for the purpose of additions and alterations only if the partial demolition, additions and

alterations will not adversely affect the cultural heritage significance of the place and will assist the long term conversation of the building.”

Dr Silberberg’s evidence reviewed the comparative analysis undertaken in the citation for Chesney Wolde. She concluded that architecturally and stylistically Chesney Wolde was different from The Gables’ 1 Berkeley Street (HO443), ‘Avondale’ 22 Berkeley Street (HO15) and, 54 Berkeley Street (HO446) because it is roughcast with timber battens and not red brick or timber. She thought ‘Merledon,’ 16 Beaconsfield Road (HO851) an excellent comparison while Chesney Wolde was *“more restrained and sophisticated in conceptualisation.”*

Dr Silberberg concluded:

With its picturesque composition, roughcast finish walls and half-timber gables and timer freeze, the house is an example of an intact Edwardian villa. The house is augmented by its garden setting, popular in Hawthorn and its surrounding suburbs and influenced by the Garden Suburb Movement. ‘Chesney Wolde’ is representative of the substantial villas built in Hawthorn in the early twentieth century. Its rough cast finish is unusual in comparison to the red brick and timber Federation buildings more generally found in the municipality. However, its refined and delicate architectural details are equal to others that have been considered worthy of a Heritage Overlay. (Criterion E)

In determining whether the alterations and additions to a particular place have impacted its significance to the extent the building no longer warrants protection, an assessment against the relevant Planning Scheme provisions is critical. When assessed against relevant clauses, the 1995 additions clearly meet the test and are consistent with the current policy’s scope and aims. Therefore, they do not diminish the significance to the subject site.

Ailsa Wilson submitted that she supported the application of the Heritage Overlay to the property. She provided the Panel with a statement by Ms Dimmick recalling her childhood association with the property and its playhouse. Ms Wilson thought this confirmed there were other period structures around the building.

Ms Wilson added that the Barrett citation was the first to examine Chesney Wolde in any detail and it identified a Federation villa with 11 distinctive features. She concluded that the building deserved heritage protection because it is a unique, intact Federation villa.

Neil Young submitted that there was overwhelming community support for applying the Heritage Overlay to Chesney Wolde which was evidenced by over 2,400 signatures to an online petition. He added that the significance of the building had been assessed by Barrett and Dr Silberberg both of whom provided an *“independent and open-minded”* assessment of its heritage significance.

Regarding the extension, Mr Young thought that the building is:

- recessive and entirely secondary to the presentation of the building
- neither intrusive nor prominent from the street
- the main part of the house remains as constructed and the most prominent element on the site, and the addition does not detract from this presentation.

Mr Young submitted that previous assessments of Chesney Wolde had unreasonably excluded the building from heritage protection because of the extension.

Rosemary Blanden submitted that the building and its garden setting are equally significant. She added that a number of Arts and Crafts architects and designers emphasised the importance of gardens to a house. Ms Blanden concluded:

The garden setting of this house is important to its significance and can clearly be read from the street in an uninterrupted view. It should be retained with the house.

Bryan Keon-Cohen informed the Panel of numerous Scotch College, community and Melbourne medical events that were held at the house during the 20 years he lived there. He added that some of these events were attended by members of the Australian cricket team.

He thought that the extension was sympathetic to the original design and agreed with Dr Silberberg's view that the current assessment of the building reflected a change in what the community values.

Christina Branagan submitted that the application of the Heritage Overlay has significant community support as evidenced by the online petition and community nomination of Chesney Wolde. Ms Branagan thought that the building was at risk of demolition should it not be protected by a Heritage Overlay and a significant number of historic building had already been lost and replaced multi unit developments.

A number of other submissions to the exhibited Amendment C367, including those from Talitha Becker, Alexandra Frew, Joana Adamson and Ann Gray supported the Heritage Overlay being applied to 57 Berkley Street. In all, 31 of the 33 submissions supported Amendment C367. Two opposing submissions were received from the owners of 57 and 60 Berkeley Street, Hawthorn.

Ping Gao Australian Investment Pty Ltd (PGA) submitted that it opposed the Heritage Overlay because the building does not meet the threshold of individually significant when assessed against Criteria D and E. It added that the background to Amendment C367 is relevant because the building has been considered on four separate occasions and not recommended for heritage protection. The four assessments were:

- the Hawthorn Heritage Gap Study by Meredith Gould in 1993
- the review of C* buildings by Lovel Chen in 2007 and 2009
- the Gap Study by Context in 2017
- the reassessment by Context in 2019.

PGA added that the building was specifically assessed by the Hawthorn Heritage Gap Study, the review of the C* buildings and the 2019 Context reassessment. It put to the Panel that the Barrett citation, which is the basis for Amendment C367, does not adequately address the findings of these previous assessments. PGA noted that Mr Barrett had not been called as an expert witness and submitted that his report should not be given any significant weight.

PGA submitted that there have been alterations to the building since its construction. These alterations include:

- replacement of the original low stone wall fence with a picket fence
- relocation of the driveway from the north-west corner to the central part of the property
- removal of pedestrian access from the central part of the property and its reinstatement with a different path in 1995
- a swimming pool was installed in 1989
- the plantings within the south gardens and some trees to the rear of the residence had been removed
- a verandah at the rear of the dwelling appears to have been removed, as it was absent from a plan in 1994 as well as modifications to the landscaping and the construction of a car port and work shop with a flat roof form located along the southern boundary of the property
- the addition in 1995 which adopted an imitation Federation style aesthetic that closely imitated the detailing of the original building and included a basement below the southern portion of the wing, which incorporated a cellar and garaging accessed by the relocated driveway along the southern boundary of the property that slopes down to the lower ground level

- the roof form of the original building was altered including the removal of the rear hip to allow for a new extended rear hip and intersecting ridge line
- the roof has been reclad
- the flooring of the verandah has been altered
- a new window has been installed adjacent to the main entrance original bay has been relocated to the new window
- the existing pedestrian access and landscaping in the front garden was introduced in 2010 when the garden was extensively landscaped.

PGA submitted that to achieve local significance that a place must be important to particular community or locality and for a place to be important it is not sufficient for it to be typical. Similar to Council, PGA acknowledged the Panel is presented with two experts with different conclusions on the significance of the building. PGA submitted that, because of what it identified as a number of shortcomings in Dr Silberberg's evidence, the Panel should give substantially greater weight to Ms White's evidence in relation to heritage significance.

Her evidence included a photo of Chesney Wolde immediately before the southern addition as well photos taken after.

Figure 3 Photograph of Chesney Wolde taken in 1994



Source: Katherine White evidence statement

Figure 4 Chesney Wolde with the southern extension from Berkeley Street



Source: Katherine White evidence statement

Figure 5 Chesney Wolde southern extension



Source: Katherine White evidence statement

Ms White gave evidence that the threshold to be applied in the assessment of significance is 'local significance.' She advised the Panel that the definition of significant heritage places is no longer included in the Planning Scheme, but the Council provided the following definition on its website:

Significant: places that are individually important. They also contribute to the heritage significance of their precinct.

She added that the Barrett citation does not acknowledge the 2019 Context reassessment which identified the building as a substantial, though typical, example of its type and concluded:

It does not have any design features that are notable among the many fine Federation Queen Anne villas in Hawthorn that are already protected in the Heritage Overlay. Furthermore, the very visible rear extension detracts from its intactness.

In considering the representativeness of the building, Ms White's evidence was:

In general, most buildings can reasonably be considered representative of their period of development and, if intact, of a particular style or type of building form. For a building or place to be considered to meet the threshold for representativeness, however, the place needs to be distinguishable and clearly demonstrative of a particular theme or class of significance, and of a higher order of heritage value when compared with a more typical example. Typically, the place would also be largely intact.

She added that the citation reflects the typical type of residential development that occurred in the area to the south of Riversdale Road during the early twentieth century and does not clearly identify how and why the property or building at 57 Berkeley Street is an exemplar of its development period or of its type.

Her evidence was that Chesney Wolde was not an early or representative example of buildings constructed in the area but presents as a typical example of residential development occurring at the time. Ms White stated that it was clear that substantial change had occurred to the Federation style villa and its landscaped setting and for a place to be representative of a particular development period or style, there needs to be a level of intactness exhibited in the fabric and understanding of the place to elevate it above a lesser or more typical example. In addition, the comparative analysis included examples that were more substantial and intact villas and consequently were of a higher order aesthetic and historic significance.

Regarding Criterion E, her evidence was that it requires that there be a level of importance in the aesthetic characteristics identified. This would be achieved where the *"design language and visible architectural characteristics or detailing"* of the building should be of a high standard or particularly distinctive to elevate a place above the more typical examples of an architectural period or style. In addition, the level of intactness would be important.

Ms White stated the Barrett description of the building in the citation as a *"fine and intact example of a Federation style villa"* is not accurate. She stated that the building has been significantly modified with the southern addition which also required modification and recladding of the roof form. Because the comparative analysis included properties which were earlier examples and of a higher order of aesthetic significance she considered other Federation style villas, variously with either Queen Anne or Arts and Crafts influences, located within Hawthorn. Her conclusion from this analysis was:

... the design of the building is a considerably late example of Federation styling and characteristics, at a time when domestic architectural designs had begun to transition to the interwar bungalow mode.

She concluded that while the building incorporates the typical characteristics of a Federation style villa, it was not an intact nor a distinctive example of a Federation villa.

(iv) Discussion

From the street, 57 Berkeley Street, Hawthorn presents as a pleasant single storey building on a large garden block in a street with a considerable coverage of large canopy trees. The Panel can appreciate the amenity that this setting generates for the residents of Berkeley Street and beyond.

However, the matter before the Panel is whether it is appropriate to apply the Heritage Overlay to the property. The Panel has been presented with two experts who, in assessing the same building, arrive at significantly different conclusions.

PGA invited the Panel not to give any significant weight to what it called the 'Barrett report' which it is taken to mean the citation for Chesney Wolde. However, the citation is included in the Amendment C367 documents and it has not been offered as evidence but as part of the strategic justification of Amendment C367. It has been given a weight appropriate to that function.

PGA also invited the Panel, mostly during cross-examination, not to give the evidence of Dr Silberberg the same weight as the evidence of Ms White. The Panel notes that both experts are well qualified and experienced and have completed a declaration which the Panel takes on face value. What the Panel has before it is two experts who, given their instructions, have formed different opinions and outlined how that position was reached. From this perspective the Panel sees no reason to ascribe more weight to one expert over the other.

The Panel's role is to assess whether it is appropriate to apply the Heritage Overlay to Chesney Wolde and to this end, PPN01 provides guidance on the criteria to be used and the content of the statement of significance. Any consideration of other matters such whether the existing building will be demolished and if so, what might replace it is beyond the remit of the Panel.

Among other things, PPN01 details the eight HERCON criteria and the format and content of a statement of significance. The statement of significance for 57 Berkeley Street, Hawthorn identifies the following criteria as relevant:

- **Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- **Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

Both criteria set a threshold of importance and unfortunately PPN01 does not provide any further guidance on how that threshold of importance can be satisfied. In this respect, some discussion during the Hearing referenced the Victorian Heritage Register Criteria and Threshold Guidelines (VHR Guidelines). However, the VHR Guidelines can assist but not form the basis of a local assessment.

In terms of Criterion D, the Panel is mindful that applying the Heritage Overlay means that the building would be a comparably fine and early example of a substantial villa built south of Riversdale Road and it would demonstrate 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.

From the 1918-1919 oblique aerial photography provided by Ms White it is clear that Chesney Wolde, surrounded by other significant buildings and vacant land, is part of Hawthorn's early development. While there was some discussion about whether this was in response to the electrification of the Riversdale Road tramway and when this occurred, the most relevant factor, in the Panel's view, is the existence of public transport which provided access to the location.

Figure 6 **Oblique aerial photo dates 1918-19 (Chesney Wolde circled)**



Source: Katherine White evidence statement – Scotch College Archives

Whilst PGA identified alterations to the original building, the only one that significantly impacts on the fabric of the building is the southern extension. The Panel notes that Dr Silberberg's evidence was that this southern extension was broadly consistent with the policy and strategies detailed in Clause 15.03-L of the Boroondara Planning Scheme because it was sympathetic to the main building, was effectively at the rear of Chesney Wolde and without the southern addition the original fabric of the building would be largely intact. The Panel agrees with this assessment.

The Panel acknowledges that the double block provides a significant garden space and while the design has changed over time it remains an integral part of the setting, particularly with the building located on the high side of the property. From the various photos provided to the Panel, depending on the time of year, the vegetation partly screens the addition from the public realm. In the Panel's view the retention of this garden area, albeit not in its original form, is a significant element of the garden suburb setting referred to in the statement of significance.

In the Panel's view, the building reaches the threshold for Criterion D. The southern addition is a change to the overall appearance of the building but it is not part of the original fabric and should be identified as such in the statement of significance. It is difficult for an individual building to significantly demonstrate the development of an area and the aspirations of its occupants. Nevertheless, Chesney Wolde is a substantial villa built during a period of intensive residential development of this area of Hawthorn on a large garden site which is consistent with 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."* From this perspective Chesney house is important in demonstrating the principal characteristics of the early settlement of Hawthorn south of Riversdale Road and satisfies Criterion D.

The statement of significance statement is unclear in differentiating between the original building which is a fine and intact example of a Federation style villa and the extension which is a sensitive 'mock' of the original villa. The statement should be revised to reflect this.

The statement of significance also describes Chesney Wolde as a *'fine and intact example of a Federation style villa'* sited a double block and enhanced by its large garden setting. The Panel agrees that the building is a Federation style villa but whether it is important in exhibiting that aesthetic is another matter. The comparative analysis was not particularly convincing in this regard because the Federation examples provided were largely earlier red brick or weatherboard buildings. Dr Silberberg's analysis of the same comparators in the citation did little to address this concern.

Ms White's evidence was that the comparative analysis was unhelpful in assessing the building because a number of the buildings referenced were of a higher order of aesthetic significance. Her view was that Chesney Wolde did not reach that standard and she identified other comparative examples including contemporaneous Federation style villas with Queen Anne or Arts and Crafts influences which the Panel found useful.

The Panel notes that the three previous studies and the Context reassessment had not identified Chesney Wolde as individually significant even though a number of the C* buildings had been recognised as individually significant. The Context reassessment in 2019 is particularly relevant because, it was asked to specifically review the individual significance of 57 Berkeley Street, Hawthorn. Context stated that the building was a substantial but typical example of its type without and notable design features. On that basis, Context concluded that application of the Heritage Overlay was not warranted, which supports Ms White's assessment of the building.

In the Panel's view there is a considerable volume of expert opinion that Chesney Wolde is a Federation villa but not a fine example of one. The building does not reach the same standard of the places in the comparative analysis.

For these reasons, the Panel does not accept that Chesney Wolde has met the threshold of importance for Criterion E and the assessment against criterion E should be removed from the statement of significance.

(v) Conclusions and recommendation

The Panel concludes:

- It is appropriate and justified to apply the Heritage Overlay (HO938) to 57 Berkeley Street, Hawthorn.
- The statement of significance and citation for 57 Berkeley Street, Hawthorn should be amended to remove the reference to Criterion E
- The statement of significance for 57 Berkeley Street, Hawthorn should be amended to state that the 1995 addition is not significant to the place.

The Panel recommends:

- 1. Amend the statement of significance and the citation for 57 Berkeley Street, Hawthorn (HO938) as follows:**
 - a) Delete the reference to and assessment under Criterion E.**
 - b) Under 'What is significant?' add the following text: "The 1995 addition is not significant to the place."**

3.2 60 Berkeley Street, Hawthorn (HO939)

Exhibited statement of significance



What is significant?

The house designed by Albion H. Walkley for Arthur Ekins at 60 Berkeley Street, Hawthorn is significant.

How is it significant?

60 Berkeley Street is of local historical, representative and aesthetic significance to the City of Boroondara.

Why is it significant?

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, an exposed rafter eaves. The house incorporates black ribbon tuckpointed brickwork on the body of the house, with soldier courses below the eaves. (Criterion E)

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO939) to 60 Berkley Street Hawthorn.

(ii) Evidence and submissions

The owners of 60 Berkeley Street, Hawthorn submitted that despite numerous reviews of Berkeley Street and Hawthorn the dwelling had not been previously identified as being individually significant. The 1993 Hawthorn Heritage Study and the 2009 Lovell Chen review did not identify the building as having individual significance.

They added that the building has been significantly altered, its significance has been overstated and the interest in the property generated through *“community action, rather than merit.”* They considered the building is not worthy of listing as an individually significant place and therefore the Heritage Overlay should not be applied.

Other submissions including those from Jane Oldham, Thomas Arbon, Mary Drost OAM, Christina Branagan and Rosemary Blanden supported the application of the Heritage Overlay to the property.

Council submitted that the building meets the threshold for Criteria A, D and E to justify the Heritage Overlay. In reaching this conclusion, it relied on the assessment undertaken by Mr Paul of Trethowan .

Mr Paul gave evidence that he had undertaken the assessment of the building which involved the following three stages:

- stage 1 - identification of the place which, in this case, was by community nomination.
- stage 2 - site visit and preliminary research
- stage 3 - further historical research and a more detailed comparative analysis against a local threshold of significance.

Mr Paul stated that the building was designed by Albion Henry Walkley who was an *“architect of some local influence in the history of Boroondara.”* With respect to the alterations to the building, Mr Paul’s evidence was:

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, appears to have been removed. A new security screen door has been added over the original double doors

Mr Paul undertook a comparative analysis of other Walkley designed houses in Boroondara as well as Federation period Arts and Crafts bungalows. He concluded that 60 Berkley Street compared favourably to Walkley's residential work in Boroondara and other Federation period Arts and Crafts bungalows including individually listed places.

In response to the submission that the building had not been identified in previous studies, Mr Paul's evidence was:

While some places may have been 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.

He added that it is not uncommon for individually significant properties to have undergone some partial demolition and addition, particularly at the rear. He acknowledged that rear alterations to the building which he thought were exaggerated by the corner location and concluded that:

The house nonetheless continues to be substantially intact to the design by the significant local architect Albion H. Walker and to demonstrate the architectural and aesthetic qualities ascribed in the citation.

(iii) Discussion

The statement of significance details how the place meets the threshold of significance for Criteria A, D and E. Mr Paul established that the building was designed by Albion Walkley an architect with a considerable residential oeuvre in Boroondara. The Panel agrees that the building meets the threshold for Criterion A (historical significance).

The Panel accepts the evidence of Mr Paul that the building is a largely intact Arts and Craft inspired transitional style bungalow built between the Federation and Interwar periods and while an individual design, it incorporates characteristics of the Arts & Crafts style. As a consequence, the building satisfies Criterion D (representativeness) and Criterion E (aesthetic significance).

The building was not identified in previous studies but it does not prevent consideration of the Heritage Overlay at a later date. Like most activities heritage studies are subject to resourcing, time and budget constraints and it is possible to simply miss a building, which on the evidence of Mr Paul, appears to be the case.

The building meets the threshold for three of the HERCON criteria and consequently it is appropriate to apply the Heritage Overlay (HO939).

(iv) Conclusion

The Panel concludes:

- it is appropriate and justified to apply the Heritage Overlay (HO939) to 60 Berkley Street Hawthorn.

PART C AMENDMENT C368

4 Individual heritage places

32 Corby Street, Balwyn North (HO940)

Exhibited 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 subfloor 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 façade hovering over an atypically large subfloor 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 potentially 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)

(i) The issue

The issue is whether it is appropriate and justified to apply the Heritage Overlay (HO940) to 32 Corby Street, Balwyn North.

(ii) Relevant policies, strategies and studies

Camberwell Conservation Study 1991

The Camberwell Conservation Study 1991 was undertaken by Graeme Butler and contained five volumes:

- Recommendations and Guidelines (Volume 1)
- Environmental History (Volume 2)
- Significant Areas (Volume 3)
- Significant Sites (Volume 4)
- Site Schedule (Volume 5).

The property at 32 Corby Street, Balwyn North (32 Corby Street) was not included in the Significant Sites citations (Volume 4) examining significant sites (designated as A-B and some C) or contributory (D).

Balwyn and Balwyn North Heritage Study

In 2012, Council engaged Built Heritage Pty Ltd (Built Heritage) to undertake the *Balwyn and Balwyn North Heritage Study* (the Balwyn and Balwyn North Study) and a final report was prepared in 2015. This was conceived as a gap study to review those two suburbs (incorporating the areas known as Deepdene and Greythorn), which were then considered to be underrepresented on the Heritage Overlay. Completion of the study had been identified as a high priority under the Council's 2012 Heritage Action Plan.

The heritage study was to include the following components:

- Preparation of a chronological overview of development of the study area.
- A windscreen survey (street-by-street) of the entire study area.
- Review and reassessment of 45 places in the study area that had previously been identified and assessed in Graeme Butler's Camberwell Conservation Study (1991) but which had not yet been added to the Heritage Overlay Schedule.
- Identification of new places and areas of potential significance via desktop research and consultation with stakeholders including the Balwyn Historical Society, the National Trust of Australia (Victoria), the Art Deco Society and the Robin Boyd Foundation.

- Preparation of a master list of places and areas of potential heritage significance, with each place or area given a preliminary score out of 20 that was calculated from subscores for physical integrity, rarity, vulnerability and potential significance at face value preparation of two-page appraisals (referred to as 'outline citations') for the top 50 places and areas, of which approximately half would be selected for more detailed assessment.
- Preparation of full citations for a combined total of 25 places/precincts full citations were ultimately prepared for 26 individual places and four small precincts.

Balwyn Heritage Peer Review 2019

From March 2017, Context was engaged by Council to undertake the Balwyn Heritage Peer Review Stages 1-2 (Balwyn Peer Review). In February 2021, Context was then engaged to undertake the Balwyn Heritage Peer Review Stage 3 which assessed 20 properties identified, including 32 Corby Street, in the Balwyn and Balwyn North Study.

(iii) Evidence and submissions

Council submitted that Amendment C368 should be approved as exhibited subject to modifications to the citation which include details about a brick shed in the rear garden and consequential renumbering of the figures.

Council relied on the evidence of Mr Reeves from Built Heritage who had selected a number of comparable buildings for his comparative analysis, which is what PPN01 requires. Council added that the Panel had before it a difference of expert opinion. Council's view was that the analysis undertaken by Mr Reeves was appropriate in the circumstances.

Mr Reeves gave evidence that 32 Corby Street, designed in 1962 by Alistair Knox, was originally identified as a potential heritage place in the City of Boroondara Balwyn & Balwyn North Heritage Study (2012-13) and was subsequently the subject of an individual citation prepared by Context in 2021. Mr Reeves explained that he was the author of the Balwyn and Balwyn North Study which identified 32 Corby Street and designated it as priority two – *"possible candidate for individual Heritage Overlay, pending further research."*

Mr Reeves advised that Context, which undertook the Balwyn Peer Review and prepared an individual citation in 2021, concluded the building was of *"of local representative and aesthetic significance to the City of Boroondara."* A second heritage assessment was undertaken by Raworth in May 2021 and in June 2021 Council engaged his firm, Built Heritage, to review both assessments.

His evidence was that he initially undertook a desktop preliminary appraisal in June 2021 which concluded that the building met the threshold for local significance. His assessment was:

In the statement of significance prepared by Context Pty Ltd, local significance was ascribed by invocation of Criteria D and E: the former relating to the way in which the house was considered representative of the post-WW2 modernist architecture, and the latter for the way in which it demonstrated Knox's work in the mainstream modernist style. While concurring with the application of Criterion E, I considered that the discussion should focus more specifically on the house as a manifestation of the 'mature modern' style, while the association with Knox was more appropriately considered by invocation of Criterion H.

As a consequence, he prepared a new citation with additional historical material, description and comparative analysis and a modified statement of significance. In July 2022, he was advised that drawings by Alistair Knox for two different shed proposals were found in the Council archives. The shed was of *"utilitarian form and little architectural merit"* and not considered of heritage

significance. Nevertheless, Mr Reeves updated the citation to include reference the two outbuilding schemes.

Mr Reeves gave evidence that there are no truly comparable buildings to 32 Corby Street in the Heritage Overlay and consequently there is little value in attempting to demonstrate how the subject property meets the threshold set by other places already on the Heritage Overlay Schedule. Where there are no Heritage Overlay comparators, the next step in developing a comparative framework is to consider similar buildings recommended for heritage protection.

With respect to Criterion H, Mr Reeves evidence was:

Certain architects and designers are well known to the extent that they may be considered household names, recognisable even to a layperson. Alistair Knox is one such individual. As Knox is considered important in a statewide context, it follows that examples of his work are important across the state.

In this context Mr Reeves stated that *“because Knox is important to the State of Victoria, he must also be considered important to the City of Boroondara.”* To support this proposition, he referred the Panel to *Nanga Gnulle*, a mud brick house in Bendigo, to which the Heritage Overlay has been applied and the use of Criterion H was not challenged.

He described the relevance of the building to Boroondara as:

This associative significance is informed by the fact that the subject property demonstrates an early phase of Knox’s career that is not otherwise well represented in the City of Boroondara.

Other submissions, including those from the Balwyn Historical Society, Mary Drost OAM, Christina Branagan, the Robyn Boyd Foundation and the Alistair Knox Foundation, supported the exhibited Amendment C368. Six of the 11 submissions supported the Heritage Overlay for 32 Corby Street. Four opposing submissions were received from the owners of 32 Corby Street, Balwyn North. The Department of Transport did not object to Amendment C368.

Attached to their original submission, the owners of 32 Corby Street, Balwyn North (the owners) included 13 letters from nearby property owners who supported the demolition of the building. The owners opposed Amendment C368 on the basis the building does not meet the threshold of local significance for either Criterion E or H.

The owners submitted that the comparative analysis undertaken as part of the assessment was not consistent with the provisions of PPN01. They said that the Panel has not been provided with a comparative analysis that clearly demonstrates that the building is individually important to the City of Boroondara and meets the threshold for Criterion E. They added:

Rather, all that has been presented is simply a list of other buildings and a series of photographs of other buildings. There is no discussion, no substantive analysis, and no qualitative assessment of any kind as to how the dwelling at 32 Corby Street compares to others in its class in any material aspect.

The owners noted that Knox had not written about this building, even though he was prolific in his writings about his work. They advised that the building is not type of building for which Knox was known and urged the Panel not to accept the argument that because he important to Victoria, he is important to Boroondara. They concluded:

This house is an outlier. An outlier can sometimes be significant if it advances our understanding of the architect’s work or the style in question but that is not the case here. This house is a pedestrian example of a departure from the style that Knox valued and for which he gained recognition. It was built in response to a brief Knox needed at the time in the suburbs which he detested and tells us nothing of importance

The owners submitted that in addressing whether a building meets the threshold of significance, the cautious use of the VHR Guidelines is appropriate in the absence of any other guidance.

Dr Miller and Dr Katz gave evidence on behalf of the owners.

Dr Miller gave evidence that 32 Corby Street was one of the 370 properties identified for investigation in the Balwyn and Balwyn North Study but was not prioritised for immediate protection or assessment. She added that 32 Corby Street was one of 20 properties referred by Council to the Balwyn Peer Review undertaken by Context. However, following an application to demolish the building, Context prepared a draft citation and determined that the building met the threshold for significance under Criteria D and E. The Context citation formed the basis for a request for interim heritage controls to the Minister for Planning.

Dr Miller's evidence was that in response to the request for an interim Heritage Overlay, the then owners, engaged Raworth to assess the building. The advice provided was that the 32 Corby Street did not meet the threshold for local significance. Council then commissioned Context to review the Raworth assessment and it confirmed its original assessment. Council, at the request of the then owner, Commissioned Built Heritage to peer review the Context citation and concluded that the building did meet the threshold and recommended that a place citation be prepared.

Dr Miller stated that the inconsistency across the assessments is indicative of differing professional opinions and inadequate guidance with regard to the application of assessment criteria. She added that:

...the comparative analysis in the Built Heritage citation has not demonstrated that the subject site meets the benchmark set by comparable postwar properties that are already included on the Heritage Overlay. In her view, none of the five comparators in the Heritage Overlay are directly comparable to 32 Corby Street and all of those remaining are not in the Overlay and do not establish a benchmark of significance and are of limited value. She concluded:

The comparative analysis in this case has not demonstrated that the subject site meets the benchmark set by comparable postwar properties that are already included on the Heritage Overlay. The subject site does not compare favourably against places which have already been assessed as significant. Expanding the comparative analysis to places recommended for inclusion on the Heritage Overlay and places recommended for further assessment has not, in my opinion, demonstrated that the subject site is a high-quality example of the type.

Dr Miller considered the characteristics of the 'mature modern' style and attempted to list some defining criteria from which suitable examples could be identified. She listed the following:

- efficient structural means
- a reduced palette of materials
- generous amounts of glass
- elegantly simple details
- carefully considered rectilinear planning
- broad-eaved flat roofs
- stark planar walls in face brick or concrete block
- integration of garden and house.

Dr Miller concluded that 32 Corby Street exhibited some of these characteristics but it was not an excellent or particularly sophisticated example. She added this conclusion was reinforced by the comparative analysis given the four properties in the Heritage Overlay are *"are better examples of modern homes from the 1960s than the subject site."* Her evidence was:

While 'mature modern' may not be a universally accepted term, it is my opinion that high-quality, experimental and rigorous modern architecture is significant to Boroondara. However, the subject site is not representative of this substyle.

Dr Miller considered that Alistair Knox was best known for his work in Eltham, Warrandyte and surrounding suburbs his impact on the history and architectural development of Boroondara is negligible. She added the building at 32 Corby Street represents a time when Knox was experiencing financial difficulties where he took on conventional commissions and he returned to his environmental building approach when his situation improved.

She concluded that 32 Corby Street is neither an excellent example, nor a particularly sophisticated expression of modern domestic architecture within Boroondara and does not meet Criterion E. In addition, the property does not have a special association with Knox who is not important in the history of Boroondara. Consequently, it does not meet the threshold of Criterion H.

Dr Katz gave evidence that building at 32 Corby Street displays many of the key characteristics typical of 1960s Modernism as expressed in domestic Melbourne architecture including the horizontal planes, the flat roof, wide eaves and exposed beams, extensive use of glazing, the incorporated carport and the varied projection of the rectilinear forms. She added that just because it is a modernist building it does not mean that it is important. The question in her mind was whether through the role of comparison it meets the threshold for local significance. Her assessment was that many of the comparators are of limited assistance because they are either included in the Heritage Overlay but predate the subject building or are relatively contemporary to the building but are not currently included within the Overlay.

She added:

In considering the identification as either significant or contributory for other modernist residences subject to overlays within the City of Boroondara, it is apparent that the recognition of individual significance has been reserved for exceptional architectural designs.

Dr Katz referred to the Guss House at 18 Yarra Boulevard, Kew and A.R. Rompaey's house at 16b Waterloo Street, Camberwell as notable examples in precincts. She acknowledged that 32 Corby Street is largely intact but concluded that it did not meet the threshold for individual significance under Criterion E because:

Neither the heritage assessment (background document) nor the statement of significance for the subject building makes a strong case as to why the [former] Withers House should be considered an exemplar that enhances the understanding of modernist architecture in the early 1960s beyond demonstrating the common characteristics

Regarding the work of Alistair Knox, Dr Katz's evidence was similar to that of Dr Miller. She stated:

In consideration of Criterion H (associative), it is acknowledged that Alistair Knox is rightly celebrated for his contributions to the later twentieth century organic mudbrick and salvaged material style, what may be considered an 'Eltham style.' It is also acknowledged that Knox had a multi-faceted association and importance to Eltham and surrounds. However, the subject building is not an 'Eltham style' dwelling, and is instead a relatively ordinary expression of 1960s Modernism, a style for which Knox was not known, let alone celebrated. Furthermore, the exhibited documents fail to present a strong case as to why Knox may be considered important in the context of Boroondara, a key component in understanding 'local' significance.

Two reports from structural engineers N2K (PVT) Ltd Mohammad Naeem were provided by the owners with the witness statements of Dr Miller and Dr Katz. Council submitted that the Panel should have no regard to these reports. The owners' counsel informed the Panel that she would not be referring to or relying on these reports.

(iv) Discussion

The Panel understands that the structural integrity of a building is a matter that is properly considered at the planning permit stage. The Panel has given little regard to the two structural engineers' reports.

In closing, Council noted that in cross-examination, Dr Miller had acknowledged that she had prepared a memorandum and a report assessing the heritage significance of the building before undertaking a site visit. Council invited the Panel to have due regard to that fact. The Panel understands that the memorandum was intended for a meeting of Council's Urban Planning Delegate Committee meeting on 18th October 2021. The second document, Dr Miller stated was *"in response to Council's requesting authorisation from the Minister for Planning to prepare the amendment."*

The assessment by Dr Miller dated 7 December 2021 was attached to submissions made by the owners to Amendment C368? and both documents were appendices in Dr Miller's evidence. Dr Miller's evidence detailed that she undertook an inspection of the site on 30 June 2022 and her evidence statement is dated 9 September 2022.

In this regard, in 2012, Mr Reeves undertook a windscreen survey of 32 Corby Street and noted that building *"because it appeared, at face value, to be an above-average example of a post-WW2 modernist dwelling."* In addition, the preliminary appraisal undertaken in 2021 by Mr Reeves was a *"wholly desktop exercise,"* which, among other things, recommended preparation of a new citation which involved a brief site visit.

The Panel acknowledges the chronology of Dr Miller's various works and while it is not ideal that a site visit did not precede the preparation of the memorandum and initial assessment, the Panel has relied on her statement of evidence, which was informed by a site visit. As Mr Reeves acknowledged, a preliminary, assessments can be undertaken as a desktop exercise. From this perspective, the Panel accepts the evidence of Dr Miller.

Criterion H specifies the special association with the life or works of a person, or group of persons, of importance in our history (associative significance). In this respect, the Panel agrees with Mr Reeves that Alistair Knox is a household name, known for his mudbrick and environmental designs including the Cooke House at 2 Barnsbury Court, Deepdene which has been demolished. However, it not enough to conclude that because Knox is important to Victoria, therefore he is important to Boroondara. If that were true, then Knox would be important to every municipality in the State. In the Panel's view, this approach is similar to the discussion on applying the VHR Guidelines to local assessment of significance where the Panel has adopted the approach that the guidelines can assist but not form the basis of an assessment. In other words, it is unreasonable to impose a state level of significance on a local level. Knox's importance to Victoria is based on pioneering use of earth and recycled materials and while this may assist in identifying his importance to Boroondara, it does not automatically define that importance.

The work for which Alistair Knox is well known is his mud brick designs including the use of recycled materials. In this regard, the Panel notes that the example of Knox's work that Mr Reeves provided in his evidence is a mud brick building which is a direct connection to Knox's main body of work. However, this body of work is some distance from the 'mature modern' style of 32 Corby Street identified in the statement of significance. Here the Panel agrees with Dr Katz that 32 Corby Street is an outlier of Knox's work. It does not show any special association with the main body of

work of Alistair Knox and may well be an example of the designer undertaking a commission to address his financial needs than an evolutionary step in the development of his oeuvre.

For these reasons, the Panel finds that the building does not meet the threshold of Criterion H, associative significance.

Criterion E deals with importance in exhibiting particular aesthetic characteristics (aesthetic significance). Much of the evidence and discussion dealing with Criterion E focused on the comparative analysis in the citation. The Panel does not intend to prosecute that discussion here. Nevertheless, the comparative analysis, in the Panel's view is pivotal in assessing the significance of the building.

In his evidence, Mr Reeves acknowledged that there no true comparators to 32 Corby Street currently in the Heritage Overlay so to fill that vacuum he opted to use similar places recommended for heritage protection.

The Panel and to some Dr Katz accepts this approach. However, the issue is whether the building is a typical example of the modernist style as Dr Miller and Dr Katz suggest or an outstanding example of the style as Mr Reeves proposes.

The Panel notes that PPN01 contains the following advice with respect to applying a threshold to the HERCON criteria:

To apply a threshold, some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, including those previously included in a heritage register or overlay.

The challenge in using comparators not in the Heritage Overlay is that they have not been tested against the HERCON criteria and while recommended for applying the Heritage Overlay, may or may not meet the relevant thresholds.

In the Panel's view, the comparative analysis does not demonstrate that the building is, as described in the statement of significance, *"an excellent example of a house in the so-called 'mature modern'"*. The Panel acknowledged that the building is intact but agrees with Dr Katz that the building is *"an ordinary and not an exemplary expression of modernist aesthetics, intactness alone does not elevate the building to the threshold of individual significance."*

For these reasons, the Panel finds that the building does not meet the threshold of Criterion E, aesthetic significance.

(v) Conclusions and recommendation

The Panel concludes:

- It is not appropriate nor justified to apply the Heritage Overlay (H0940) to 32 Corby Street, Balwyn North.
- Amendment C368 only affects 32 Corby Street, Balwyn North so the entire amendment should be abandoned.

The Panel recommends:

Abandon Boroondara Planning Scheme Amendment C368boro.

Appendix A Submitters to the Amendments

No.	Submitter	No.	Submitter
Amendment C367		Amendment C368	
1	Jane Oldham	1	Department of Transport
2	Andrew Sutherland	2	Balwyn Historical Society - Matthew Etty-Leal
3	Neil Young	3	Sanjiv Vij
4	Joanna Jackson of UPCO on behalf of the owners of 60 Berkeley Street, Hawthorn	4	Jane and Sanjiv Vij
5	Thomas Arbon	5	Jane Vij
6	Mary Drost OAM	6	Mary Drost OAM
7	Christina Branagan	7	Christina Branagan
8	Ailsa Wilson	8	Sandra Alexander
9	Rosemary Blanden	9	Ava Vij
10	Nerida Muirden	10	Robin Boyd Foundation
11	Laura Kenny HWL Ebsworth and on behalf of the owner of 57 Berkeley Street, Hawthorn	11	Alistair Knox Foundation
12	Bryan Keon-Cohen		
13	Robyn Byrne		
14	Sandra Williams		
15	Conor Herbert		
16	Kirstin Bolger		
17	Emily Keon-Cohen		
18	Mark Kerr		
19	Julie Cox		
20	Sandy Cameron		
21	Andrew Gill		
22	Suzanne Roberts		
23	Talitha Becker		
24	Alexandra Frew		
25	Liz White		
26	Julie Ross		
27	G Sullivan		
28	Joanna Adamson		

29	Arabella Georges	
30	Julie Douglas	
31	Kirsten Gray	
32	Ann Gray	
33	Jane Nathan	

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Boroondara City Council	John Rantino of Maddocks, who called expert evidence on: <ul style="list-style-type: none"> - heritage from Simon Reeves of Built Heritage - heritage from Aron Paul of Trethowan - heritage Dr Sue Silberberg of Silberberg Consulting
Ping Gao Australia Investment Pty Ltd	Mr Alex Gelber of HWL Ebsworth Lawyers who called expert evidence on: <ul style="list-style-type: none"> - heritage from Katherine White of Lovell Chen
Jane and Sanjiv Vij	Ms Louise Hicks of Counsel who called expert evidence on: <ul style="list-style-type: none"> - heritage from Meighen Katz of Lovell Chen - heritage from Claire Miller of Trethowan
Ailsa Wilson	
Bryan Keon-Cohen	
Christina Branagan	
Neil Young	
Rosemary Blanden	

Appendix C Document list

No.	Date	Description	Provided by
1	24/08/2022	Directions and Timetable	PPV
2	26/08/2022	Letter confirming expert for 57 Berkeley Street, Hawthorn	HWL Ebsworth
3	26/08/2022	Email confirming representation and expert for 57 and 60 Berkeley Street, Hawthorn	Council
4	05/09/2022	Email requesting a full-time Panel Member be appointed as the Panel	J Vij
5	06/09/2022	Email confirming representation and expert for 57 Berkeley Street, Hawthorn and withdrawal of the owner of 60 Berkeley Street, Hawthorn	HWL Ebsworth
6	07/09/2022	Response from Chief Panel Member to request for a full-time Panel Member	PPV
7	07/09/2022	Email requesting a separate, and in-person Hearing, for C368	J Vij
8	07/09/2022	Email confirmation that Ms Dalziel no longer wishes to be heard	Urban Planning Collective
9	08/09/2022	PPV response to Ms Vij's request for a separate Hearing	PPV
10	12/09/2022	Email advising the parties of the National Public Holiday and alternative arrangements at the Hearing	PPV
11	12/09/2022	Expert Witness Statement Meighen Katz	J Vij
12	12/09/2022	Expert witness statement Clair Miller	J Vij
13	12/09/2022	YG Consulting Engineers Structural Inspection Report 32 Colby Street, Balwyn North	J Vij
14	12/09/2022	N2K Pty Ltd Structural Report 32 Colby Street, Balwyn North	J Vij
15	12/09/2022	Expert Witness Statement – Simon Reeves - 32 Colby Street, Balwyn North	Council
16	12/09/2022	Expert Witness Statement - Aron Paul - 60 Berkeley Street, Hawthorn	Council
17	12/09/2022	Expert Witness Statement - Sue Silberberg 57 Berkeley Street, Hawthorn	Council
18	12/09/2022	Council Part A submission	Council
19	12/09/2022	Expert Witness Statement – Katherine White 57 Berkeley Street, Hawthorn	HWL Ebsworth
20	12/09/2022	Email from Council (Maddocks) requesting the Hearing be held over three days	Council
21	16/09/2022	Council Part B submission	Council
22	19/09/2022	Document List Version 1	PPV
23	19/09/2022	Notes from submission of Christine Branagan	C Branagan

No.	Date	Description	Provided by
24	19/09/2022	Submission by Rosemary Blanden including: a) Jan Dimmick Statutory declaration b) Table of heritage features from Peter Barrett 2022 report	R Blanden
25	20/09/2022	Timetable and distribution list Version 3	PPV
26	20/09/2022	Notes referred to by Ms Silberberg in giving her evidence	Council
27	21/09/2022	Submissions on behalf of Ping Gao Australian Investment Pty Ltd	HWL Ebsworth
28	21/09/2022	Submission by Ailsa Wilson	A Wilson
29	21/09/2022	Submission by Mr N Young	N Young
30	21/09/2022	Final Submission by Rose Blanden	R Blanden
31	21/09/2022	Submission by Bryan Keon-Cohen	B Keon-Cohen
32	26/09/2022	Submission by Christina Branagan	C Branagan
33	19/10/2022	Council Part C Submission	Council
34	25/10/2022	Submission on behalf of 32 Corby Street Owners	L Hicks