

### 3 Presentation of officer reports

#### 3.1 Balwyn and Balwyn North Heritage Study Peer Review Stage 3 - Outcomes of public exhibition and request for panel - Amendment C398boro

##### Executive Summary

###### Purpose

The purpose of this report is to inform the Urban Planning Delegated Committee (UPDC) of the outcomes of public exhibition of Amendment C398boro relating to the Balwyn and Balwyn North Heritage Peer Review Stage 3. The report also seeks a resolution to request the Minister for Planning to appoint an independent Planning Panel, and to refer all submissions to an independent planning panel for consideration.

Amendment C398boro seeks to implement the recommendations of the Balwyn and Balwyn North Heritage Peer Review Stage 3 report prepared by GML Heritage (March 2023), and the place citation for Sanders House (former), 25 Burroughs Road, Balwyn prepared by Built Heritage (July 2023), by including eighteen individual heritage places in the Heritage Overlay on a permanent basis.

###### Background

Officers engaged heritage consultants GML Heritage (formerly Context) to investigate the heritage significance of 18 post-war properties within Balwyn and Balwyn North. Following completion of a detailed assessment, GML Heritage found that 17 properties warranted inclusion in the Heritage Overlay.

Preliminary consultation on the draft heritage citations was undertaken from 4 November to 5 December 2022. Owners and occupiers of affected and adjoining properties, as well as community and historical societies were notified in writing of the consultation period and invited to provide feedback.

Fourteen (14) submissions were received, including ten (10) objecting and four (4) supporting submissions.

On 3 April 2023, the UPDC resolved to adopt the Balwyn and Balwyn North Heritage Peer Review Stage 3 report and seek authorisation to prepare a planning scheme amendment to include the recommended properties in the Heritage Overlay on a permanent basis. On 24 August 2023, authorisation was granted to prepare and exhibit Amendment C398boro by officers of the Department of Transport and Planning (DTP) under delegation from the Minister for Planning.

###### 25 Burroughs Road, Balwyn

On 3 July 2023, the UPDC resolved to adopt the place citation for Sanders House (former), 25 Burroughs Road, Balwyn (Built Heritage, July 2023), and submit an updated request for authorisation to the Minister for Planning to prepare Amendment C398boro to include 25 Burroughs Road, Balwyn in the Heritage Overlay, on a permanent basis. The revised amendment, including the 17 properties identified by GML Heritage plus the additional property identified by Built Heritage, was authorised by officers of DTP under delegation from the Minister for Planning on 24 August 2023.

### Key Issues

Amendment C398boro was publicly exhibited from 9 October to 14 November 2023. Twelve (12) submissions were received including five (5) supporting submissions and seven (7) opposing submissions. The following key issues were raised:

- Private financial and property impacts
- Lack of justification for the Peer Review and Heritage Study
- The value of post-war architecture in Boroondara
- Strategic justification for the recommendations

All submissions have been considered by Council officers, and input provided by Council's heritage consultant where required. A summary of all submissions received, and the officers' response is provided at **Attachment 1**. No changes are recommended to the amendment from the submissions.

### Next Steps

In accordance with Section 23 of the *Planning and Environment Act 1987*, Council as the planning authority must consider whether to change the amendment in response to submissions, refer the amendment to an independent Planning Panel, or abandon the amendment in full or part.

It is recommended the amendment be referred to an independent Planning Panel to consider all submissions.

## **Officers' recommendation**

That the Urban Planning Delegated Committee resolve to:

1. Receive and note the submissions to Amendment C398boro (**Attachment 1**) to the Boroondara Planning Scheme in accordance with Section 22 of the *Planning and Environment Act 1987*.
2. Endorse the officers' response to submissions to Amendment C398boro as shown at **Attachment 1**.
3. Request that the Minister for Planning appoint a Planning Panel under Section 153 of the *Planning and Environment Act 1987* to consider all submissions to Amendment C398boro.
4. Refer the amendment and all submissions to a Planning Panel in accordance with Section 23(1) of the *Planning and Environment Act 1987*.
5. Authorise the Director Urban Living to undertake minor administrative changes to Amendment C398boro and associated planning controls that do not change the intent of the controls.

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**Responsible director:**        **Scott Walker, Director Urban Living**

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## **1. Purpose**

The purpose of this report is to:

- Provide a summary of the outcomes of the exhibition process and key issues raised in the submissions to Amendment C398boro.
- Respond to the key issues raised in submissions (**Attachment 1**).
- Seek a resolution from the Urban Planning Delegated Committee (UPDC) to write to the Minister for Planning to appoint an independent planning panel and refer submissions to the Panel for consideration.

## **2. Policy implications and relevance to community plan and council plan**

### **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 amendment implements the Strategic Objective of the Theme 4 of the Plan, to "protect the heritage and respect the character of Boroondara, while facilitating appropriate, well-designed development".

Specifically, the amendment implements Strategy 4.1 - "Boroondara's heritage places are protected through ongoing implementation of heritage protection controls in the Boroondara Planning Scheme."

### **Boroondara Planning Scheme**

The amendment is consistent with the objectives of the Planning Policy Framework, addressing the following:

- Clause 2.03-4 *Built environment and heritage* of the Municipal Planning Strategy - which includes the strategic direction to "protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance".
- Clause 15.03-1S *Heritage conservation* - which seeks to "ensure the conservation of places of heritage significance" and to "identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme".
- Clause 15.03-1L – *Heritage in Boroondara* - which seeks to "preserve 'significant' heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm".

The Planning Policy Framework seeks to ensure the Heritage Overlay is applied to protect places of heritage significance in the City of Boroondara.

## Plan Melbourne

The identification, assessment, and protection of places of local heritage significance are supported by Outcome 4 of *Plan Melbourne 2017-2050*, which seeks to ensure that “*Melbourne is a distinctive and liveable city with quality design and amenity*”.

Direction 4.4 recognises the contribution heritage makes to Melbourne’s distinctiveness and liveability and advocates for the protection of Melbourne’s heritage places.

Policy 4.4.1 recognises the need for “*continuous identification and review of currently unprotected heritage sites and targeted assessments of heritage sites in areas identified as likely to be subject to substantial change.*”

The amendment is consistent with these Plan Melbourne directions and initiatives.

## Planning and Environment Act 1987

The amendment is consistent with the objectives of planning in Victoria, particularly the objective detailed in Section 4(1)(d) of the *Planning and Environment Act 1987* (the Act), being:

*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.*

This means that Council has a statutory obligation to continuously identify and protect places of heritage significance through the Heritage Overlay.

### 3. Background

#### **Balwyn and Balwyn North Heritage Study (incorporating Deepdene and Greythorn)**

The draft Balwyn and Balwyn North Heritage Study (incorporating Deepdene and Greythorn) (the draft Study) was completed in June 2014 identifying 26 properties and four precincts to be included in the Heritage Overlay and recommending a further 40 properties for further investigation.

Preliminary consultation was undertaken in February/March 2015 with 137 responses received. Of these, 94 responses were opposed to the recommendations, 22 were in support and 21 were neither in favour nor opposed, making comments on other matters such as the process of identifying properties or querying the heritage status of other buildings.

On 7 September 2015, the Urban Planning Special Committee (UPSC) resolved to not proceed with adopting the draft Study. A planning scheme amendment to implement the recommendations of the Study therefore did not commence.

## Peer Review Stage 1 and 2

In March 2017, the UPSC resolved to review the draft Study, which initially excluded post-war properties. Stage 1 and 2 of the peer review were implemented through Amendments C276 (gazetted July 2019) and C318 (gazetted December 2020).

## Peer Review Stage 3

On 17 August 2020, the UPSC resolved to add 18 individually significant post-World War 2 properties identified in the Draft Study to the 'Possible Heritage Place' layer on Council's GIS program, to identify them until such time as further investigation could be completed to confirm their heritage significance. Draft heritage citations had been prepared for these places as part of the preparation of the Balwyn Heritage Study.

In February 2021, Council engaged GML Heritage (formerly Context) to undertake the Peer Review Stage 3, comprising the review of the identified post-World War 2 properties. Following completion of a detailed assessment, GML Heritage found 17 properties warranted inclusion in the Heritage Overlay:

- 1 Caravan Street, Balwyn
- 2 Salford Avenue, Balwyn
- 17 Yandilla Road, Balwyn
- 116 Bulleen Road, Balwyn North
- 32 Hill Road, Balwyn North
- 67 Hill Road, Balwyn North
- 39 Inverness Way, Balwyn North
- 26 Kyora Parade, Balwyn North
- 94 Maud Street, Balwyn North
- 7 Milfay Court, Balwyn North
- 47 Mountain View Road, Balwyn North
- 24 Orion Street, Balwyn North
- 44 Panoramic Road, Balwyn North
- 22 Riverview Road, Balwyn North
- 9 Tormey Street, Balwyn North
- 17 Trentwood Avenue, Balwyn North
- 32 Ursa Street, Balwyn North

69 Sylvander Street, Balwyn North was also assessed but did not meet the threshold for inclusion in the Heritage Overlay.

### 25 Burroughs Road, Balwyn

The draft Study recommended 25 Burroughs Road, Balwyn for further investigation. The property at 25 Burroughs Road, Balwyn was recommended for heritage protection through the Stage 1 Peer Review process before being removed from Amendment C276boro due to having a build date of later than 1945. However, the recommendation to include the property in the Heritage Overlay was retained.

On 23 May 2023, an application for report and consent to demolish the property was lodged under Section 29A of the *Building Act 1993*. In response, the application for demolition was suspended and a request was lodged with the Minister for Planning to apply an interim Heritage Overlay to the property, in

accordance with Council's adopted Section 29A decision-making process. To date, the Minister has not made a decision on the request however the approval is under consideration.

On 3 July 2023, the UPDC resolved to adopt the place citation for Sanders House (former), 25 Burroughs Road, Balwyn (Built Heritage, July 2023) and submit an updated request for authorisation to prepare Amendment C398boro to include 25 Burroughs Road, Balwyn in the amendment, along with the 17 properties identified by GML Heritage.

#### **4. Outline of key issues/options**

##### **Public Exhibition**

Public exhibition of the amendment was undertaken between 9 October and 14 November 2023. The public exhibition process involved:

- Written notification to all owners and occupiers of directly affected and adjoining properties and the Boroondara Residents' Action Group, Boroondara Heritage Group for Advocacy and Protection, Robin Boyd Foundation, Australian Institute of Architecture - Victorian Chapter, and Heritage Victoria.
- Email notification to previous submitters to preliminary consultation and interested parties.

Council received 12 submissions during public exhibition including seven (7) opposing submissions and five (5) supporting submissions. A summary of feedback received, and officers' response is provided in the table at **Attachment 1**.

##### **Key issues raised by submitters**

##### ***Private financial and property impacts***

Some submitters expressed concerns about increased costs associated with maintaining a property in the Heritage Overlay and increased regulatory burden on property owners to maintain buildings. All buildings require on-going maintenance to protect their condition, amenity, and value, whether in the Heritage Overlay or not. A planning permit requirement is being proposed due to identified heritage values of the recommended properties.

The Heritage Overlay does not prohibit external alterations or additions to buildings, or subdivision. A planning permit would be required for external alterations, extensions, and demolition once the Heritage Overlay is applied to ensure identified heritage features are appropriately considered as part of the planning process. Internal controls are not proposed, and a planning permit is not required to carry out works, repairs or routine maintenance which do not change the external appearance of a heritage place, or which are undertaken to the same details, specifications, and materials. Council's Heritage Policy in the Boroondara Planning Scheme discourages full demolition of individually significant heritage places.

The structural condition of a house (or the preference of landowners for restoration or demolition) is not directly relevant to whether a recommendation can be made to include a property in a Heritage Overlay under the *Planning*

*Practice Note 1: 'Applying the Heritage Overlay'*. Alterations and additions to a property can be undertaken subject to a planning permit, which has assessed the work against the objectives of Council's heritage provisions in the Boroondara Planning Scheme.

The potential impacts on property value or future sales campaigns are not related to heritage significance and therefore cannot be considered when identifying and recommending places for the Heritage Overlay. Given the Heritage Overlay recognises places with identified heritage value, any submissions made in response to the application of heritage controls must be based on the heritage significance of the place. Planning Panels for similar heritage amendments have consistently found private economic effects, e.g. impacts upon land values or the individual financial circumstances of the landowner, are outside the scope for consideration (Planning Panel Victoria Reports for Melbourne C207, Moreland C149, Boroondara C266 and Boroondara C274 Pt 2).

Private financial circumstances of property owners are also not a relevant consideration as to whether a recommendation can be made to include a property in a Heritage Overlay under the *Planning Practice Note 1: 'Applying the Heritage Overlay'*.

### ***Lack of justification for the Peer Review and Heritage Study***

Submitters have questioned how the study contributes net community benefit when the Heritage Overlay will apply to individually significant properties.

The draft Balwyn and Balwyn North Heritage Study (including Deepdene and Greythorn) (the Balwyn Study) was completed in 2015 by Built Heritage Pty Ltd and sought to identify places and precincts of local cultural heritage significance in the suburbs of Balwyn, Balwyn North and Deepdene. The identification of places involved desktop research, fieldwork survey and consultation with local historical societies, and resulted in a master-list of places. The master list comprised 350 individual places and 9 precincts.

In September 2015, Council resolved not to proceed with the implementation of the Balwyn Study. The recommendations were not implemented through a planning scheme amendment at the time; however, recommendations have subsequently been reviewed through three separate peer reviews. This amendment is based on the third peer review and focusses on individual post-war heritage places. No heritage precincts have been identified or recommended in this peer review given the distribution of the individual houses across both Balwyn and Balwyn North.

In relation to community values, Council is required under Section 4 (1)(d) of the *Planning and Environment Act 1987* to identify and protect places of architectural and historical interest. Section 12(2) (c) of *the Act* states a planning authority may carry out studies, commission reports, and do all things necessary to encourage and promote the protection of land. Council has carried out the assessment on this basis.

The loss of heritage places is a key concern for residents of Boroondara and the Heritage Overlay is a recognised mechanism in the Victorian planning system for protecting valued heritage places. The amendment implements Strategy 4.1 of the Boroondara Community Plan 2021-31, which states "Boroondara's heritage

places are protected through ongoing implementation of heritage protection controls in the Boroondara Planning Scheme”.

### ***The value of post-war architecture in Boroondara***

The retention of tangible examples of Modernist designed houses in Boroondara provides important evidence of an important historical theme identified in Boroondara’s Thematic Environmental History. To understand Balwyn and Balwyn North’s origins into the future, the best-preserved examples of different building typologies that evidence the areas development should be preserved.

The recommended properties are important to Boroondara as a whole and provide tangible evidence of Balwyn and Balwyn North being a key location of postwar architect designed houses. As articulated in the statement of significance of Boroondara in the Thematic Environmental History; *architecturally, the City of Boroondara is significant for containing significant examples of the work of virtually every leading architect to have practiced in Victoria from the 1850s to the 1980s.*

The amendment seeks to protect a further 18 individually significant heritage places constructed in the post-war era.

### ***Strategic justification for the recommendations***

Several submitters have questioned the strategic justification for recommending specific properties for inclusion in the Heritage Overlay. Officers have relied on the professional advice of GML Heritage as evidenced in the citations prepared through the peer review.

Officers provided several submissions to GML Heritage for review and response, particularly in cases where technical matters relating to heritage and strategic justification are raised. At this point, GML Heritage have not found any new information or insights through the submissions to warrant any changes in the recommendations.

Officers are therefore recommending the amendment proceed to an independent planning panel for consideration. This will provide property owners and other interested parties with the opportunity to present submissions and other evidence for consideration and review at a public hearing. Council’s heritage consultant will also present expert evidence at a future panel hearing and be available for questions and cross-examination on the recommendations.

## **5. Consultation/communication**

The owners and occupiers of the affected and adjoining properties were notified in writing of the public exhibition process. The notification included the exhibition notice inviting submissions, and instructions for the process. The amendment documentation (including the adopted citations) was also made available on Council’s website and at the planning counter.

All affected and adjoining property owners/occupiers and submitters to the amendment were notified of this UPDC meeting and provided with the opportunity to address the UPDC.



If the UPDC resolves to refer all submissions to an independent planning panel, submitters will have the opportunity to appear at the public hearing and address the panel in support of their submission. Submitters who do not appear at the hearing will still have their written submission considered by the independent panel.

Following the release of the panel report, submitters and other interested parties will have a further opportunity to address the UPDC before a decision is made on whether to adopt the amendment.

## **6. Financial and resource implications**

Costs associated with the amendment will be funded through the City Futures operational budget for the 2023/24 financial year.

## **7. Governance issues**

No officers involved in the preparation of this report have a general or material conflict of interest requiring disclosure under chapter 5 of the Governance Rules of Boroondara City Council.

The recommendation contained in this report is compatible with the Charter of Human Rights and Responsibilities 2006 as it does not raise any human rights issues.

## **8. Social and environmental issues**

The inclusion of the individually significant properties in the Heritage Overlay recommended by the peer review would have positive social and environmental effects by contributing to the continual protection and management of the City's heritage.

**Manager:** David Cowan, Manager City Futures

**Report officer:** Rachel Brien, Strategic Planner

Attachment 1: Balwyn and Balwyn North Heritage Peer Review - Stage 3 - Exhibition  
Summary of submissions and officer response

Submission No.	In support of recommendation?	Summary of feedback	Officers' response to feedback	Officers' recommendation
1	No	<p>The submitter opposes the inclusion of the property at 24 Orion Street, Balwyn North in the Heritage Overlay on the following grounds:</p> <ul style="list-style-type: none"> <li>The proposal will create difficulty in maintaining substandard property infrastructure.</li> <li>Council have failed to review and make comments on hazardous construction materials.</li> <li>The building has exceeded the life expectancy of materials.</li> <li>The building faces continued water damage, in addition to brick and earth movement issues.</li> <li>An inspection of the property should be made prior to making a decision.</li> <li>Decision will cause financial and physical strain to the occupant and surrounding community.</li> </ul>	<p>The heritage citation prepared by Council's heritage consultant, GML Heritage, provides an assessment against the recognised heritage criteria. The recommendation for 24 Orion Street, Balwyn North satisfies Criterion A (historical significance), and Criterion E (aesthetic significance). The merits of the heritage expert's recommendations can be further tested through an independent planning panel process.</p> <p>The issues raised in the submission are not generally considered as part of the heritage assessment process. All houses require on-going maintenance to protect their condition, amenity, and value, whether in the Heritage Overlay or not.</p> <p>The structural condition of the house (or the preference of landowners for restoration or demolition) is not directly relevant to whether a recommendation can be made to include the property in a Heritage Overlay under the Planning Practice Note 1: 'Applying the Heritage Overlay'. Alterations and additions to the property may be undertaken subject to an approved planning permit, which has assessed the work against the objectives of Council's Heritage Policy. Routine maintenance and repairs that do not change the external appearance of the building may not require planning approval, even if the property is affected by a Heritage Overlay. Issues relating to hazardous construction materials can be considered at the planning or building permit stage.</p> <p>Any potential personal financial implications are not relevant considerations in the assessment of appropriate heritage controls. Planning Practice Note 1: 'Applying the Heritage Overlay' identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature. Given that the Heritage Overlay recognises places with identified heritage value, any challenges to the application of the Heritage Overlay must be based on the heritage significance of the place. Planning Practice Note 1: 'Applying the Heritage Overlay' identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature. Planning Panels for similar heritage amendments have consistently found that private economic effects, e.g., impacts upon land values or the individual financial circumstances of the landowner, are outside the scope for</p>	<b>No change recommended.</b>

Attachment 1: Balwyn and Balwyn North Heritage Peer Review - Stage 3 - Exhibition  
Summary of submissions and officer response

Submission No.	In support of recommendation?	Summary of feedback	Officers' response to feedback	Officers' recommendation
			consideration (PPV Reports for Melbourne C207, Moreland C149, Boroondara C266 and C274 Pt 2). 2015	
2	Yes	The submitter supports the amendment as the buildings/houses represent a significant moment in Australian architecture. Houses within Heritage Overlays are also more sustainable than the McMansions that are replacing them.	Officers note the supportive submission and comments.	No change recommended.
3	Yes	The submitter supports the amendment as Balwyn has already lost many heritage places, and there is very little left. Council has a responsibility by law to protect places once identified and via its role as joint guardian of heritage places with the community.  Due process should be followed, and a planning panel will identify any issues and provide council and owners with more guidance if required.  Council and resident funds and resources have been used, and the officer recommendations seem highly valid and so should be followed.	Officers note the supportive submission and comments.	No change recommended.
4	Yes	The submitter supports the amendment as Balwyn and North Balwyn are facing rapid change as current homes are demolished. It is important to protect good examples of architecture from all eras and particularly mid-Century architecture. North Balwyn was a centre of innovative housing-built post WW2, and it is important to retain significant examples of this housing stock.	Officers note the supportive submission and comments.	No change recommended.
5	No	The submitter is opposed to the amendment on the following grounds: <ul style="list-style-type: none"> <li>Imposing a heritage overlay diminishes the value of the properties included.</li> <li>The amendment constitutes a taking of property, which is immoral and illegal.</li> <li>If Council wants to preserve any of the properties, then Council should enter into agreements with willing owners or purchase the properties at market value and then record covenants over the properties.</li> <li>Some of the properties are not worth preserving at all.</li> </ul>	Any potential personal financial implications such as impacts on property value are not relevant considerations in the assessment of appropriate heritage controls. Planning Practice Note 1: 'Applying the Heritage Overlay' identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature.  Planning Panels for similar heritage amendments have consistently found that private economic effects, e.g., impacts upon land values or the individual financial circumstances of the landowner, are outside the scope for consideration (PPV Reports for Melbourne C207, Moreland C149, Boroondara C266 and C274 Pt 2). The impact of	No change recommended.

Attachment 1: Balwyn and Balwyn North Heritage Peer Review - Stage 3 - Exhibition  
Summary of submissions and officer response

Submission No.	In support of recommendation?	Summary of feedback	Officers' response to feedback	Officers' recommendation
			<p>heritage controls on property values is inconclusive as in some instances it may have a positive impact. The Heritage Overlay would be only one of many factors with influence on a property's value.</p> <p>The amendment does not constitute Council taking private property. The amendment is seeking to apply heritage controls to properties identified by Council's heritage consultant as worthy of protection under the Practice Note. Council has no need to purchase the land, rather is seeking to manage any future development proposals through the application of heritage controls. This would have the effect of requiring a planning permit for any buildings and works to the land. Landowner agreement is not required in determining whether a particular property has heritage significance and should be included the Heritage Overlay.</p> <p>Council's heritage consultant has determined the individually significant properties have sufficient intactness and significance to warrant inclusion in the Heritage Overlay. The merits of the heritage expert's recommendations can be further tested through review by an independent planning panel.</p>	
6	Yes	The submitter supports the amendment as people are building houses in the area that are horrible. The amendment allows some homes to be saved to protect the heritage of the area.	Officers note the supportive submission and comments.	<b>No change recommended.</b>
7	No	<p>The submitter is opposed to the inclusion of the property at 25 Burroughs Road, Balwyn in the Heritage Overlay on the following grounds:</p> <ul style="list-style-type: none"> <li>The decision to include the property in Amendment C398boro to have an individually significant Heritage Overlay on the property has damaged family relations and plans to sell the home, downsize and use any excess funds as required.</li> <li>Attempted to sell the property without being informed by Council of the process. After three months of the house on the market, the property owner has been unable to sell the property because of the proposed overlay.</li> <li>Home has become de-valued and unable to be sold. The understanding is the property has been devalued by between \$500,000 and \$1,000,000.</li> <li>Would like to understand the process by which a claim can be made for damages in lost money.</li> </ul>	<p>The heritage citation prepared by Council's heritage consultant provides an assessment against the recognised heritage criteria. The recommendation for 25 Burroughs Road, Balwyn satisfies Criterion E (aesthetic significance).</p> <p>Council has an obligation to identify and protect heritage properties under the Planning and Environment Act 1987. While officers appreciate this may affect the priorities of property owners, personal financial and other circumstances of property owners are not relevant considerations in the assessment of appropriate heritage controls. <i>Planning Practice Note 1: 'Applying the Heritage Overlay'</i> identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature.</p> <p>The potential impact on property value is not related to heritage significance and therefore cannot be taken into</p>	<b>No change recommended.</b>

Attachment 1: Balwyn and Balwyn North Heritage Peer Review - Stage 3 - Exhibition  
Summary of submissions and officer response

Submission No.	In support of recommendation?	Summary of feedback	Officers' response to feedback	Officers' recommendation
		<ul style="list-style-type: none"> <li>Other properties in Boroondara should have a Heritage Overlay as a priority before this one.</li> </ul>	<p>account when identifying and recommending places for the Heritage Overlay. Planning Panels for similar heritage amendments have consistently found that private economic effects, e.g., impacts upon land values or the individual financial circumstances of the landowner, are outside the scope for consideration (PPV Reports for Melbourne C207, Moreland C149, Boroondara C266 and C274 Pt 2). The impact of heritage controls on property values is inconclusive as in some instances it may have a positive impact. The Heritage Overlay would be only one of many factors with influence on a property's value.</p> <p>The inclusion of a property in the Heritage Overlay does not qualify for financial compensation.</p> <p>The merits of the heritage expert's recommendations can be further tested through an independent planning panel.</p>	
8	Yes	The submitter supports the amendment as a resident of Balwyn North as the recommendations have come about after many years of hard work and preserve important examples of the local history.	Officers note the supportive submission and comments.	<b>No change recommended.</b>
9	No	<p>The submitter opposes the recommendation to include 32 Ursa Street, Balwyn North in the Heritage Overlay on the following grounds:</p> <ul style="list-style-type: none"> <li>Does not want to have to seek approval to renovate own property.</li> <li>Having a Heritage Overlay is an added expense and time that would require compensation.</li> <li>Heritage Overlay is being forced upon owners against their will.</li> <li>The roof has asbestos, the bricks are of a compressed sand that has eroded. The property needs renovation before it can be sold.</li> </ul>	<p>The heritage citation prepared by Council's heritage consultant provides an assessment against the recognised heritage criteria in Planning Practice Note 1: Applying the Heritage Overlay. The recommendation for 32 Ursa Street, Balwyn North satisfies Criterion A (historical significance) and Criterion E (aesthetic significance).</p> <p>Should the property be included in the Heritage Overlay, alterations and additions to the property may be undertaken subject to a planning permit, which has assessed the work against the objectives of Council's Heritage Policy. Routine maintenance and repairs that do not change the external appearance of the building may not require planning approval, even if the property is affected by a Heritage Overlay. No internal renovations to the property would require a planning permit as no internal controls are proposed. No compensation is payable for including a property in the Heritage Overlay. Council has an obligation to identify and protect heritage properties under the Planning Scheme.</p> <p>In relation to the heritage control against the will of the property owner, landowner agreement is not required in determining whether a particular property has heritage</p>	<b>No change recommended.</b>

Attachment 1: Balwyn and Balwyn North Heritage Peer Review - Stage 3 - Exhibition  
Summary of submissions and officer response

Submission No.	In support of recommendation?	Summary of feedback	Officers' response to feedback	Officers' recommendation
			<p>significance and should be included the Heritage Overlay. As the Planning Authority under the Planning and Environment Act 1987 Council is responsible for managing the Boroondara Planning Scheme. Specifically, Section 4 1(d) of the Act places an obligation on Council as the Planning Authority to identify and protect places of cultural heritage significance. Further, the identification and protection of heritage places is a key concern for residents of Boroondara and the Heritage Overlay is the statutory mechanism for protecting valued heritage places and precincts.</p> <p>Planning Panels Victoria have previously confirmed that an owner's permission is not required to place a property under the Heritage Overlay, saying "The Panel confirms that an owner's permission is not required to place a property under the Heritage Overlay. Nor is there any basis for property owners to claim compensation" (Boroondara PSA C266 [2018] PPV, p. 23).</p>	
10	No	<p>The submitter is opposed to the heritage study having been undertaken and the process, and the inclusion of the property at 67 Hill Road, Balwyn North on the following grounds:</p> <ul style="list-style-type: none"> <li>Questions whether the Balwyn and Balwyn North Heritage Study is really that important to the community.</li> <li>Boroondara Council resolved not to proceed with the implementation of the Balwyn and Balwyn North Heritage study in September 2015 as a result of strong community opposition to the recommendations of this draft study, particularly in relation to the protection of post-war properties (94 of the 137 responses were opposed i.e., 68.6%).</li> <li>Despite this community opposition, on 17 August 2020 the UPDC (Urban Planning Delegated Committee) resolved to add 18 individually significant post World War 2 properties identified in this draft study to the 'Possible Heritage Place', and this has led to the Balwyn Heritage Peer Review Stage 3.</li> <li>During the preliminary consultation of the Balwyn Heritage Peer Review Stage 3, there was an overwhelming community opposition (11 of the 15 responses were opposed i.e., 73.3%).</li> <li>Questions why Council seeks community feedback if Council doesn't listen to or follow the majority of it.</li> <li>According to the Heritage Victoria website, Local Government Heritage Overlays exist to protect places that</li> </ul>	<p>The recommendation for 67 Hill Road, Balwyn North satisfies Criterion A (historical significance), and Criterion E (aesthetic significance).</p> <p>The draft Balwyn and Balwyn North Heritage Study (including Deepdene and Greythorn) (the Balwyn Study) was completed in 2015 by Built Heritage Pty Ltd and sought to identify places and precincts of local cultural heritage significance in the suburbs of Balwyn, Balwyn North and Deepdene. The identification of places involved desktop research, fieldwork survey and consultation with local historical societies, and resulted in a master-list of places. The master list comprised 350 individual places and 9 precincts.</p> <p>In relation to community values and the rights of residents, Council is required under Section 4 (1)(d) the Planning and Environment Act 1987 to identify and protect places of architectural and historical interest. It is on this basis that Council is carrying out this assessment. The loss of heritage places is a key concern for residents of Boroondara and the Heritage Overlay is a recognised mechanism in the Victorian planning system for protecting valued heritage places and precincts.</p>	<b>No change recommended.</b>

Attachment 1: Balwyn and Balwyn North Heritage Peer Review - Stage 3 - Exhibition  
Summary of submissions and officer response

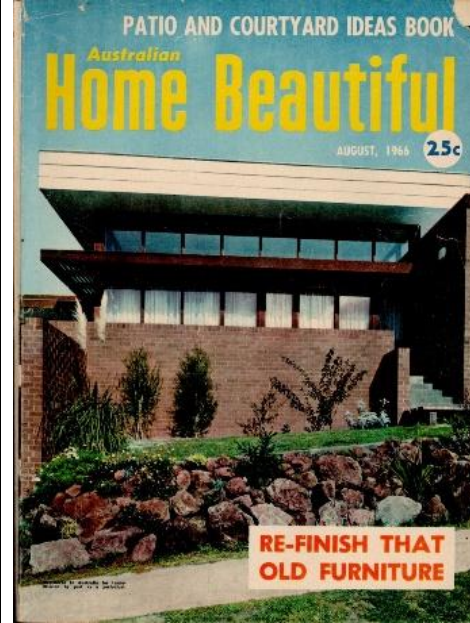
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		<p>are of high value within local communities. Given the lack of community appetite, as highlighted by the strong community opposition and indeed the overall small number of community responses, these properties cannot be deemed of high value within the local community and thus don't warrant protection.</p> <ul style="list-style-type: none"> <li>• Most of the community would have no idea about the houses Council are seeking to protect, so it is hard to argue that Council is protecting something significant for the community.</li> <li>• The 2021 Census revealed 167,900 residents in Boroondara, during preliminary consultation only 15 of those residents responded. If this was so important to the community, there would be a greater response from the residents.</li> <li>• The recent decision (June 2023) by the City of Maribyrnong to abandon the implementation of heritage overlays to protect inter war and post war properties in the inner west is a precedent where the Council weighed up its recommendation to protect inter-war and post-war architecture against community interest.</li> <li>• The house has been flagged for Heritage Overlay by the GML report because it meets 2 of the 8 subjective criterion, namely criterion A &amp; E. Criterion A pertains to historical significance through post war suburban infill with Fine Buildings designed by prominent Melbourne Architects. The GML report states that the design of the house is by Kevin O'Neil and Raymond Tung of the office of Bogle and Banfield. This implies the involvement of Bogle and Banfield in the design however the title block on the original working drawing states that the house is designed by O'Neil and Tung - Architects and Planners with no mention of Bogle and Banfield. In fact, a prior study by Built Heritage found that O'Neil and Tung happened to work at Bogle and Banfield and that 67 Hill Road was a onetime collaboration between 2 architects as a private "bootleg" commission. No other works by O'Neil and Tung could be found. The GML report's implication of Bogle and Banfield including the firm's historical brief is a misleading attempt to add architectural merit to the house in order to satisfy Criterion A. Portraying O'Neil and Tung as prominent architects comparing the project to those produced by the likes of Robin Boyd, Grigiore Hirsch and Ernest Milston is dishonouring those architectural greats. 67 Hill Road is</li> </ul>	<p>In accordance with Section 12 of the Planning and Environment Act 1987, a planning authority (Council) must implement the objectives of planning in Victoria, review regularly the provisions of the planning scheme and prepare amendments to a planning scheme. Section 12(2) (c) of the Act states a planning authority may carry out studies and commission reports and do all things necessary to encourage and promote the protection of land. Council undertakes heritage studies and other strategic work on this basis.</p> <p>The amendment implements Strategy 4.1 of the Boroondara Community Plan 2021-31, which is that "Boroondara's heritage places are protected through ongoing implementation of heritage protection controls in the Boroondara Planning Scheme".</p> <p>Whilst officers consider each submission on its merits, the overall quantum of objections received is not a relevant matter. This issue is also not relevant to the technical merits of whether a precinct or individual property should be included in the Heritage Overlay. The merits of the heritage expert's recommendations can be further tested by an independent planning panel.</p> <p>Officers understand the decision taken by the City of Maribyrnong in relation to a recent heritage study. Officers consider each submission on its merits in relation to the professional recommendations made by the heritage consultant. Officers need to consider matters of strategic justification when it comes to pursuing recommendations and considering submissions.</p> <p><b>Criterion A - Connection to Bogle and Banfield</b></p> <p>GML's citation clearly acknowledges that the architects of 67 Hill Road are O'Neil and Tung who, at the time of designing the house, worked for the architectural practice of Bogle and Banfield. It is acknowledged that their names are on the drawings. The address and phone number on the drawings is for the offices of Bogle and Banfield (S &amp; Mc 1965:353). This confirms that O'Neil and Tang worked for Bogle and Banfield at the time and that the commission was done with some knowledge of the practice.</p>	

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		<p>simply a well-designed house by 2 unacclaimed architects that has been well maintained over the years.</p> <ul style="list-style-type: none"> <li>• Criterion E pertains to aesthetic significance. According to the GML report, the house is classified as Post-War. While Built Heritage refers to it as the latter end of Post-War because of the elements involved and year of construction. According to the classifications of elements on the Heritage Victoria website, a flat tray roof is considered an element of modern era with modern era being from 1965 and up, the same year the house was constructed. There is but one striking characteristic to this house and it is the lantern roof with the clerestory windows. The lantern roof is not a signature trait of North Balwyn. The Built Heritage report notes only 2 other examples of lantern roofs in the area designed by local architect John Tipping and ironically, they are not listed for Heritage assessment. What truly makes this house stand out is the unique orientation and slope of the site. Being an elevated, sloping corner site with clear horizon views from ground level, many design responses would have been equally as striking as the current lantern.</li> <li>• Heritage is warranted with a collective combination of elements that clearly define an era as a signature piece. This is not the case for this house and therefore it doesn't meet Criterion E.</li> <li>• The process has been very stressful for the owner of the affected property, and they feel they are not being listened to. The community is mostly indifferent to this matter; however, owners are forced to endure the process and its lasting ramifications all under the guise that it's for the benefit of the community.</li> </ul>	<p>As a profession, architecture was and continues to be taught as a form of apprenticeship. A graduate architect's design skills are developed on the job, and it is widely accepted that these early placements frequently influence their work. As noted in the biographies provided in the Encyclopedia of Australian architecture by Goad and Willis, it is usual to cite the earlier offices an architect worked (and trained) in as these play a significant role in the development of the architects' skills and influence their work. It seems reasonable to assume that O'Neil and Tung would have been influenced by the creative output of the Bogle and Banfield office at the time of designing 67 Hill Road. Notwithstanding this, the assured and sophisticated design of the house, on a difficult sloping block, remains as testament to the skill of its designing architects irrespective of their connection to the office of Bogle and Banfield. The quality of the house design is acknowledged by the article in the Australian Home Beautiful in August 1966.</p>	



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			 <p><b>Comparative analysis</b></p> <p>The guidance of Planning Practice Note 1: Applying the Heritage Overlay is to primarily investigate examples in the study area:</p> <p><i>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.</i></p> <p>The comparative analysis looks at other postwar houses in the City of Boroondara currently in the Heritage Overlay. As required by the Practice Note, GML Heritage looked first to the immediate study area of Balwyn and Balwyn North. As there are few places to draw on in that area, GML Heritage</p>	

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			<p>then looked further afield within the broader Boroondara context. There are no houses in Boroondara by either O'Neil and Tung, or Bogle and Banfield to provide comparative analysis. The selected examples were chosen for their similar use of volumetric massing, flat roofs and full-height glazing. 67 Hill Road was found to compare well to these examples utilising the key elements of postwar residential modernist design in a way that is better than most, resulting in a sculptural design that provides a skilled response to a difficult site. The fact that the house compares well against the work of other prominent architects attests to the skill of its designers rather than dishonouring the others.</p> <p><b>Criterion E - The Modern period</b></p> <p>The Heritage Council of Victoria's guide to Victoria's housing styles dates the Modern period as 1945-1970. It defines modernism as:</p> <p><i>Modernism in architecture is broadly characterised by open planning and simplicity with bold geometric shapes and little or no ornamentation. Walls are opened to the light with large floor-to-ceiling windows. The design of the buildings often expresses innovative use of materials and structure.</i></p> <p>67 Hill Road, designed in 1965, falls within the postwar period and demonstrates the design qualities of modernism.</p> <p><b>Criterion E</b></p> <p>The assessment of aesthetic quality can be subjective. GML's assessment has referred to the definition of Aesthetic provided in <i>The Victorian Heritage Register Criteria and Threshold Guidelines</i> (revised 2022). It has also referenced the Burra Charter Practice Note 'Understanding and assessing cultural significance', Version 1, November 2013 which notes:</p> <p>In considering aesthetic value, ask:</p> <ul style="list-style-type: none"> <li>• <u>Does the place have special compositional or uncommonly attractive qualities involving combinations of colour, textures, spaces, massing, detail, movement, unity, sounds, scents?</u></li> <li>• <u>Is the place distinctive within the setting or a prominent visual landmark?</u></li> </ul>	

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			<ul style="list-style-type: none"> <li>Does the place have qualities which are inspirational, or which evoke strong feelings or special meanings?</li> <li>Is the place symbolic for its aesthetic qualities: for example, does it inspire artistic or cultural response, is it represented in art, photography, literature, folk art, folk lore, mythology or other imagery or cultural arts?</li> <li><u>Does the place display particular aesthetic characteristics of an identified style or fashion?</u></li> <li><u>Does the place show a high degree of creative or technical achievement?</u></li> </ul> <p>67 Hill Road demonstrates several of the above traits (underlined). Responding to a difficult sloping site with two primary elevations, the resultant sculptural design of interlock cubes is enhanced by the inclusion of the lantern roof which appears to float above the house. While the use of lantern roofs can be seen in other modernist buildings it is not a commonly used element. Its inclusion here adds to the sophisticated design response enhancing the aesthetic quality of the building in its suburban setting.</p> <p>67 Hill Road demonstrates the principal design features of modernism including a bold rectilinear form, sheer unadorned wall planes, flat roofs, large expanses of glazing and an open plan that integrates indoor with outdoor. Expressed as a series of stepped interlocking rectilinear volumes the house combines these design elements in a way that its composition provides a striking sculptural form in its suburban setting. It is GML Heritage's opinion that Criterion E is met.</p> <p>Planning Panels Victoria have previously confirmed that an property owner's permission is not required to include a property in the Heritage Overlay, saying "The Panel confirms that an owner's permission is not required to place a property under the Heritage Overlay. Nor is there any basis for property owners to claim compensation" (Boroondara PSA C266 [2018] PPV, p. 23).</p> <p>The personal circumstances of a property owner are not relevant considerations in the assessment of applying heritage controls. Planning Practice Note 1: 'Applying the Heritage Overlay' identifies the criteria for assessing the heritage significance of a heritage place and refers to only matters of a heritage nature.</p>	

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11	No	<p>The submitter is opposed to the inclusion of 9 Tormey Street, Balwyn North on the following grounds:</p> <ul style="list-style-type: none"> <li>The heritage study and material relied upon by the Council have not established that the application of a Heritage Overlay to 9 Tormey Street, Balwyn North is merited. The criteria for determining that application of a Heritage Overlay is warranted, including the criteria set out in Practice Note PPN01 'Applying the Heritage Overlay', do not support the application of such a control to 9 Tormey Street.</li> <li>The heritage study takes the view that the house is important because it was designed by a renowned architect.</li> <li>The property at 9 Tormey Street is not noted as one of Peter McIntyre's key achievements. Simply because a house was designed by a famous architect does not mean it necessarily warrants special protection. The submitter believes Mr McIntyre views the modernist style in which he designed the house at 9 Tormey Street, Balwyn North as redundant.</li> <li>It is an objective of the planning system under the Planning and Environment Act 1987 to conserve buildings of architectural interest. There is no benefit to applying the heritage overlay to this house when the architect who designed it acknowledges the failure of the style and has 'moved on.'</li> <li>As a matter of orderly planning, it serves limited benefit to cherry-pick a group of houses across a suburb for heritage protection. What this means in practice is that, as the ongoing trend of renewing the older housing stock in North Balwyn continues, these houses will be left out - and stand out.</li> <li>The submitter recommends that, if the Council were concerned about protecting the heritage values in a neighbourhood or suburb, once those values are identified, a heritage overlay be applied over a broader area - as it is in numerous neighbourhoods across Melbourne. This would preserve the heritage look and feel of a neighbourhood that a person experiences.</li> <li>Creating a permit requirement through the Heritage Overlay means that it is more likely than not that a permit to demolish the house would not be granted. This means that it is much less likely that the approximately 950 square metre lot at 9 Tormey Street, Balwyn Street will ever be subdivided as long as the heritage overlay is in</li> </ul>	<p>The property at 9 Tormey Street, Balwyn North has been found to satisfy Criterion A (historical significance), Criterion E (aesthetic significance), and Criterion F (technical significance).</p> <p>It is of historic significance for the evidence it provides of prevalence of fine buildings designed by leading architects throughout Boroondara from the 1850s through to the postwar era. It exemplifies the high concentration of architect designed modernist houses built in Balwyn and North Balwyn during the 1950s and 1960s. In this instance, the architect is Peter McIntyre.</p> <p>The property is of aesthetic significance as a striking architect-designed postwar Modernist house that combines a number of modernist design elements to produce an unusual and distinctive form that is unexpected and eye catching in its suburban setting.</p> <p>The property is technically significant for its unusual design—not only for its early use in residential architecture of a modular construction system but predominantly for its use of pre-cast concrete cladding.</p> <p>In the article in the Sydney Morning Herald, Peter McIntyre is quoted as describing modernism's sometimes crazy-brave approach as a necessary stage in Australia's architectural maturity, but one from which he and others moved on. This suggests that modernism was a brave departure from traditional architecture and a necessary stage in Australia's architectural maturity. It is not dismissive of the style but rather highlights its importance in the evolution of architecture which continually changes through all eras. The retention of tangible examples of Modernist designed houses in Boroondara provides important evidence of this historical development. To understand Balwyn North's origins into the future, the best-preserved examples of different building typologies that evidence the areas development needs to be preserved.</p> <p>The draft Balwyn and Balwyn North Heritage Study (including Deepdene and Greythorn) (the Balwyn Study) was completed in 2015 by Built Heritage Pty Ltd and sought to identify places and precincts of local cultural heritage significance in the suburbs of Balwyn, Balwyn North and</p>	No change recommended.


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		<p>place. This in opposition to what is likely to be the long-term intensification of development in North Balwyn and the direction of state planning policy in support of the intensification of residential development in inner eastern municipalities such as Boroondara. The lot-size is typical for the area, and it would be expected that over the long-term there will be an increase in subdivisions and more houses on smaller lots. That will be a consequence of Melbourne's growth and state planning policy. It will be difficult to achieve those goals where a heritage overlay imposes restriction on redevelopment, and the long-term result for North Balwyn will be an uneven pattern of development.</p> <ul style="list-style-type: none"> <li>In the event that Amendment C398boro does proceed, and the property is included in it, there should be a removal of controls in respect to installation of solar panels. In weighing up the competing policies in support of renewable energy and heritage protection - given the current understanding of climate change - protecting heritage to the detriment of renewable energy production is a poor planning outcome. Moreover, because 9 Tormey Street, Balwyn North has a flatter roof, it will be difficult to install solar panels that would be obscured from view at the street level.</li> <li>The property was recommended for inclusion in a heritage overlay by a study considered by Council in 2015, and the Council determined not to proceed with it. Little has changed in the intervening time, and the Planning Panel should come to the same conclusion that a heritage overlay is not warranted as the Council did 7 years ago.</li> </ul>	<p>Deepdene. The identification of places involved desktop research, fieldwork survey and consultation with local historical societies, and resulted in a master-list of places. The master list comprised 350 individual places and 9 precincts. This list was further refined with each place being given a nominal grading out of 20. This total was divided into four categories – integrity, rarity, vulnerability and potential significance – that would, in turn, each be given a score between one and five. Priority one places for further assessment were those gaining a score of 17 or more out of twenty and formed the basis of this study. The selection of 9 Tormey Street for assessment was not 'cherry picked' but rather the result of a robust selection methodology.</p> <p>A heritage place means a site, area, land, landscape, building or other works, and may include components, contents, spaces and views. Within the context of the planning scheme, it can indicate an individually listed site or a heritage precinct. An individual heritage place is an item of significance and is typically confined to one property, or a related collection of a few contiguous properties. The property at 9 Tormey Street, Balwyn North is one of 18 individual places in the amendment. No heritage precincts have been identified.</p> <p>The Heritage Overlay does not prohibit subdivision or alterations and additions to a place of identified heritage significance. Council's Heritage Policy does not usually support the full demolition of significant places. The Heritage Overlay rather sets a planning permit trigger for demolition, external alterations, and buildings and works to allow Council to assess the potential impacts. Subdivision can still occur where a suitable design can be developed that responds to heritage matters.</p> <p>The placement of solar panels on heritage buildings can be addressed through the planning permit process. The Heritage Overlay does not prohibit the installation of solar panels but ensures impact on the heritage values of the place is minimised. Council's Heritage Policy discourages the placement of solar panels on the principal visible roof form of a heritage building.</p> <p>In September 2015, Council resolved not to proceed with the implementation of the draft Balwyn Study. The</p>	

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			<p>recommendations were not explored through a planning scheme amendment at the time, however, have subsequently been reviewed through three peer reviews. Stage 1 of the peer review was completed by Context Pty Ltd through Amendment C276. This amendment introduced a Heritage Overlay over eight individual properties and two precincts. Amendment C276 was gazetted and incorporated into the Boroondara Planning Scheme on 26 July 2019. Stage 2 of the peer review was completed by Context Pty Ltd through Amendment C318boro. This amendment introduced a Heritage Overlay over 16 individual properties and one precinct. Amendment C318boro was gazetted and incorporated into the Boroondara Planning Scheme on 18 December 2020.</p> <p>The merits of the heritage expert's recommendations can be further tested through an independent planning panel.</p>	
12	No	<p>The submitter is opposed to the inclusion of 1 Caravan Street, Balwyn on the following grounds:</p> <ul style="list-style-type: none"> <li>The historical and aesthetic significance is insufficient.</li> <li>Alterations have been made to the original dwelling in a way that the significant elements are no longer discernible.</li> <li>Issues with the design of the skillion roof.</li> <li>The statements around volcanic rock, and landscaping (isolated mature eucalypt) are speculative and not supported by any photographic evidence or plans. Additionally, a number of the low shrubs and ground covers that characterise the front garden were planted in more recent years.</li> <li>The assessment by Council has lacked sufficient rigour, and 1 Caravan Street, Balwyn reflects a more typical suburban home in the mid-century modern style rather than an Heritage Overlay exemplar.</li> </ul>	<p>The property at 1 Caravan Street, Balwyn is identified as individually significant.</p> <p>The process of assessing cultural heritage significance is rigorous and objective and is guided by the principles of The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (2013). The assessment process has been developed and refined over many years of heritage practice in Victoria and Australia more broadly. Together with the Burra Charter (2013), the guiding document for assessing heritage significance at the local level is Planning Practice Note 1: Applying the Heritage Overlay (2018).</p> <p>The property at 1 Caravan Street, Balwyn has been assessed as being individually significant under HERCON criteria in the practice note. The practice note requires comparative analysis be undertaken to substantiate the significance of each place. As stated in the Practice Note: '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.' In the view of GML Heritage after undertaking the required analysis, the place meets the threshold for local, historic, and aesthetic significance.</p> <p>Known alterations and additions to the house have been noted in the citation particularly in the description and</p>	<b>No change recommended.</b>

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			<p>integrity sections. Their impact on significance is discussed in the integrity section. In the view of GML Heritage, while the rendering of the brick walls has somewhat altered the materiality of the house, its important/distinctive/distinguishing features (in this case the original massing of separate wings under a single skillion roof) remains clearly legible. Likewise, while the original carport under the living room has been enclosed, it does not alter the integrity of the house and the ability to appreciate its original design innovation. The rear 1972 and 1986 additions are noted as not significant under What is Significant? in the Statement of Significance.</p> <p>It is noted the submitter does not expand on the issues with the roof design, but it is presumed they are referring to it leaking. The structural condition of a house's design does not impact on its heritage significance. When deciding if a building should be placed in the Heritage Overlay, the assessment is focussed on the intactness and integrity of the building as viewed from the public realm, not the buildings structural condition.</p> <p>A photograph dated c1959 shows the front and drive volcanic rock retaining walls.</p>  <p>The plantings in the front garden are noted in the description only. The large tree at the front property boundary was considered as potentially significant but a lack of conclusive evidence meant that the application of tree controls could not be adequately justified. The plantings are not given any significance ranking for the same reasons.</p>	

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			<p>The retention of tangible examples of Modernist designed houses in Boroondara provides important evidence of the historical development of the area. To understand Balwyn North's origins into the future, the best-preserved examples of different building typologies that evidence the areas development needs to be preserved. As a better than typical architect designed house built in 1958 in the Modernist style, 1 Caravan Street, Balwyn provides important tangible evidence of the residential development of the area in the postwar period.</p> <p>The submitter provides extracts from advice provided by Mr John Briggs. The heritage issues raised are as follows:</p> <p><u>Lack of an identifiable community/group</u></p> <p>Mr Briggs quotes the finding of the Administrative Appeals Board case, Doug Wade Consultants Pty. Ltd. v City of Melbourne, July 1984:</p> <p><i>The critical objective of the planning scheme is to conserve and enhance the character of the area. In some instances, this may be possible even though it involves a breach of one or more of Dr Lewis' prohibitions. Urban conservation is not primarily for the purist but is to provide the general public of today and the future with a three dimensioned representation of what buildings and streets of buildings were like at given periods of our history.</i></p> <p>GML Heritage agrees with this statement as the retention of tangible examples of Modernist designed houses in Boroondara provides important evidence of an important historical theme identified in Boroondara's Thematic Environment History. To understand Balwyn and Balwyn North's origins into the future, the best-preserved examples of different building typologies that evidence the areas development needs to be preserved. This includes postwar modernist houses.</p> <p>GML Heritage disagrees there needs to be an identifiable group, or community whose sense of identity of heritage can be shown to be identified with this property. This is only necessary for social value - Criterion G. Social Value is defined as:</p>	



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			<p><i>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.</i></p> <p>There are eight recognised criteria used for the assessment of the heritage value of the heritage place. These model criteria have been broadly adopted by heritage jurisdictions across Australia and should be used for all new heritage assessment work. For a place to be of heritage significance it only needs to meet the requirements of one of the criterion. In this instance the house meets the requirements for Criterion A and Criterion E.</p> <p>The place also needs to be important to a particular community or locality. GML Heritage agree 1 Caravan Street, Balwyn is not important to a particular community group within Boroondara however it is important to Boroondara as a whole. It provides important tangible evidence of Balwyn and Balwyn North as a hub of postwar architect designed houses. As articulated in the statement of significance for Boroondara in its Thematic Environment History - <i>Architecturally, the City of Boroondara is significant for containing examples of the work of virtually every leading architect to have practised in Victoria from the 1850s to the 1980s.</i></p> <p>Careful analysis of the early image of the house shows that the face brick wall at the southern end of the west (street facing façade) has been rendered. This represents approximately 1/3 of the house's primary elevation. The rest of which is glazed. The protruding wing wall of the entry appears to have always been rendered. The recent planning panel report of C387melb (Hoddle Grid) notes that with respect to changes that have occurred to a building and their impact on the integrity of the building the key questions you should ask are:</p> <p><i>Is there still sufficient fabric in place to assist our understanding and appreciation of the place including its original use, era and design?</i>  <i>Do the extant changes and alterations impact on our understanding and appreciation of the particular place?</i>  <i>Are we still able to appreciate its significance and why it is significant?</i></p>	

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			<p>In this instance, GML Heritage believe there is sufficient fabric in place to understand the buildings use, era, and design. The building remains clearly identifiable as a mid-century modernist house. It retains its original rectilinear massing, low pitched skillion roof, large expanses of glazing and unadorned wall planes. While the rendering of the wall planes has somewhat changed the original materiality of the house, it does not impact on an appreciation of the original design intent of articulating the primary façade by providing panels of solid wall surface adjacent to panels of full height glazing. The house remains clearly legible as a striking architect designed mid-century house of historical and aesthetic significance.</p> <p>The fitting of garage doors to the carport under the living room appears to have involved minimal damage to the original fabric of the house. No fabric appears to have been removed or changed when the doors were fitted with the original steel structure and concrete slab flooring intact. This change is therefore easily reversed with no detrimental impact to the fabric of the house. The eastern and the northern sides of the carport remain open and when the house is viewed from these sides, the elevated living room open above open carport remains clearly legible. It also remains legible from the western side when the garage doors are up. The house remains clearly legible as a striking architect designed mid-century house of historical and aesthetic significance.</p> <p>The merits of the recommendation can be further tested by an independent planning panel.</p>	