

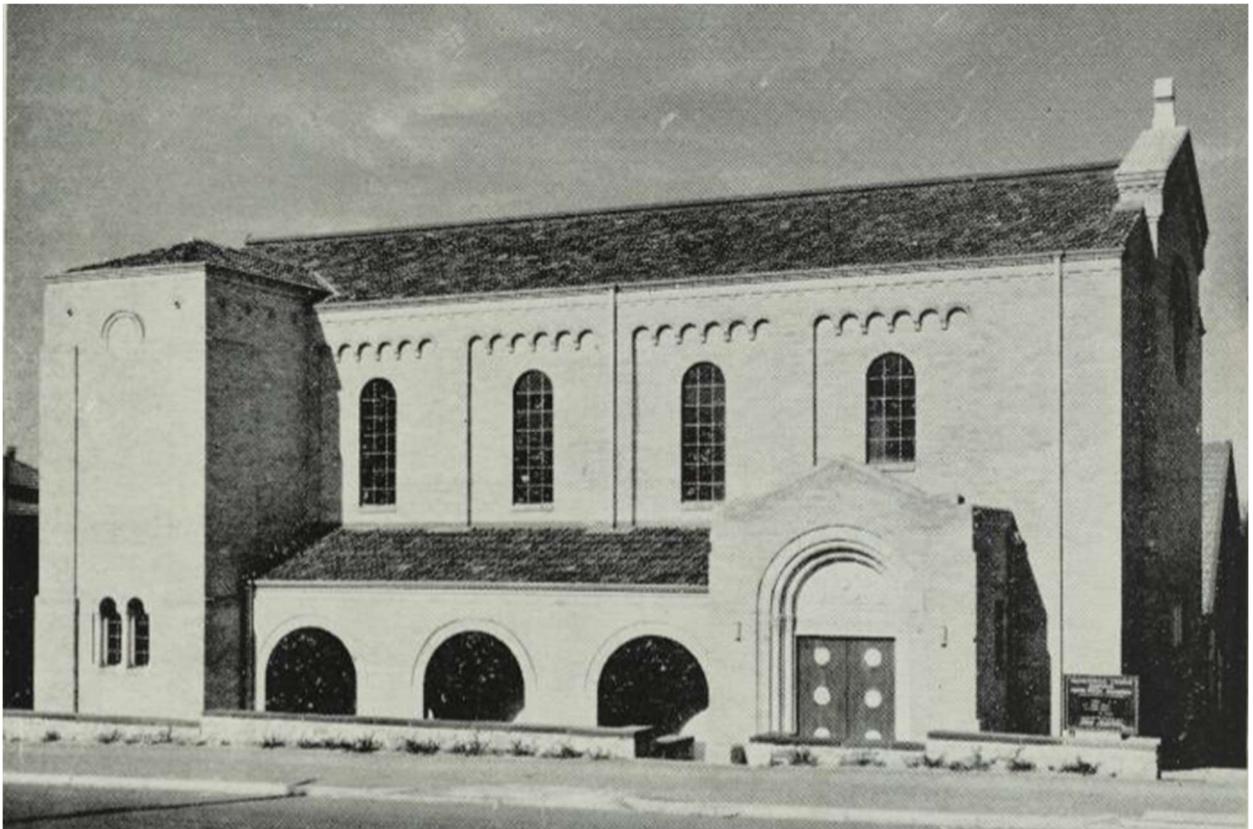
CONTEXT

Boroondara Planning Scheme Amendment C318

Statement of evidence by Natica Schmeder

Report prepared for City of Boroondara

30 April 2020



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Cover image: Frank Paton Memorial Church soon after its completion in 1941. (Source: *Building and Architecture*, 24 February 1943)

Contents	Page
1.0 Introduction	1
1.1 Purpose	1
1.2 Instructions	1
1.3 Preparation of this report	1
1.4 Reports relied upon	1
1.5 Relevant expertise	1
Qualifications and experience	2
Declaration	3
2.0 Strategic basis to amendment C318	4
3.0 Methodology of the Study	4
3.1 Background: Balwyn Heritage Peer Review Stage 2	4
3.2 Stage 1 of Peer Review: Preliminary Investigation	5
3.2.1 Refining the longlist	5
3.2.2 Preliminary research and survey	5
3.2.3 Preliminary assessment	6
3.2.4 Stage 1 findings	6
3.3 Stage 2: Detailed assessment and reporting	6
3.3.1 Locality and thematic histories	7
3.3.2 Place and precinct histories	7
3.3.3 Site visit and documentation	7
3.3.4 Comparative analysis	7
3.3.5 Assessment of significance	8
3.3.6 Thresholds for identifying individually significant places and precinct	8
3.3.7 Thresholds for gradings within precincts	8
3.3.8 Statutory recommendations	9
3.3.9 Background report	10
3.4 Preliminary consultation	10
3.5 Exhibition consultation	10
3.6 Summary of recommended changes	11
3.8 Conclusion	12
4.0 Response to Submissions – Appearing	13
4.1 Introduction	13
4.2 ‘Mararoa’, 28 Leonard Street, Deepdene (Submission 4)	13
4.3 ‘Former Frank Paton Memorial Church and Hall’, 958A Burke Road, Deepdene (Submission 5)	20
5.0 Response to Submissions – Not appearing	34
5.1 113 Yarrbat Avenue, Balwyn (Submission 6)	34
5.2 Angle Road Precinct, Deepdene (Submission 7)	39
5.3 129-131 Yarrbat Avenue, Balwyn (Submission 9)	45

Context

1.0 Introduction

1.1 Purpose

I, Natica Schmeder, have prepared this statement of evidence for Boroondara City Council in relation to Amendment C318 to the Boroondara Planning Scheme (the Amendment).

The Amendment proposes to implement the recommendations of the 'Balwyn Heritage Peer Review Stage 2', prepared by Context in 2018-19 and revised in 2019 and 2020.

1.2 Instructions

This statement of evidence was prepared in accordance with the following instructions from Boroondara Senior Strategic Planner Nick Brennan:

- To prepare a brief of evidence and appear as an expert witness before the Planning Panel;
- To address in that evidence heritage issues raised in submissions objecting to the proposed amendment.

1.3 Preparation of this report

This statement has been prepared by myself, Natica Schmeder, with assistance from Jessica Antolino of Context. The views expressed in it are my own.

1.4 Reports relied upon

In preparing this report, I have relied upon the Balwyn Heritage Peer Review Stage 2 report. It was prepared by a team of heritage consultants at Context. Context Heritage Consultant Jessica Antolino was the project manager and carried out much of the assessments and reporting, supported by Context Heritage Consultant and Architect Mark Huntersmith. As Heritage Specialist, I provided guidance throughout the assessment and reporting, and reviewed all citations and responses to submissions.

1.5 Relevant expertise

My area of expertise relevant to this Panel hearing is the assessment of the cultural heritage significance of buildings, structures and precincts in the Melbourne metropolitan area and country Victoria, with reference to current heritage assessment criteria and within the framework of local historical themes.

I have been retained by a number of councils to appear as an expert witness on heritage-related matters at Independent Panel Hearings, including: City of Boroondara (Amendments C116, C177, C178, C183, C236, C243, C263 Pt 2, C266, C274, C276, C284, C294, C305 & C306), City of Brimbank (Amendments C125 & C200), Shire of Cardinia (Amendment C161), City of Maroondah (Amendment C116), City of Moonee Valley (Amendments C142, C143 & C164), City of Moreland (Amendment C149), City of Stonnington (Amendments C233, C238, C248 & 249) and City of Yarra (Amendments C149, C173, C177, C183 & C198), as well as by the National Trust (City of Yarra Amendment C163).

I have an excellent understanding of the historic development and heritage of Boroondara through my involvement in the following projects for the City of Boroondara:

- Glenferrie Oval & Grace Park CMP, 2006.

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- Hawthorn Heritage Precincts Review, 2008.
- Provision of in-house strategic heritage advice to the City of Boroondara's Strategic Planning Department, Aug. 2012 to the present. This includes, among other things, heritage assessment of individual places and precincts.
- Peer review of Surrey Hills South Residential Precincts Heritage Study, Lovell Chen, 2014. As part of the implementation of Amendment C177 I peer reviewed all precinct and place citations in this study and revised them where I thought necessary. I then acted as Boroondara Council's expert witness at the panel hearing.
- Peer review (Stage 1) of Balwyn and Balwyn North Heritage Study, Built Heritage, 2015. I have reviewed all citations in this study and responded to all submissions to the proposed Amendment C276 to implement recommendations from this study. I then acted as Boroondara Council's expert witness at the panel hearing.
- Municipal-Wide Heritage Gap Study, 2016-19. Suburb-wide gap studies have been completed for Canterbury, Camberwell, Hawthorn, Kew, Kew East and Mont Albert, Hawthorn East, Glen Iris and Ashburton. I led this project as well as carrying out the initial suburb-wide surveys and assessing some of the places and precincts. I have acted as Council's expert witness at the Amendment C266 Panel hearing (Canterbury), the C274 Panel hearing (Camberwell), the C284 Panel hearing (Hawthorn), the C294 Panel hearing (Kew), and the C306 Panel hearing (Kew East and Mont Albert).

Qualifications and experience

MSc (Building Conservation); Grad Dip (Architectural Conservation); BA (Architectural & Urban History)

I am an architectural historian and buildings conservator with over 15 years' experience in architectural research and assessment, materials conservation, heritage studies, conservation management plans and heritage advice, in Australia, the United States, England and Poland.

I worked at Context from 2005 until June 2018 and was an Associate of that company. Currently, my role there is as a contracted Heritage Specialist. At Context I have worked on numerous municipal heritage studies and reviews, many of which I led and/or acted as the architectural historian, including the *Mornington Peninsula Heritage Review (Areas 1 & 2)*, *Central Richmond Heritage Gaps Study*, *Yarriambiack Shire Heritage Study*, *Moonee Valley Thematic Gaps Study*, *Moonee Valley Heritage Study 2015*, *City of Yarra Review of 17 Precincts*, *City of Yarra Central Richmond Gaps Study*, *Lygon Street Heritage Study*, *Cardinia Shire Heritage Studies Review*, *City of Manningham Heritage Study Review*, *Baw Baw Shire Heritage Study*, *Murrindindi Shire Heritage Study*, *Yarra Ranges Shire Heritage Study Review*, *Moreland North of Bell Street Heritage Study*, *Stonnington Victorian Houses Study*, *Stonnington Federation Houses Study*, *Stonnington Churches and Halls Study*, *Stonnington Residential Flats Study*, *Hawthorn Heritage Precincts Study* and *Boroondara Municipal-Wide Heritage Gap Study*.

I am a member of the Heritage Council of Victoria; a member of the Heritage Advocacy Committee and former Built Environment Committee member (Chair 2012-17) both of the National Trust of Australia (Victoria); and a full international member of Australia ICOMOS (International Council on Monuments and Sites) and served on the Executive Committee of 2009-12. I have also tutored and lectured for architectural conservation subjects at the University of Melbourne (2010-16), and currently lecture at the Longford Academy's annual building conservation course.

Declaration

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

Signed,

A handwritten signature in cursive script, appearing to read "Natica Schmeder", is centered within a light gray rectangular box.

Natica Schmeder

2.0 Strategic basis to amendment C318

The 'Balwyn Heritage Peer Review Stage 2', as revised on 31 January 2020, (the "Peer Review") should be taken as the strategic basis for Amendment C318. It contains an explanation of the assessment methodology, summarises the findings and recommendations of the Peer Review, and contains the heritage citations for places and precinct recommended for the Boroondara Heritage Overlay as revised after consultation for this planning scheme amendment.

3.0 Methodology of the Study

In this chapter of my expert evidence I will set out background to the Peer Review (Built Heritage's work), my culling of Built Heritage's long-list of places/precincts and recommendation of those that warranted full assessment. Project manager Jessica Antolino has documented the steps taken by Context, roles of the project team members, and the decision-making process for this project. I have reviewed this and added details of my role as reviewer in the project and how I made specific recommendations.

All of this section is underpinned by Chapter 2. Approach and Methodology of the Balwyn Heritage Peer Review Stage 2 report, which sets out the heritage practice guidance we followed in our assessments. These are predominantly *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Heritage Significance* (rev. 2013) and the Victoria Planning Provisions Practice Note No. 1 'Applying the Heritage Overlay' (2018). I also applied guidance provided in the panel reports for projects in which I have previously been involved. The key guidance for current heritage best-practice, both quotes from the Practice Note and discussions of how this was applied in practice, is set out at length in the study report, so I will not repeat it here.

3.1 Background: Balwyn Heritage Peer Review Stage 2

The *Planning and Environment Act 1987* places an obligation on municipal councils 'to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or other of specific cultural value'. Consistent with this objective, the City of Boroondara has prepared numerous heritage studies that identify places of heritage significance.

The 'Balwyn and Balwyn North Heritage Study (incorporating Deepdene and Greythorn)' (the "Balwyn Study") was prepared for Council by heritage consultancy Built Heritage Pty Ltd, the final draft submitted to Council in June 2014, which was used for preliminary consultation with the community. As noted by Built Heritage, the purpose of the Balwyn Study was to identify places and areas of potential heritage significance, through desktop research, fieldwork and consultation with the local historical society. Although the emphasis was on places and areas that had not been identified in any earlier heritage studies, the brief also required the review of a number of places and areas previously documented in Graeme Butler's Camberwell Conservation Study (1991) that, for various reasons, had not yet been integrated into the Heritage Overlay.

Through desktop research, fieldwork and consultation, Built Heritage identified a large number (200+) of individual places with potential heritage significance and seven potential heritage precincts. Built Heritage then subjected this master list (which can be found in the Balwyn Study as Appendix 2) to a detailed process of review and prioritisation to identify those places and areas that were considered to

represent the highest priority for local heritage protection. The criteria used for this prioritisation were: external integrity (as viewed from street), rarity, vulnerability, and level of potential significance. All four factors were given an equal weighting. Out of a maximum score, those places with 13+ points were considered worthy of assessment, either urgently or at some point in the future.

Following this review, Built Heritage prepared citations for 26 place and four precincts that had been given a 'Priority 1' rating, and recommended that they be added to the Boroondara Heritage Overlay.

In September 2015, following preliminary community consultation of the draft study, Council resolved to not proceed with adopting the Balwyn Study, and a planning scheme amendment to implement the recommendations of the study did not commence.

Council returned to the Balwyn Study in 2017, resolving to undertake a peer review of its citations and recommendations. The peer review was to exclude all post-WWII places from its scope, as well as those that had been demolished since their assessment. This left a total of 12 place and three precinct citations to be reviewed.

I carried out this first stage of the peer review in early 2017, including desktop review, site visits and additional research where required. In the end, I recommended that nine places and two precincts be added to the Boroondara Heritage Overlay. These recommendations were implemented with Amendment C276. Both precincts and all but one of the individual places are now in the Heritage Overlay.

The second part of the review of the Balwyn Report was a review of the remaining places in the Built Heritage master list, to see which still warranted full assessment. Context was engaged to carry out this work in 2017, which comprises the Peer Review that is the subject of this expert evidence.

3.2 Stage 1 of Peer Review: Preliminary Investigation

3.2.1 Refining the longlist

The first step in the current Peer Review was refining Built Heritage's longlist of 90 places and precincts into a shortlist to be subjected to further assessment.

In June 2017, I was asked to embark upon the first steps to refine this longlist. The brief was to investigate all places on the list to see if they were of potential local heritage significance and might warrant inclusion in the Boroondara Heritage Overlay.

In keeping with the previous resolution of the Boroondara City Council, however, all places built after World War II were to be excluded from further consideration. I put this date as 1946 or later. There were 15 post-war places removed from the longlist. Note that the architectural or other value of these post-war places was not evaluated as part of this culling process.

My investigation included preliminary research, site visits and preliminary comparative analysis where considered necessary.

3.2.2 Preliminary research and survey

My research included sourcing of building permits from the City of Boroondara's records, particularly to confirm post-war built dates, or if a building under consideration appeared to have been altered. I also checked for the existence of previous heritage citations. In cases where another heritage consultant had concluded in the past that a place did not meet the threshold of local significance, I reviewed the citation for its currency and whether the rejection appeared to have a sound basis. There were four such

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properties that had been assessed and rejected by heritage consultants Lovell Chen as part of the 'Review of B-graded buildings in Kew, Camberwell and Hawthorn' (2007) study. I agreed with the conclusions of these citations, and removed these four places from the longlist.

In addition, I found that four places on the longlist were already listed in the Boroondara Heritage Overlay, and another three were graded Significant in the Whitehorse Road Commercial Precinct (which was implemented as part of Boroondara Amendment C276). These seven places were also removed from the longlist.

After this initial cull, I visited all of the places remaining on the list and photographed them from the public domain (generally the footpath), noting any visible alterations. I requested building permit plans where the extent of alterations was not clear.

I found during site visits that four individual places had been demolished since Built Heritage compiled the original list, and eight houses had been demolished in a small potential precinct (on Elliot Avenue).

3.2.3 Preliminary assessment

Where houses were found to be extensively altered, particularly where principal views from the street were affected, I removed these from the list. This included both examples where an overly dominant and visible extension (usually upper storey) had been constructed, or where the majority of decorative details (such as a front verandah) had been removed or rebuilt in a different form. Finally, buildings that were very standard for their era, and unlikely to possess notable historical or social significance, were removed from the list as they would be contributory to a heritage precinct but judged not to meet the threshold of local significance on their own. In cases where extensive comparative analysis was required to determine where a given place might sit in relation to this threshold, I retained the place on the list so that it could be fully assessed during Stage 2 of the Peer Review.

Following these processes, I removed several more places from the shortlist.

3.2.4 Stage 1 findings

In all, I rejected 48 places from the original list of 90 due to their low level of heritage significance and recommended no further action for them. A further 22 were not recommended for further assessment because they were built in 1946 or later, were already in the Heritage Overlay, or in a precinct added to the Heritage Overlay by Amendment C276.

I concluded that 19 places and one precinct were of potential heritage significance and worthy of in-depth heritage assessment. Of these, two were Council-owned places (the Infant Welfare Centre in Cherry Road and the Centenary Tower in Beckett Park), so they were added to Council's register of places of potential heritage significance instead of undergoing full assessment.

I put forward the remaining 17 places and one precinct for assessment in Stage 2 of the Peer Review, along with brief rationale for my recommendation to assess or not assess that place/precinct.

3.3 Stage 2: Detailed assessment and reporting

During the assessment stage, Context consultants carried out all of the steps set out below. Jessica Antolino, Heritage Consultant, and Mark Huntersmith, Heritage Consultant and Architect, were the primary assessors for the places and precinct assessments. I reviewed all first draft citations and provided feedback to the consultants. The revised drafts were then provided to the client (the Boroondara Strategic Planning Department).

3.3.1 Locality and thematic histories

The first step in undertaking the detailed assessments was the preparation of contextual histories for Balwyn, Balwyn North and Deepdene, covering nineteenth and twentieth-century periods of development of various kinds (residential, commercial, community). These locality histories were edited for use as the introduction to each citation, leaving only the pertinent sections to provide context to each place history.

In some cases, a thematic history was added as well when this was considered more appropriate to understand the context of a given place. For example, a thematic history of Presbyterian (Uniting) churches in Boroondara was prepared for the citation of a Presbyterian church.

These histories were prepared by Context Associate and Historian, Dr Helen Doyle, and long-time Context Subconsultant and Historian Dr Robyn Ballinger, both of whom have extensive experience.

3.3.2 Place and precinct histories

The histories for the places and precincts assessed by Context consultants were prepared by a number of people. I provided all of the background material that I had gathered to-date. Dr Ballinger prepared the precinct history, and consultants Chairim Byun and Rosalie Mickan prepared place histories for half of the individual places each. Dr Doyle reviewed all draft place and precinct histories and provided feedback to the researchers, who then revised the drafts in response to feedback. The revised drafts were then reviewed by the person who was the principal assessor of that place or precinct (Jessica Antolino or Mark Huntersmith), and used as a basis for their documentation and assessments.

3.3.3 Site visit and documentation

Site visits for the individual places were undertaken by Ms Antolino and Mr Mark Huntersmith, accompanied by long-time Context Subconsultant and Architect, Mr Richard Aitken. Jessica Antolino or Mark Huntersmith prepared the place and precinct citations, with reference to building permit plans and historic aerials if alterations were suspected.

Context Associate Dr Christina Dyson accompanied Ms Antolino on the site visit for the Angle Road Precinct and provided verbal input about surviving street plantings and intact examples of garden layouts. Ms Antolino prepared the overall precinct description.

Mr Aitken reviewed all draft descriptions and provided feedback to the assessors, who then revised the drafts in response to feedback.

3.3.4 Comparative analysis

As part of the preparation for the comparative analysis of places and precinct in Balwyn, Balwyn North and Deepdene, Context prepared a number of reference documents, drawing on those previously prepared under my direction as part of the Boroondara Municipal Wide Heritage Gap Study.

Mr Huntersmith compiled an initial list and photographs of some appropriate comparators for the individual places under assessment, to provide a starting point for the preparation of the comparative analyses. I added to this document, providing some additional individual comparators and advice about which HO precincts in Boroondara were the most appropriate comparators for the Angle Road Precinct under assessment. Brief summaries of the character and reasons for significance for each existing comparable precinct in the Boroondara Heritage Overlay provided a starting point for the preparation of the precinct comparative analysis.

3.3.5 Assessment of significance

All assessments of significance of places and new precincts were carried out in relation to the HERCON criteria. This provided a structure to consider the ways that an individual place or precinct might stand out within Balwyn, Balwyn North and Deepdene, or Boroondara more widely.

For the most part, this information was drawn from the place history (sometimes as it related to the locality history) in relation to the various types of historical significance (Criteria A, B or H) and social significance related to community use (Criterion G), and from the comparative analysis and description in relation to architectural design and aesthetics (Criteria D, E or F).

For the most part, no discussion was included for the criteria the place/precinct did not meet. One exception was a consideration of whether All Hallows' Catholic Church-School had a locally significant association with Archbishop Daniel Mannix (Criterion H). While the conclusion was negative, the discussion was left in the citation.

The summaries of the criteria for which the place or precinct was judged to meet the threshold of local significance were included in the final statement of significance. For each of these the standard three-part approach (What, How, Why) was used. For the Angle Road precinct, Ms Antolino provided a brief description of the built form, as well as listing early or original fences, garages, garden settings and plantings.

3.3.6 Thresholds for identifying individually significant places and precinct

As discussed in the sections above, each individual place and precinct recommended for the Heritage Overlay was assessed twice against what could be called two different thresholds during the two stages of the Peer Review.

In Stage 1, I reviewed all extant pre-1946 properties on the longlist prepared by Built Heritage. My investigation included preliminary research, site visits and review of places citations existing for some of them. I also informally compared them amongst themselves, against places that had citations prepared by Built Heritage (those subject to the previous peer review), and in relation to my knowledge of places in Balwyn already in the Heritage Overlay.

In Stage 2, as detailed above, all the places and precincts assessed were looked at in comparison with other examples of the type across Boroondara (or further afield). Examples of comparative places and precincts were drawn from the current Heritage Overlay, places and precincts recommended for the HO by the previous peer review of full citations from the Balwyn Study and the Municipal Wide Heritage Gap Study. In some cases examples from an architect's oeuvre were identified in other municipalities.

3.3.7 Thresholds for gradings within precincts

When assessing properties within a proposed precinct or precinct extension to determine if they are Non-contributory, Contributory or Significant in relation to that precinct, the first thing that needs to be defined is the period of time that is of heritage significance, and if these properties were developed (built) within that period. Note that this may be a single historical era, such as the interwar era, or multiple eras.

Once the "valued period" is defined, the question is whether the given property/building is able to contribute to an understanding of the development in this period and the reasons the precinct is significant (as expressed in the statement of significance). This comes down to intactness, both in relation to the extent of alterations and their legibility as later interventions.

When viewing an altered building of the “valued period” the consideration is whether it is still legible as, for example, an interwar bungalow. And, secondly, is it possible to understand what its original form was – major aspects such as roof form. In cases where an upper-storey extension is so dominant, and particularly where it subsumes the original roof form, then the answer may be “no”.

Whether a property is Significant in a precinct usually relies on its architectural quality – as compared to the suburb or municipal-wide context, though it may also be related to its historical credentials (e.g., the oldest house in the area).

3.3.8 Statutory recommendations

Apart from the decision whether or not to recommend an individual place or precinct to the Heritage Overlay, in this step the assessors determined the appropriate HO boundaries and if any specific controls should be ticked in the draft HO Schedule.

Of the 17 individual places and one precinct assessed, Context recommended that 15 places and the precinct be added to the Heritage Overlay.

The remaining two places were rejected for various reasons. One house, ‘Vedere’ at 44 Panoramic Drive, Balwyn North, was initially thought to date from the late 1930s, but research revealed that it dated from 1947. As this was post-WWII and thus out of scope for the project, it was not recommended for inclusion in the Heritage Overlay.

A final place, 248-250 Belmore Road, Balwyn, was rejected when research revealed that it had been extensively altered.

HO extents

For the most part, the properties assessed were on small to medium-sized suburban blocks, containing a front and rear garden setting for the residential properties. In these cases, Context recommended the entire cadastral boundaries to the HO, in accordance with accepted practice and the guidance of *Practice Note 1: Applying the Heritage Overlay*.

In one case, however, only one building on a large site was found to meet the threshold of local significance. This was the former All Hallows Catholic Church-School at 3-7 Brenbeal Street, Balwyn. It sits at the southern end of larger school grounds, which include later buildings and playing courts. Even if there is future development on the larger site, the significant features of and views to the building will still be visible from the public domain.

Additional HO controls

In the case of specific controls in the HO Schedule, during individual place and precinct site visits the assessors looked out for original front fences, original outbuildings, mature tree plantings and garden layouts that appeared to be early or original in relation to the buildings under assessment. The assessors identified some original fences and garages across the individual places under assessments, as well as several mature trees in the front garden of 171 Doncaster Road, Balwyn North, and two early outbuildings at the rear of the property at 8 Boston Road, Balwyn, all of which are recommended for inclusion in the HO Schedule.

3.3.9 Background report

Once all of the place and precinct citations were complete, Ms Antolino prepared a background report to serve as an introduction to and summary of the Balwyn Heritage Peer Review Stage 2. The first section includes the background to the study, including discussion about the Balwyn Study prepared by Built Heritage Pty Ltd. The next section sets out the methodology of the study, with reference to the policy guidance adhered to (mainly the VPP *Practice Note: Applying the Heritage Overlay*, v. 2018). I prepared an overview of the work I carried out refining the original list of 90 places and precincts for the background report. The final sections of the background report include a summary of the findings of the study – which places and precinct were found to be of local significance – and recommendations for the implementation of these findings.

Once the background report and all of the citations had been reviewed by the Boroondara strategic planners, and revised in response to this feedback, Context assembled them into an overarching final draft study report. This version of the study, dated 12 April 2019, was released for preliminary community consultation.

3.4 Preliminary consultation

Boroondara City Council carried out preliminary consultation following completion of the draft Peer Review. Council notified all affected property owners and occupiers, as well as owners and occupiers of adjoining properties and relevant community groups.

The Boroondara strategic planners prepared an initial response to the general issues raised by objecting submissions, such as property value, zoning and other planning tools, etc. They then highlighted the heritage-related issues for Context's attention. This included submitters who questioned the application of the HERCON criteria, whether thresholds were met, raised possible errors in the citations and alterations to buildings, or simply questioned whether their property was of heritage significance.

Ms Antolino prepared all draft responses for the places and precinct assessed, with some input from Mr Huntersmith on the places he had assessed and Dr Doyle for some historical queries. I provided guidance during this process and reviewed all responses to submissions.

A number of edits were made to the citation for 28 Leonard Street, Deepdene, at this stage. New information was provided by the submitter regarding alterations undertaken in the 1980s and 1990s, and I subsequently made edits to the History and Description sections of the citation to adequately reflect this. In responding to the submitter's objection regarding the description of the house as a 'farmhouse', I acknowledged that there was insufficient evidence to describe the dwelling in this way, and subsequently removed this term from the History, Assessment by Criteria and Statement of Significance sections of the citation.

3.5 Exhibition consultation

Boroondara City Council adopted the Balwyn Heritage Peer Review Stage 2, as revised on 26 July 2019, after preliminary consultation. In October 2019, Council received authorisation from the Minister for Planning to prepare an amendment to the Boroondara Planning Scheme (this AM C318).

Once authorisation was received, Boroondara City Council began exhibition of the Amendment. Notices of the amendment were sent to owners and occupiers of the affected and adjoining properties, prescribed Ministers, service providers and community groups. Notices were published in the Progress

Leader and Victorian Government Gazette, and a page dedicated to the Amendment on Council's website included an online submission form.

Subsequently, Context addressed any new heritage-related issues raised by submissions as part of the response prepared by Council's strategic planners. Ms Antolino prepared draft responses to all heritage-related issues for the places and precinct under assessment, conferring with Mr Huntersmith and Dr Doyle as required. I provided further guidance during this process and reviewed all final responses to the heritage-related issues.

Additional corrections and additions were made to the place and precinct citations in response to information in the submissions or my further investigation. No changes were made to the statutory recommendations. The citations revised after exhibition are dated 31 January 2020.

Those submissions where there are unresolved heritage-related issues in regard to individual places and the Angle Road precinct are addressed in this expert evidence.

3.6 Summary of recommended changes

Based on my consideration of the submissions made to Amendment C318, I recommend that the following changes be made to the study documentation. Note that, except where noted, these changes have been made to the 31 January 2020 Track Changes version of the Balwyn Heritage Peer Review Stage 2 report.

- **'Mararoa', 28 Leonard Street, Deepdene:**
 - Remove description of dwelling as a 'farmhouse' in the History, Assessment by Criteria and Statement of Significance.
 - Include reference to works undertaken in the 1980s and 1990s, including loss of rear original chimney, in the History and Description sections of the citation.
 - Remove reference to 'original setback and early garden elements including a mature eucalypt' in Description.
 - Note in Statement of Significance that the pergola at the rear of the dwelling is not a significant element of the place.
 - For clarity, separate the two reasons for significance – historical significance and rarity value – in the Assessment Against Criteria section.
 - In addition to the above edits, which are shown in the 31 January 2020 post-exhibition version of the Peer Review, the following changes to the first line of the statement of significance:

'Mararoa', 28 Leonard Street, Deepdene, built in c.1889 for Emma Brown and her husband dairyman James Brown as a dairy house, is significant.
- **Angle Road Precinct:**
 - For the Contributory property at 9 Angle Road, amend Description to reference 'rear additions ... are not visible', and include reference to changes that have occurred through works carried out in 1980s, 1990s and 2000s.

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- Remove reference to the retention of original windows and entry door, and early garage constructed 1930 from the citation.
- **‘Former Frank Paton Memorial Church and Hall’, 958A Burke Road, Deepdene:**
 - Amend establishment date of the tennis courts throughout the citation and in the Statement of Significance to c1923-30.
 - Amend Statement of Significance to move the tennis courts from the list of elements that are ‘significant elements of the site’ to those that ‘contribute to the significance’ of the site.
- **‘Silver Birches’, 129-131 Yarrbat Avenue, Balwyn:**
 - Include view of front façade from the original building plans in the citation.
 - Include reference to the replacement of original drive of white Lilydale topping with tile.

3.8 Conclusion

It is my professional opinion that the Balwyn Heritage Peer Review was undertaken by me and other heritage professionals at Context with rigour in accordance with current best-practice guidance. The study has been particularly thorough in the review of specific sections of the citations by accomplished experts in history and built heritage, prior to my final review and input into the citations in their entirety. Its accuracy was also aided by two reviews of the citations over two rounds of community consultation.

4.0 Response to Submissions – Appearing

4.1 Introduction

This chapter contains information on places where an owner or their representative will be appearing at the Amendment C318 Panel hearing. For each place the heritage-related objections are summarised, and my response provided. They are dealt with in accordance with the order the submitter/representative will be appearing at the hearing.

In my evidence, I will respond only to issues related to the heritage significance of the places, such as its intactness (and condition where this impacts upon intactness), history and comparison to other places. I will generally not respond to non-heritage issues, such as maintenance costs, property value or future development plans, as these issues have been addressed by Council in their Part A and B submissions. Furthermore, previous planning panels have established the precedent that they are properly dealt with on a property-by-property basis as part of the planning permit process.

4.2 ‘Mararoa’, 28 Leonard Street, Deepdene (Submission 4)

4.2.1 Background

The individual place was assessed as part of the Balwyn Heritage Peer Review and found to be of local significance. It is recommended for inclusion in the Boroondara Heritage Overlay. The reasons for its significance were set out in the statement of significance, below.



Figure 1. 28 Leonard Street, Deepdene. (Source: Context, September 2017)

Context

4.2.2 Statement of Significance

The statement of significance prepared for this place, dated 12 April 2019 and exhibited as part of Amendment C318, reads as follows:

What is Significant?

'Mararoa', 28 Leonard Street, Deepdene, built in c.1889 for James Brown as a dairy house, is significant.

The front fence is not significant. The two-storey studio and pergola, constructed at the rear of the property in 1986 and 1990 respectively, are not significant.

How is it significant?

'Mararoa' is of local historical significance to the City of Boroondara.

Why is it significant?

Historically, 'Mararoa' is a rare example of nineteenth-century development in Deepdene (formerly Balwyn) prior to the opening of the Outer Circle railway line and accompanying suburban subdivision. Built c.1889 on the Cotham Estate (1884), there are only a few houses that survive largely intact from this period in the Deepdene/Balwyn area. Its nineteenth-century origins are demonstrated by its intact Victorian-era form, including its M-hipped roof and return verandah, and details such as Italianate-style chimneys and block-fronted façade. (Criterion A and B)

Recommendations and Amendment C318

This property is recommended for inclusion in the Schedule to the Heritage Overlay of the Boroondara Planning Scheme as an individually Significant place.

Response to Submission

The submitter does not support the proposed inclusion of 28 Leonard Street, Deepdene, a Victorian-era timber house built c.1889, as an Individually Significant building in the Heritage Overlay. The submitter's comments are shown below in italics with my response shown below.

Historical association

While the house is noted for its historical association with the Brown family, they apparently never actually resided here and may have built the house for investment (rental) purposes. The cause or reason for their ownership has never been discovered and the house does not appear to have ever been used for cattle (dairy) or money related activities.

Firstly, it is important to note that a historical association with the Brown family was not the basis for recommending inclusion of 28 Leonard Street in the Heritage Overlay. While ownership by the Brown family has been noted in the history section and 'What?' section of the Statement of Significance in the citation, this association was never the basis of the recommendation to include it in the Heritage Overlay—it has always been its historical significance as a rare surviving example of the earliest phase of suburban development in Deepdene (formerly Balwyn).

For the sake of accuracy, however, I have revisited the question of whether James Brown actually resided in the house on Leonard Street, and re-examined evidence about the original use of the property, which comprised at least four allotments (now 28 & 30 Leonard Street and 27 & 29 Terry Street). The certificate of title Vol. 1995 Fol. 886 records that 'Emma Brown the Wife of James Brown of the corner of Burke and Belmore Roads, Balwyn, Dairyman' became the owner on 1 March 1888. (NB: The 31 January 2020 revisions to the place history provide an incorrect folio number for this title. This should be

corrected.) The location James Brown was recorded as occupying in March 1888 was to the north-east from the subject site, outside of the Cotham Estate.

According to the ratebooks, already by 5 September 1888, a house had been erected on one of Mrs Brown's allotments. The Net Annual Value (approximately 10% of the total value) of the four allotments and house was 20 pounds. James Brown was listed in 1888 as both owner and rated person of this property, indicating he was the occupant. His occupation was again listed as dairyman. (See image below.)

1834 Brown James dairyman Brown James } All Cotham Estate
House & allot 81, 82, 65-66 Leonard & Terry St

Figure 2. Extract from 1888 City of Camberwell Ratebook (p.92), showing James Brown, dairyman, as the rated person (i.e. occupant) and owner of allotments 81, 82, 65 and 66 of the Cotham Estate and a house, located on Leonard and Terry streets. The assessment was dated 5 September 1888. The Net Annual Value of the land and house was 20 pounds.

By the following year's rates, 1889, the Net Annual Value of the four allotments and house had increased to 30 pounds. This suggests the house had been extended or completed since the 1888 rate assessment. James Brown, dairyman, was still listed as the owner and rated person/occupier (see below).

1859 Brown James dairyman Brown James } English Aust Bank . 64
1860 Leonard St

Figure 3. Extract from 1889 City of Camberwell Ratebook (p.57), showing James Brown's continued ownership of the house and land. The Net Annual Value (NAV) had increased to 30 pounds.

Two years later, in the 1891 rates, James Brown is listed as the owner of two houses on Leonard Street. He occupied the house and land with a NAV of 30 pounds, while the second house had an NAV of just 10 pounds (probably because it had less land). This strongly suggests that Brown was still residing at the subject site. He was also recorded as the owner of seven allotments of vacant land on Whitehorse Road (see below).

4	James Brown	James				
5	Kirby	Fred	G	Kirby	Fred	Home and land Leonard Street
6	Brown	James		Brown	James	Home and land "
7				Brown	James	Home and land "
8						land lot 2 White Horse Road
9						land " 3 "
24	40					land " 4 "
1						land " 5 "
2						land " 6 "
3						land " 7 "
4						land " 8 "

Figure 4. Extract from 1891 City of Camberwell Ratebook (p.62), showing James Brown's increased property holdings. He had a 'House and land' on Leonard Street with NAV of 30 pounds (with Brown in the first column, indicating he was the rated person or occupant), a second 'House and land' on that street with NAV of 10 pounds, and 7 lots on Whitehorse Road, each with ANV of 7 pounds.

While the 1891 ratebook does not indicate precisely where Brown's second house Leonard Street was located, the 1894 ratebook records that it was on Allotment 83, now 26 Leonard Street.

Context

No. on the Rate.	Surname of Person Rated.	Christian Names of Person Rated.	Trade or Occupation.	Name of Owner of Rateable Property.	Description and Situation of Rateable Property.	No. of Allot.
2011	Norris	John R.	Dairyman	Brown James	<u>Cotham Estate</u> WHouse 100' x 150' 9" Leonard Street W side	81, 82
2012	Brown	James		Brown James	WHouse 50' x 150' 9"	82

Figure 5. Extract from 1894 City of Camberwell Ratebook (p.68), showing that the subject property (Allot. 82) and neighbouring allotment on Leonard Street (Allot. 81) was still owned by James Brown, but the 'WHouse' (weatherboard house) was now occupied by dairyman John Norris. James Brown now resided in a 'WHouse' (weatherboard house) next door, on Allotment 83 (26 Leonard Street). (Assessments dated 9 July 1894.)

By 1894, Brown had moved to this newer house at 26 Leonard Street. His previous residence, the double block comprising 28-30 Leonard Street, was now occupied by John R Norris, dairyman, though Brown still owned it (see above).

As it often the case with new streets, Leonard Street was not listed in Sands & McDougall's directories until several years after its creation. It does not appear in the 1892 or 1893 volumes. A James Brown, Junior, was, however, listed in Balwyn on Whitehorse Road in 1890 and 1892. As this is the nearest main street to 28 Leonard Street, in my professional opinion, it is *likely* that these listings refer to the subject property.

By 1895, there were three residents listed on Leonard Street: Samuel Prince, John R Norris and Frederick G Kirby. James Brown is not listed on this street or anywhere else in Balwyn (the closest person by that name was on Elgar Road, Box Hill). This corresponds with the rate records, which record Norris as the resident in 1894, but it is not clear why Brown is not listed as his neighbour. In 1896, Leonard Street listings are for John Potts, 'Vacant', and Frederick G Kirby, indicating that John R Norris no longer occupied 28 Leonard Street. (NB: I do not currently have access to the 1894 volume so have not checked it.)

To summarise the above review of historic evidence, it appears that James Brown (and family) occupied the subject house from late 1888 and vacated it (to move next door) prior to 1894. The information in the ratebooks is not, however, definitively supported by contemporary street directories. And while Brown and his 1894 tenant Norris were both listed as dairymen, there is no corroborating evidence to prove that this dairying activity took place at the subject site.

For this reason, I agree with the submitter that we cannot confidently call the dwelling at 28 Leonard Street a 'farmhouse', as it was called in the exhibited version of the Peer Review (dated 12 April 2019).

I am also wary of using the term 'dairyhouse', which was used in the post-consultation revisions dated 31 January 2020. As it has not been conclusively demonstrated that James Brown ran a dairy on this site, I recommend that the first line of the 'What' section of the statement of significance be revised to reflect this. In addition, the addition research carried out in response to the submission (title search) has revealed that Emma Brown was the legal owner of the subject property, though her husband, James Brown, was listed as the owner in ratebooks. Taking all of the above into account, I recommended that Emma Brown also be recognised in the statement of significance, with revisions as follows:

'Mararoa', 28 Leonard Street, Deepdene, built in c.1889 for Emma Brown and her husband dairyman James Brown as a dairy house, is significant.

Architectural significance

The house is Italianate style and like many houses of this style the house does not bear many markers. Some markers are also missing.

I agree that the house at 28 Leonard Street, Deepdene, and many other surviving houses designed in the Italianate style, do not display many overt characteristics of the style. The citation makes it clear that this is one of the many modest versions of the style built in the late 19th century, and does not argue that the place has architectural significance, under Criteria D nor E.

I also agree that some markers of the Italianate style are missing from the house. However, it should be noted that when compared with more elaborate examples of Italianate style houses, 28 Leonard Street is actually at the high end in regard to its intactness; the architectural modesty in its detailing should not be confused with a lack of integrity, as the submitter appears to suggest. The house does in fact retain the following 'markers' of the Italianate style: a pair of cement-rendered chimneys, with moulded, Italianate cornices, stop-chamfered posts to the front section and north side return of the verandah, block-fronted façade to simulate blocks of stonework and timber-bracketed eaves to the principal (west) façade. This high degree of intactness, notwithstanding its architectural modesty, is particularly evident when comparing the property to the Fankhauser farmhouse at 224 Belmore Road, Balwyn (HO758), which has lost one of its chimneys and entire front verandah.



Figure 6. HO758 Fankhauser Farmhouse, 224 Belmore Road, Balwyn (also known as 4 Collins Court), built c1880s, exhibits a lower degree of intactness when compared to 28 Leonard Street, Deepdene. (Source: Built Heritage Pty Ltd 2012)

It is my professional opinion that the physical fabric of 28 Leonard Street retains sufficient integrity to adequately demonstrate its historical significance under Criterion A, as set out in the statement of significance.

Rarity value

Many houses were built in this style in Melbourne. While there are few in the local vicinity the rarity claim may be too narrowly focussed.

I agree that during the Victorian era, the majority of houses in Melbourne were designed in the Italianate style. However, for the purposes of the Peer Review, the suburbs of Balwyn, Balwyn North and Deepdene were considered the minimal scope for comparative analysis to establish local significance, so I have only considered comparative examples located within the study area in responding to this submission. Rarity applies to places that have always been rare as well as those that once were common but are now rare. Since 28 Leonard Street survives as one of only five houses that were built in the

Context

Cotham Estate in the period before the Outer Circle Railway was opened in 1891, and now, little else survives to demonstrate this particular phase of development of Deepdene's (and Balwyn's) history, rarity is considered to apply. 28 Leonard Street is also considered rare in the wider study area. While there are more nineteenth-century houses in Balwyn overall, many are no longer intact. Therefore, 28 Leonard Street is rare in demonstrating a class of places that was once common, but now few intact examples remain.

The submitter asks, if the comparative basis for rarity may be too narrowly focussed, relying on comparison to examples solely in the Balwyn area. I agree that a broader, often municipal-wide, comparative focus is often held to be necessary when assessing whether the architectural design of a building is of local significance. In contrast, each suburb in a municipality has its own distinct history, and the group of places that best illustrate that suburb's development warrant inclusion in the Heritage Overlay. This is in keeping with the definition of 'local significance' set out in the Practice Note 'Applying the Heritage Overlay' (2018), it: 'includes those places that are important to a particular community or locality.' A locality is equivalent with a suburb in a municipal context, so a place such as 28 Leonard Street is of local significance, if it can be demonstrated to be of significance to the area defined as Deepdene and the rest of greater Balwyn.

This definition in the Practice Note allows for a more nuanced approach to determining what is special and worthy of protection in a given suburb, area or to a specific community. In a municipality like Boroondara, the suburbs nearest Melbourne, particularly Hawthorn and Kew, saw extensive nineteenth-century development, so the threshold for local significance of a Victorian house is higher in such suburbs. Suburbs further east and north had only scattered settlement until the late nineteenth or early twentieth century, so Victorian houses were always much rarer and are thus more valued by the local community.

Use as a farmhouse

Most of the comparisons offered remain from the previous iteration of the citation when the house was claimed as a farmhouse. Most of these comparisons are irrelevant.

An example is 12 Power Street, which is near identical circumstances to this house. A Panel found 12 Power Street was not of heritage significance.

As discussed at length above, I acknowledge that there is little firm evidence to indicate the original use of 28 Leonard Street as a dairy house or farmhouse, and agree that some of the comparisons used in the citation were originally farmhouses. However, these comparisons remain relevant for other reasons. The comparative analysis correctly identifies other similar Victorian-era houses in Balwyn and the wider municipality and concludes that the site is either equal to or better than the comparators in terms of integrity and intactness. The comparative analysis also concludes that 28 Leonard Street is most appropriately compared to the class of Victorian houses more generally, in line with the submitter's views.

I acknowledge that the house at 12 Power Street, Balwyn, was recommended for an individual Heritage Overlay and subsequently found by the Panel to not satisfy the HERCON criteria. I disagree that the case for significance of 12 Power Street is in 'near identical' circumstances to those of 28 Leonard Street. The house at 12 Power Street was recommended for an individual Heritage Overlay for its historical association with the Bovill family, as well as for its historic significance and rarity value as a 'farmhouse', and its architectural significance as a typical Italianate house. Conversely, the historical association with the Brown family was never the basis of the proposed site-specific heritage overlay for 28 Leonard Street, nor has its Italianate form been put forward as having architectural significance. Further, while

purported as an historical fact, the past use of 28 Leonard Street as a 'farmhouse' was never the foundation of its historical significance nor its rarity value. As stated above the case for significance for 28 Leonard Street has always been its historical significance as a rare surviving example of the earliest phase of suburban development in Deepdene (formerly Balwyn). In my professional opinion, this conclusion is correct.

Conclusion and Recommendations

It is my opinion that:

- The place citation provides a clear and convincing argument for Mararoa's historical significance and rarity value in the Balwyn area, and that physical fabric retains sufficient integrity so as to adequately demonstrate such historical significance.
- Local significance is defined as including those places that are important to a particular locality, so Mararoa's rarity and demonstration of the foundational history of the Balwyn area is ample reason for its inclusion in the Heritage Overlay.
- The title certificate, which has been added as part of the additional research to the post-exhibition version of the Peer Review dated 31 January 2020, should be correct from Vol. 1995 Fol. 058 to Vol. 1995 Fol. 886.
- The first line of the statement of significance should be revised to reflect the lack of clarity as to the original use of the site as follows:

'Mararoa', 28 Leonard Street, Deepdene, built in c.1889 for Emma Brown and her husband dairyman James Brown as a dairy house, is significant.
- Apart from additional historical information and minor edits found in the 31 January 2020 version of the place citation, and the two corrections set out above (title certificate folio and wording of first line of statement of significance), no further changes are recommended to Amendment C318.

4.3 'Former Frank Paton Memorial Church and Hall', 958A Burke Road, Deepdene (Submission 5)

4.3.1 Background

The individual place was assessed as part of the Balwyn Heritage Peer Review Stage 2 and found to be of local significance. It is recommended for inclusion in the Boroondara Heritage Overlay. The reasons for its significance were set out in the statement of significance, below.



Figure 7. Former Frank Paton Memorial Church (now Deepdene Uniting Church), 958A Burke Road, Deepdene. (Source: Context, November 2017)



Figure 8. Church hall, situated to the east of the Former Frank Paton Memorial Church. (Source: Context, November 2018)

4.3.2 Statement of Significance

The statement of significance prepared for this place, as revised in tracked changes following exhibition consultation dated 31 January 2020 and endorsed by the Boroondara Urban Planning Special Committee on 17 February 2020, reads as follows:

What is Significant?

The Former Frank Paton Memorial Church and Hall at 958A Burke Road, Deepdene, is significant.

Significant elements of the site include the:

- *Former Frank Paton Memorial Church, built 1941 by A. A. Meyer to designs by architects Scarborough, Robertson and Love, front fence to the Burke Road frontage and early garden setting including salt-glazed tile [sic!; should read salt-glazed tile] paths;*
- *Church hall, built in 1923 to designs by Henry Hardie Kemp;*
- ~~*Clay tennis courts laid out in c1924.*~~

The 1945 wing abutting the rear (east) of the hall [and the tennis courts laid out in c1926-31 contribute to the significance](#) ~~is a contributory element~~ of the site.

The 1950s/60s red brick additions to the north and rear (east) of the main hall building are not significant.

How is it significant?

The site is of local historic, architectural (representative), aesthetic, social and associative significance to the City of Boroondara.

Why is it significant?

The Former Frank Paton Memorial Uniting Church (1941), church hall (1923) and tennis courts [\(c1926-31\)](#) are historically significant as an important example of a Nonconformist church site developed in the City of Boroondara during the interwar era, notable for its large land size and range of facilities, serving the local community for almost 100 years. The church, opened in 1941 at Deepdene, reflects the need to meet suburban growth in that locality as significant development in the outlying areas of Boroondara, such as Balwyn and East Kew, in the interwar period saw demands for new Presbyterian churches. (Criterion A)

The church hall is historically significant having served the community for almost 100 years for various church functions and activities, including Scottish country dancing, and as a meeting place of the 2nd Deepdene Girl Guides. Shortly following its construction in 1923 it was used by many local church groups, including the Presbyterian Girls' Association, the Boys' Club, and the Young Men's class. It was also used by Presbyterian Deepdene Dramatic Club and a men's gymnastics club. It also housed the well-attended Sunday School, which had an attendance of 124 students in 1924. (Criterion A)

The tennis courts represent the great popularity of the game in the early 1900s in middle-class Melbourne, with tennis parties, dances and concerts being popular. Tennis was an important social activity through much of the twentieth century, which encouraged both male and female participation. Being a game popular amongst the middle class and those with private school backgrounds, there was a large number of church tennis clubs in the predominantly middle-class suburbs that now constitute the City of Boroondara. It was typical for parish churches to establish their own tennis club, complete with courts. (Criterion A)

The Former Frank Paton Memorial Church is a fine example of the work of architectural practice Scarborough, Robertson and Love, as a substantial church designed in the Romanesque Revival style. It demonstrates key design elements of this style, including its picturesque massing, broadly pitched roof, polygonal apse, and entrance porch with

Context

ornate door portal, as well as characteristic decorative details including a corbel table and dentillation, wheel window and triangular parapet. (Criterion D)

The church hall is a fine example of the work of Henry Hardie Kemp, as a modest hall designed in the Queen Anne style. It incorporates typical design elements of the style, including the steeply pitched roof, exposed rafters and beams, moulded timber joinery and wide overhanging eaves. While the hall has had later additions, they do not disrupt appreciation of its two main elevations (west and south) and have been designed sympathetically to the original architectural style and materials of the building. (Criterion D)

The Former Frank Paton Memorial Church is notable as a Presbyterian church constructed before 1945 designed in the Romanesque Revival style. This style of architecture, which dominated Catholic church architecture in the interwar period, was selected for this commission as a matter of practicality: it was thought to be the most appropriate style for the slope of the site, whereas the use of Gothic Revival architecture would have made the roof appear too high and prominent. Its highly decorative freestone door portal with intricately carved lintel, tympanum, moulded arches and voussoirs, creates an interesting contrast with the general simplicity of the building's monumental massing. Other key details include the visual interest provided through circular terracotta vents punctuating the high-quality brickwork, as well as the articulated brickwork to vertical piers, the corbel table, shallowly expressed bracketed eaves and understated buttressing to the quasi-tower. Its aesthetic quality is enhanced by its prominent siting, the retention of its original rustic fence of stone with dressed bluestone capping, and garden setting, which incorporates many native plantings and original variegated salt-glaze tile paths and edging. (Criterion E)

The Former Frank Paton Memorial Church and Hall are significant for its strong and ongoing associations with the Deepdene and Balwyn community. The site as a whole has played an ongoing role in both the spiritual and social life of the local community since 1916, when the first timber church building was erected on the site. The hall has served the community for almost 100 years for various church functions and activities, including Scottish country dancing, and as a meeting place of the 2nd Deepdene Girl Guides. There have been long and close ties between the church and the neighbouring Deepdene State School, demonstrated by the pedestrian gateway in the boundary fence between the two properties. (Criterion G)

The Former Frank Paton Memorial Church and Hall are significant for their association with Reverend Frank Paton, who had been appointed minister to the Deepdene Presbyterian Church in 1925. Paton laid the commemorative stone tablet for the 1923 church hall and the 1941 church was named in his honour. Paton was Moderator of the Presbyterian Church in Victoria and served as the church's Foreign Mission Secretary from 1907 to 1935. He retired as minister at Deepdene in 1936 and died in 1938. (Criterion H)

Recommendations and Amendment C318

This property is recommended for inclusion in the Schedule to the Heritage Overlay of the Boroondara Planning Scheme as an individually Significant place.

Response to Submission

The submitter supports the proposed inclusion of the Frank Paton Memorial Church and Hall at 958A Burke Road, Deepdene, as an Individually Significant building in the Heritage Overlay, but with a 5m curtilage only. The submitter does not support the tennis courts and hall additions to be included in the Heritage Overlay, nor designated as 'significant' in the place citation. The submitter's comments are shown below in italics with my response shown below.

Significance of the tennis courts

The rear tennis courts should not be identified as a significant element of the property or included in the proposed HO curtilage.

Creation date of the tennis courts

In responding to this point, Ms Antolino carried out further research to confirm a clear establishment date of the existing rear clay tennis courts, to justify their significance as part of the site and inclusion in the proposed Heritage Overlay extent.

The exhibited version of the citation states that two tennis courts were laid out at the eastern-most end of the site after the hall was constructed in 1923. This was based on the following extract from Head and Loxton's booklet 'The Frank Paton Memorial Uniting Church, Deepdene: 1915-1990' (1991):

... permission was given to the Tennis Club to make two courts at the end of the church property although they did not eventuate until after the hall was built [in 1923]. In the meantime they used private courts ... (p.6)

In response to the submission, questioning the heritage value of the tennis courts, Ms Antolino carried out further research to more precisely define when the courts were created. She examined the 1926 MMBW Detail Plan for this location, and sourced aerial photos from 1931 and 1945 from the Landata website.

She noted that the 1926 MMBW plan does not clearly show extant tennis courts on the site, but found evidence of two courts in the 1931 aerial photo. On this basis, she took a cautious approach and recommended that the creation date of the courts be changed from 'after 1923' to c1926-31.

In preparing this expert evidence, I have examined the MMBW plan and aerials in relation to the tennis courts.

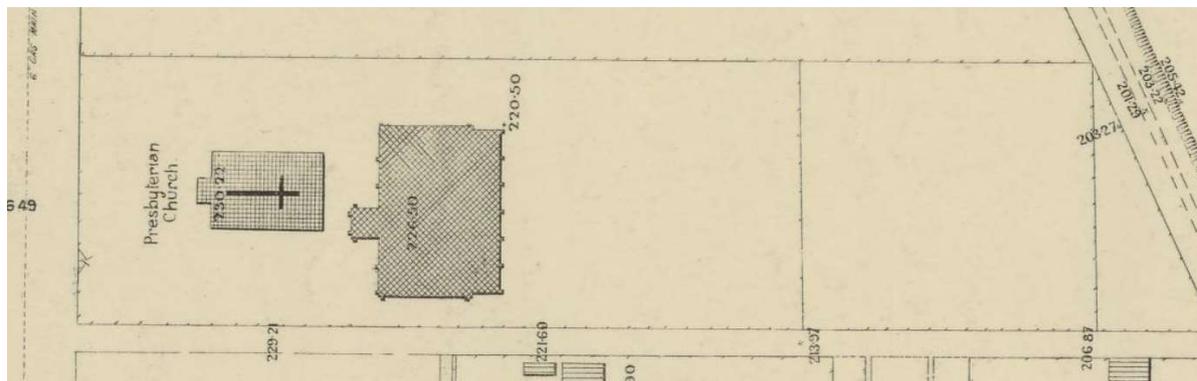


Figure 9. MMBW Detail Plan No. 2954, City of Camberwell, dated 1926, showing the earlier church built in 1916 (left) and the church hall built in 1923 (right), does not show extant tennis courts on the site. (Source: State Library Victoria).

As noted, the above MMBW Detail Plan, No. 2954 of 1926, does not show tennis courts on the church site. In my professional opinion, however, this is a case where the absence of evidence does not equal evidence of absence. While turn-of-the-century MMBW detail plans included details of landscaping, such as garden paths and paving around houses and other buildings – and, one can assume, tennis courts – the interwar MMBW detail plans had a much lower level of information. While they show the location and construction material of all structures (buildings and outbuildings), fence lines and railway embankments, they do not show many “landscape” details. For example, no front paths or garden layouts are shown for houses on this MMBW Detail Plan No. 2954 of 1926. No sports fields or play areas are shown for the state school that neighbours the church to the north.

The only landscape detail that this MMBW Detail Plan does provide is that the rear of the site was fenced off by 1926. Comparing this area to the aerial photos dating from 1931 and 1945 (below), the fenced area on the MMBW detail plan corresponds with the location of the two eastern tennis courts. This

Context

suggests that they have been laid out between 1923 and 1926, that is, shortly after the Hall was completed (it opened on 1 July 1923).

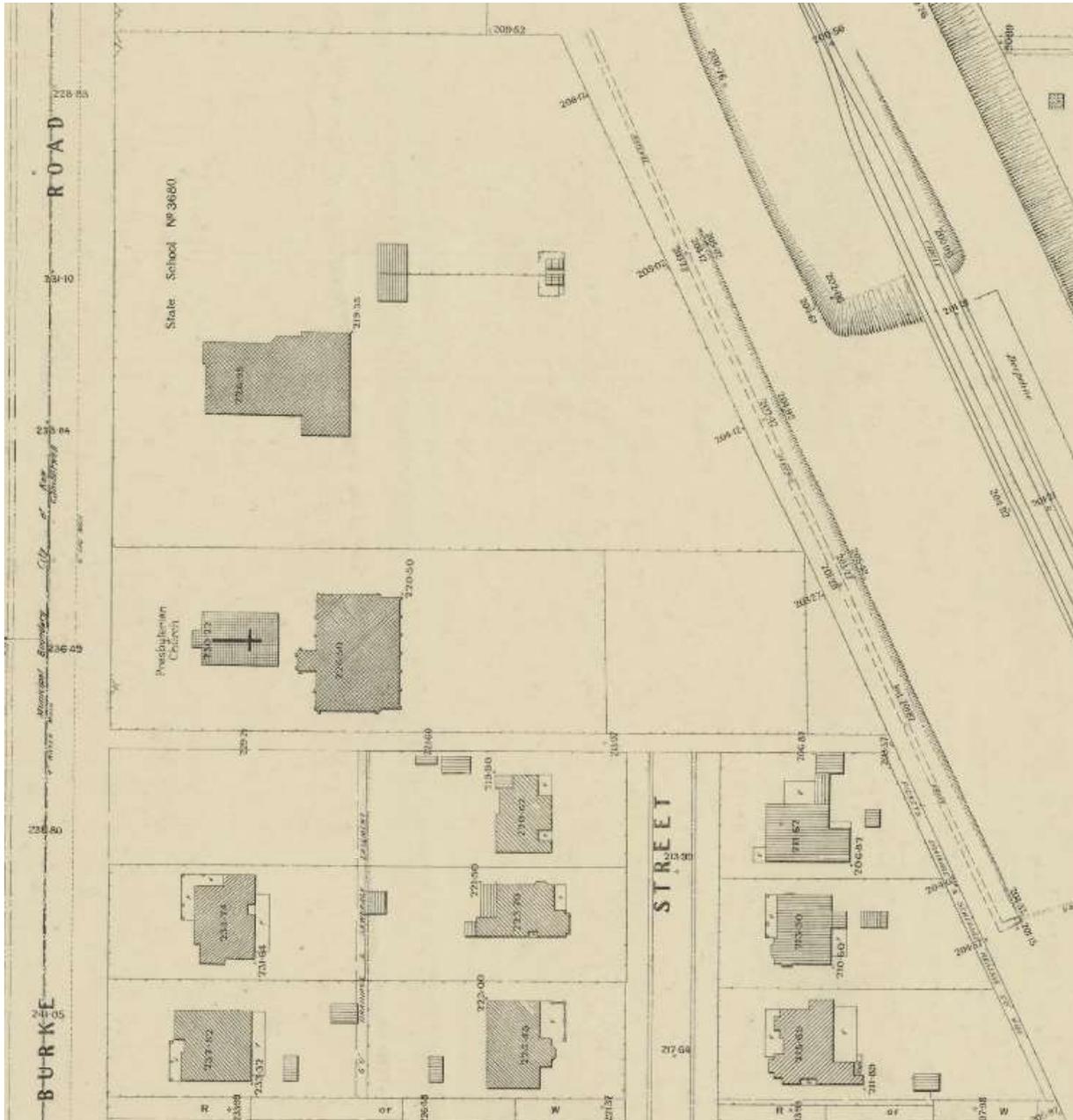


Figure 10. Larger area from MMBW Detail Plan 2954 of 1926. Note that there are no garden or path details for residences or playground details for the state school.

There were, however, tennis courts clearly indicated at the nearby Deepdene Park on MMBW Detail Plan No. 2003 of 1927. They are shown as a fenced area with a small pavilion and labelled 'Tennis Courts'. The actual court footprint is not shown.

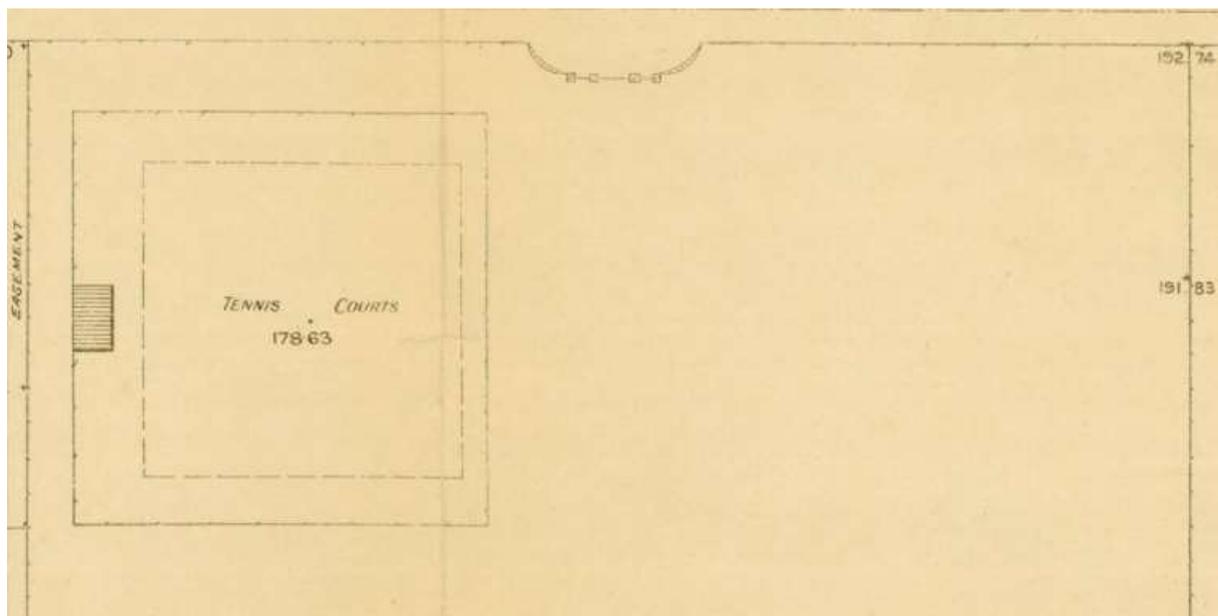


Figure 11. Detail from MMBW Detail Plan No. 2003, 1927, showing the tennis courts enclosure at the north end of Deepdene Park.

On this basis, I conclude that if tennis courts were created at the subject site between 1923 and 1926, they may not have been shown as such on this MMBW Detail Plan.



Figure 12. Aerial of the subject site and surrounding area in 1931. The two dark rectangles at the eastern end of the church site correspond to the fenced area shown in the 1926 MMBW plan, and to the two eastern tennis courts shown on the 1945 aerial photo. (Source: Landata, Maldon Prison, Runs 5, 6, 15-17, Frame 03325)

Context

The above aerial photograph from 1931 shows two dark shapes running north-south, at the eastern (right-hand) end of the site. I am confident that these are the first two tennis courts created at the church site.

This is confirmed by Head and Loxton (1991, p. 9), who document that two tennis courts were in existence by 1930, while a third was created not long after:

In 1930, however, the congregation found difficulty in meeting its debt repayments, and Assembly budget. ... Nevertheless, over £50 was contributed for unemployment relief, much of it spent on the initial stages of a third tennis court ...

The three courts are clearly visible in aerial photography from 1945. The photo below shows that a third court had been created since 1931 just behind the hall. Note that this third (western) court has since been converted to a carpark. Considering the very dark colour of the three tennis courts, it appears that they were lawn courts, and have since been re-laid with the current clay surface.

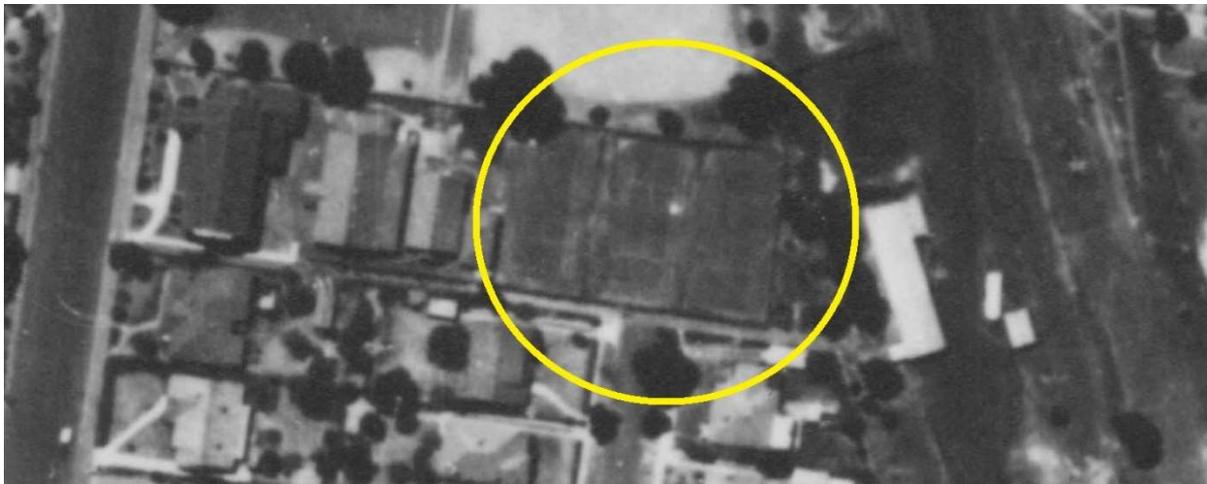


Figure 13. Detail from 1945 aerial showing three extant tennis courts (the one closest to the hall building has since been converted to a carpark). (Source: Landata, *Melbourne and Metropolitan Area Project*, Project no. 5, Run 24, Frame 58946)

Considering the evidence set out above, in my professional opinion, the first two (and the surviving) tennis courts at the Frank Paton Memorial Church were created between 1923 and 1930. The history of the church by Head and Loxton records that the first two courts were not created until the Hall was built, so after July 1923, and by 1930 fundraising began for a *third* court indicating the first two had been completed. While the 1926 MMBW plan does not show these two courts, it does not rule out their existence considering the low level of landscape detail recorded on it. Furthermore, the fenced area at the back of the church site corresponds with the site of the two courts. The completion date of the first two courts by around 1930 is confirmed by their appearance in the 1931 aerial photo.

On this basis, I recommend that the date the courts were created be recorded as c1923-30 in the place citation, instead of the c1926-31 date proposed in the initial response to the submission. Even so, these two dates do not differ greatly from one another and both place the creation of the tennis courts in the early interwar period.

Significance of the tennis courts

As set out in the place citation, the game of tennis was an important competitive sport and fashionable social activity amongst the middle class in Melbourne through much of the twentieth century. The game had been introduced into Victoria in the late 1870s, with early courts established at the Warehousemen's Reserve, South Melbourne (the Albert Reserve), in 1878, and at the Melbourne Cricket Ground in 1884.

Tennis incorporated a strong social dimension, with the participation of female as well as male players, and with tennis parties, dances and concerts being popular (Kinross-Smith, Graeme 2005. 'Tennis' in *The Encyclopedia of Melbourne*, pp. 715-16). From the beginning, tennis was highly fashionable as a middle-class leisure pastime and tennis clubs proliferated in the middle-class suburbs. The game was popular with and accessible to women as well as men. Local churches generally had their own tennis club, which was generally understood as an opportunity to meet a future marriage partner. The increasing participation of women and families in sport and recreation eventually led to the smaller scale sporting clubs and specialised amenities that dominated public reserves in Australian suburbs (Lewi, Hannah 2010. 'Making Spaces for Recreation' in *Community: Building Modern Australia*, p.115).

As an early element of the place, the tennis courts illustrate the great popularity of tennis in suburban middle-class Melbourne through the twentieth century, and providing evidence of this ongoing early use. They also illustrate the importance of churches as social centres for parishioners of all ages, including youth and young unmarried adults for whom facilities such as tennis courts were provided.

I do concede that the two surviving clay courts would not be of local heritage significance on their own. Instead they form part of the story of the Deepdene Presbyterian/Uniting Church, and contribute to our understanding of the social importance of the church site which went well beyond the spiritual. On this basis, the statement of significance for the place was revised to list the tennis courts as contributing to the significance of the place. In my professional opinion, this revision is warranted.

Significance of rear wing of the Hall

The additions to the church hall should not be identified as a significant element of the property, and should be excluded from the HO extent.

The current version of the place citation identifies three separate extensions to the 1923 Hall, dating from 1945, c1950s, and 1964. This is illustrated in an annotated aerial view of the church site in its current form (Figure 7 of the citation, and reproduced below). These three structures are of varying design quality and sympathetic approach to the original design of the Hall.



Figure 14. Aerial showing elements of the site (Figure 7 of the citation), as the dates of additions was understood. The unshaded section to the rear of the Hall is labelled 'Lavatories (1945)', to the left of the purple-shaded 'Hall additions (1950s/60s)'.

Context

Of these three additions, it is only the rear wing labelled Lavatories (1945) addition that has been identified as contributing to the heritage significance of the place. As set out in the place description, this rear wing has a very complementary design to the rest of the 1923 Hall. It was constructed of the same red face brick and terracotta tiled roof, and it has the same type of decorative expressed rafter tails and multi-paned windows. While the main part of the 1923 Hall (beneath a gabled roof) has actual buttresses, the rear wing (hipped roofed) echoes this element with abstracted buttresses seen on its south elevation, using raking bands of brickwork. These abstracted buttresses divided window bays on the east elevation of the rear wing. Overall it is a structure of high quality workmanship, designed with care like the rest of the Hall. This is in contrast with the utilitarian, flat-roofed addition built c1950s-60s behind the rear wing. Note that this c1950s-60 addition is not considered to contribute to the identified heritage significance of the site.



Figure 15. South side elevation of the junction between the 1923 Hall (left) and the rear wing (right). Note the raking brickwork on both sides of the addition, corresponding to the levels of the actual buttresses on the Hall. (Context, 2018)



Figure 16. Detail of the abstracted buttress that divide window bays on the east elevation of the rear wing and decorative expressed rafter tails below the eaves. Note that the two-storey 1964 addition to the north end of the Hall is visible at far right. (Context, 2018)

Considering the quality of the rear wing, which replicates details and fine brickwork of the hall, I believed it to be architect-designed, and carried out further research to ascertain the details of its construction. In doing so, I discovered that this rear wing (brick, with hipped tiled roof) is an original part of the 1923 Hall, or at least one that was constructed by 1926. This is indicated by the footprint on the MMBW plan.

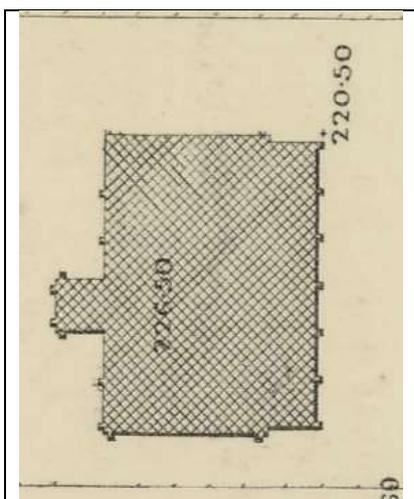


Figure 17. Footprint of Hall in 1926 (MMBW Detail Plan 2954).



Figure 18. Aerial photo of Hall in 1945, showing same footprint as 1926.



Figure 19. Current aerial of Hall, with 1926/1945 extent outlined.

Context

The three images on the previous page show that, by 1926, the Hall had a principle section with buttresses at building corners, and a slightly narrower rear wing with buttresses along its eastern elevation. This arrangement of buttresses corresponds to the gabled and hipped-roof extent of the hall as it is today. I have also included current and 1945 aerials to illustrate that the footprint of the building beneath the tiled roof has not changed since 1926.

While Council's building card only records works from 1927 onward, I consider it highly likely that the rear wing is an original part of the building, and designed by Henry Hardie Kemp along with the rest of the building. I base this conjecture on the cohesive design of the whole, in materials and details. Furthermore, while the history of the church site by Hall and Loxton (1991) documents many minor works, such as the fibro addition* to the north end of the Hall in 1927 (p.8), it does not mention an early (c1924-26) brick addition to the rear of the hall.

To answer the question of where and what the 1945 Lavatory addition was, as it is not the rear brick wing of the Hall, I was assisted by a Council officer in obtaining these plans from the off-site archive. The plans confirmed that the rear wing of the Hall was in existence by this time (14 May 1945), and that the actual Lavatory addition was to the north end of the Hall (and is no longer in existence).

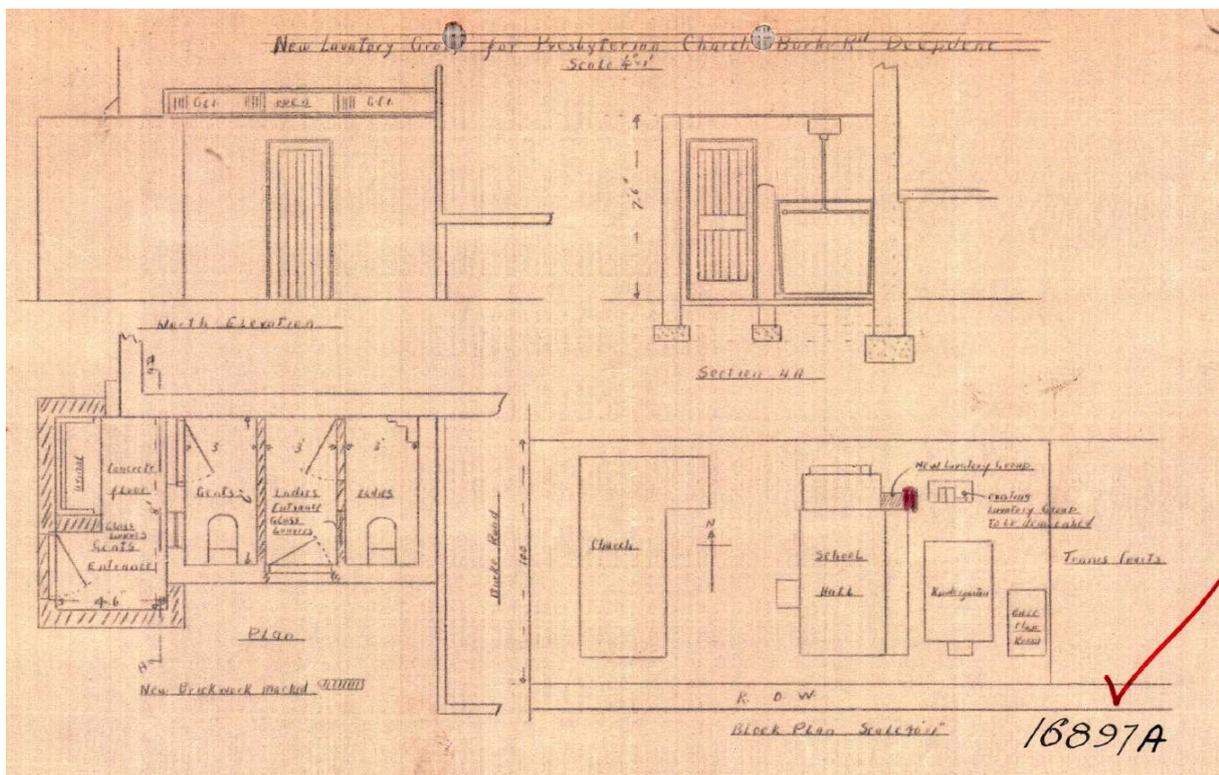


Figure 20. 'New Lavatory Group for Presbyterian Church Burke Road Deepdene' plans for Building Permit No. 16897A, 14 May 1945.

* This fibro-cement classroom addition with a tile roof was built in accordance with Building Permit No. 1592, 10 June 1927. It is visible in a historic image reproduced as Figure 4 in the Peer Review. This 1927 extension has been demolished and replaced with the current two-storey brick addition of c1964.

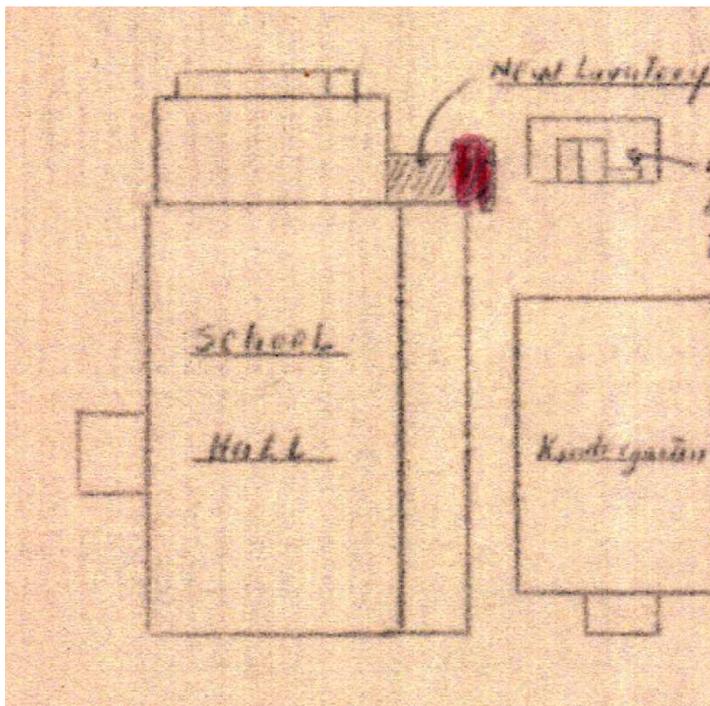


Figure 21. Detail of the site plan, showing the location of the new Lavatory Group at the north-east corner of the Hall. (BP 16897A/1945)

In conclusion, the brick rear wing of the Hall is an original or very early part of the Hall, and has been designed with the same materials and details as the main part of the Hall and with a similar quality of design. For this reason, it should be considered part of the significant hall and not just contributory to the significance of the place.

There is every reason that this rear wing of the Hall be protected in the Heritage Overlay.

Heritage Overlay extent

The Heritage Overlay should not be extended over the entire site. There should instead be a curtilage provided around the main church building and hall of 5 metres. (Note that this would exclude the tennis courts and the additions to the hall.)

Planning Practice Note 'Applying the Heritage Overlay' (2018) notes that in a suburban context, the entire cadastral block is most commonly included in the Heritage Overlay, even if the heritage elements do not occupy the entire site (e.g., a house with front and rear gardens). It notes that for situations with a very large property where heritage elements are concentrated in one place or widely scattered, it may be appropriate to apply separate polygons with a curtilage around the group or individual heritage elements. In such cases the HO polygon should 'retain the setting or context of the significant building' and be large enough to 'regulate development (including subdivision) in proximity to the significant building'.

A five-metre curtilage is unlikely to provide retention of the setting of a large building such as the church (and the hall, to a lesser extent) and cannot effectively regulate development adjacent to them which may have an impact on their heritage significance, particularly views to the two buildings.

The proposed 5 metre curtilage around the Church and Hall would exclude the following elements that contribute to the significance of the place:

- The 1941 low, rustic fence of stone with dressed bluestone capping along the front boundary;

Context

- About half of the salt-glazed tile paving in the front setback;
- The two tennis courts at the rear of the site.

As all significant and contributory elements of the site should be protected, the HO extent should cover the entire extent of 958A Burke Road.

Note that inclusion in the Heritage Overlay does not preclude development, for example, demolition of the 1950s and '60s additions to the hall and construction of new facilities in this location.

Conclusion and Recommendations

It is my opinion that:

- The two surviving tennis courts at the rear of 958A Burke Road, Deepdene, were created between July 1923 and 1930. Their date should be recorded in the citation as c1923-30. (Note that this differs from the 31 January 2020 version of the citation.)
- The rear tennis courts are an early and important element of the site, established during the interwar period. The courts reflect the great popularity of tennis in suburban middle-class Melbourne through the twentieth century, and illustrate the importance of suburban church sites as social centres for residents, and therefore should be included in the Heritage Overlay curtilage.
- The tennis courts are not significant in their own right, but contribute to an understanding of the overall places and its use, so it is appropriate to change the statement of significance to clarify that they (only) contribute to the significance of the place.
- The brick rear wing of the 1923 Hall was built as part of this building or shortly after (by 1926), and is of high quality design and construction with shared materials and details. As such it should be considered an integral part of the Hall, and thus part of this significant building. (Note that this differs from the 31 January 2020 version of the citation.)
- As there are significant and contributing elements spread across the entire site comprising 958A Burke Road, Deepdene, the entire site should be included in the Heritage Overlay so that its multifarious significance can be considered in relation to future changes. The 5 metre curtilage proposed by the submitter would not provide sufficient protection even for the Church and Hall, as new development could be sited so close to those buildings that views to them could not be protected.
- In light of this additional research into development dates of the site, I recommend that the annotated aerial found as Figure 7 of the citation in the Peer Review be replaced with this revised version:



- Apart from revision of the tennis courts' creation date to c1923-30 (instead of c1926-31), recognition of the rear wing of the Hall as part of this significant building and clarification of its built date, as well as the additional historical information and changes to the statement of significance found in the 31 January 2020 version of the place citation, no further changes are recommended to Amendment C318.

5.0 Response to Submissions – Not appearing

5.1 113 Yarrbat Avenue, Balwyn (Submission 6)



Figure 22. 'Bel-Air', 113 Yarrbat Avenue, Balwyn. (Source: Context, August 2017)

5.1.1 Background

The individual place was assessed as part of the Balwyn Heritage Peer Review Stage 2 and found to be of local significance. It is recommended for inclusion in the Boroondara Heritage Overlay. The reasons for its significance were set out in the statement of significance, below.

5.1.2 Statement of Significance

The statement of significance prepared for this place, dated 12 April 2019 and exhibited as part of Amendment C318, reads as follows:

What is Significant?

'Bel-Air', 113 Yarrbat Avenue, Balwyn, built in 1938 by C F Wheatland, is significant.

Significant elements of the place include the garage and the low clinker brick fence with mild steel gate along the Yarrbat Avenue frontage. The later extension above the garage, built in 1965, is of contributory significance.

The later rear extension built in 1988 and the section of fence along the Narrak Road frontage are not significant.

How is it significant?

'Bel-Air', 113 Yarrbat Avenue, Balwyn, is of local architectural (representative) significance to the City of Boroondara.

Why is it significant?

'Bel-Air' at 113 Yarrbat Avenue, Balwyn is a fine representative and externally intact example of a two-storey Moderne dwelling. It is a particularly well designed and detailed example of the style that is carefully sited to take advantage of its prominent corner position. Constructed in cream brick with a roof of terracotta tiles, the house has subtle Moderne stylistic characteristics, especially emphasising horizontal and curved elements within its elevations. Of particular note is the dramatic semicircular entrance-cum-stairwell that introduces a strong contrasting vertical element to the otherwise streamlined horizontal façade. Whilst the integrity of the building is slightly diminished by the 1965 extension above the garage this has been designed in a style that matched the original design intent and is considered as contributory to the overall place. (Criterion D)

Recommendations and Amendment C318

This property is recommended for inclusion in the Schedule to the Heritage Overlay of the Boroondara Planning Scheme as an individually Significant place.

Response to Submission

The submitter does not support the proposed inclusion of 113 Yarrbat Avenue, Balwyn, a two-storey Moderne dwelling built in 1938, as an Individually Significant building in the Heritage Overlay. During exhibition the submitter contended that the significance of the property had been overstated, noting that further information would be provided at a later date to support this submission. Further information was not provided, so I will provide a general response here.

Level of significance

As set out in Chapter 3 of this evidence, I carried out shortlisting of places of potential heritage significance, to be assessed in full during the second stage of the Peer Review.

As part of my investigations, I reviewed all previous heritage assessments and opinions, as well as visiting the site and viewing it from the public domain.

Graeme Butler prepared a citation for the place as part of the 1991 Camberwell Conservation Study (Vol. 4, p.324), with a statement of significance as follows:

Architecturally, a superior example of the Streamlined Moderne style in its original setting using face brick with some notable wrought-iron work and distinctive entry porch; of regional interest.

Built Heritage, on page 24-26 of the Balwyn Study (2015) states that 'the house, in its current form, is only two-thirds original ... This renders the original size and extent of the house very difficult to interpret.'

Upon visiting the site, I was struck by the landmark quality of this house and agreed with Mr Butler's assessment of it as a 'superior example' of its type.

Considering Built Heritage's statement about the house being extended, I believed this referred to the entire two-storey garage wing at the rear (facing Yarrbat Avenue). As this wing is set back slightly from the wall of the main house, and has a different roof form from it, I considered it straightforward to address as a later change in the eventual statement of significance for the house. As the house appeared to be intact part from an extension, and of high architectural quality, I recommended it for full assessment.

During assessment, in the second part of the Peer Review, the original plans for the house were studied (see Figures 3 & 4 in the citation). This confirmed the very high intactness of the main section of the house (that part beneath the hipped roof), and revealed that the attached garage, facing Yarrbat Avenue, was original (though extended upward with a first floor).

Context

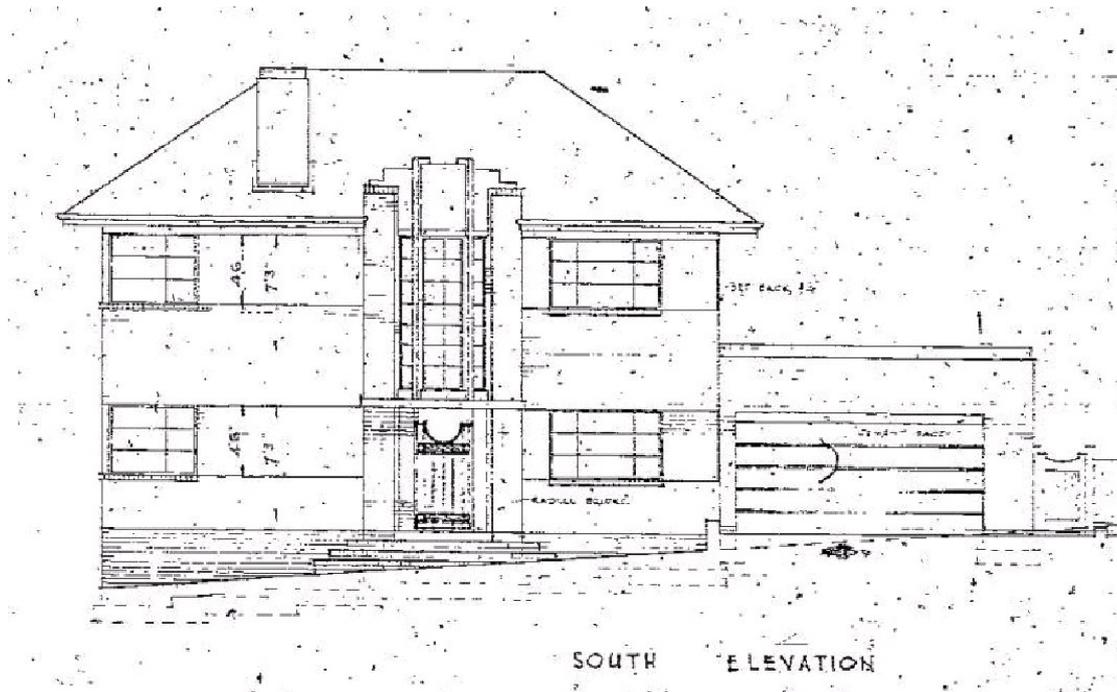


Figure 23. The south elevation, facing Yarrbat Avenue from the original house plans. Note the single-storey form of the garage. (Source: City of Boroondara Building Permit 10142, dated 11 August 1938)



Figure 24. South elevation of 113 Yarrbat Avenue, with the first-floor addition to the garage visible to the right. (Context, 2018)

On this basis, I consider Built Heritage's preliminary assessment of the building being only two-thirds original to be an overstatement. This is the case both due to the very small size of the first-floor extension to the garage in relation to the Yarrbat Avenue façade, and also because this corner house was designed

to address both street frontages, further minimising the visual impact of the addition on its overall presentation.



Figure 25. 113 Yarrbat Avenue, as viewed from the corner, showing both principal facades of the house. The garage addition is visible at far right. (Context, 2018)

I do agree with Built Heritage's conclusion that the location of the addition is difficult to interpret, but the construction of seamless extensions which adopted the materials and details of the original house was common for early extensions, such as the 1965 extension above the garage which adopted the same cream brick as it was still easily available and fashionable at this time. In my experience, the higher quality the house design to start with, the more frequently this approach was taken.

In cases such as 113 Yarrbat Avenue, where the original house survives, and the early extension forms only a modest part of the whole, in my professional opinion, it is appropriate to interpret its presence and lesser heritage significance in the place citation so that it can be appropriately managed in the future.

Returning to the more general issue raised by the submitter, as to whether the heritage significance of the house has been overstated, I return to my preliminary assessment of the high architectural quality of the house when I first visited it. I also note that a very extensive comparative analysis has been carried out against other Moderne houses in the Boroondara Heritage Overlay. I agree with its conclusion that it is a fine representative and externally intact example of a two-storey Moderne dwelling, and one that clearly meets the level of design quality seen in other examples in the Boroondara Heritage Overlay.

Other issues

Context

On Friday 22 November 2019, Mr Huntersmith, who carried out the architectural assessment for this property, attended an on-site meeting with the property owner, accompanied by a staff member from Boroondara Strategic Planning. The property owner wished to discuss development restrictions associated with inclusion in the Heritage Overlay. Since this issue would be properly dealt with at the permit stage, I will not discuss it here.

Conclusion and Recommendations

It is my opinion that:

- The place citation provides a clear and convincing argument for the significance of 113 Yarrbat Avenue, Balwyn.
- While there is a clearly visible first-floor extension to the garage, this has a modest visual impact on appreciation of the building, and its later date is interpreted by the place citation.
- The house compares extremely well to Moderne houses in the Boroondara Heritage Overlay, and clearly meets the threshold of local significance.
- No changes are recommended to Amendment C318.

5.2 Angle Road Precinct, Deepdene (Submission 7)

5.2.1 Background

The precinct was assessed as part of the Balwyn Heritage Peer Review Stage 2 and found to be of local significance. It is recommended for inclusion in the Boroondara Heritage Overlay. The reasons for its significance were set out in the statement of significance, below.

5.2.2 Statement of Significance

The statement of significance prepared for this precinct, dated 12 April 2019* and exhibited as part of Amendment C318, reads as follows:

What is Significant?

The Angle Road Precinct, comprising 1-13 and 2-12 Angle Road, Deepdene, is significant.

The following features contribute to the significance of the precinct:

The houses constructed from 1922-1925, as shown on the precinct map.

The overall consistency of housing form (gabled hip or intersecting transverse and gable-fronted roofs, asymmetrical bungalow forms), materials and detailing (face brick or roughcast and brick external cladding, terracotta tiled roofs, brick chimneys), and siting (consistent front setbacks).

Streetscape materials such as bluestone kerbs and channels.

Contributory buildings include 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, and 13 Angle Road.

Features that do not contribute to the significance of this place include non-original alterations and additions to the contributory buildings and the non-contributory dwellings at 7 and 12 Angle Road.

How is it significant?

The Angle Road precinct is of local historic, architectural (representative) and aesthetic significance to the City of Boroondara.

Why is it significant?

The Angle Road Precinct is historically significant as it demonstrates the former location and subdivision pattern of Glencoe Estate and St Ronans Estate, established in 1885 and 1887 respectively, but not built on until the 1920s because of the economic depression of the 1890s. The construction of the subject residences in a relatively short period of five years, between c1920 and 1925, evidences the increased demand for housing in the area facilitated by the establishment of improved transport, sewerage and electricity services to Balwyn. The precinct also clearly demonstrates the importance of local builders/developers, such as George Simpson, to whom the subject buildings are attributed, who rapidly built up entire unified streetscapes. (Criterion A)

Houses in the Angle Road Precinct are representative of styles popular during the 1920s, including examples of California Bungalows, all of which exhibit a high level of intactness. They demonstrate the principal characteristics of early interwar bungalows constructed in brick, illustrating the transition from Edwardian to typical interwar bungalow forms. Most of the houses have characteristic massing with an asymmetrical, bungalow form set beneath one of two dominant roof types clad with terracotta tiles: a gabled hip, surviving from the Federation Queen Anne villas, combined

* While there were revisions to the precinct citation proposed in the draft prepared post-exhibition, dated 31 January 2020, no changes were proposed to the statement of significance. These changes were endorsed by the Boroondara Urban Planning Special Committee on 17 February 2020.

Context

here with California Bungalow porch and other details, or; intersecting transverse and gable-fronted roofs, often with minor gables, creating a partial 'floating gable'. Other typical details include small porches supported by timber posts atop heavy brick piers, some with decorative and unusual timber fretwork, and usually flanked with squat clinker or red brick piers; feature box, bow or bay windows, in either red or clinker brick, and each usually with its own flat roof and exposed rafters; tall chimneys of either red or clinker brick, some topped with a roughcast and exposed brick detail near the top of the shaft, although some have been overpainted. (Criterion D)

The Angle Road Precinct is of aesthetic significance thanks to its picturesque streetscape, afforded by the shared distinctive roof forms and decorative details, surviving liquidambar street trees, and the consistency of garden setbacks. The rows of free-standing interwar bungalows, attributed to master-builder George Simpson present a highly visually unified streetscape, distinguishing the Angle Road Precinct with a high level of visual cohesiveness. The high level of intact detailing, particularly to the gable ends, chimneys, and feature box, bay or bow windows, enhances the precinct's picturesque quality and overall visual unity. (Criterion E)

5.2.3 9 Angle Road, Deepdene (Submission 7)



Figure 26. 9 Angle Road, a Contributory property in the proposed Angle Road Precinct, Deepdene. (Source: Context 2018)

Recommendations and Amendment C318

This property has a Contributory grading in the precinct proposed for the Boroondara Heritage Overlay by the Balwyn Heritage Peer Review Stage 2.

Response to Submission

The submitter does not support the proposed inclusion of 9 Angle Road, Deepdene, as a Contributory property in the Heritage Overlay. The submitter's comments are shown below in italics with my response shown below.

Alterations to the property

The property has been altered to an extent that it no longer exhibits heritage significance.

The submitter has provided information about works to the property in the 1980s, 1990s and 2000s. These included the replacement – in-kind of timber strapping to the front gable and installation of entry door with leadlight detailing, and the addition of the tripartite window to the street-facing gable, French doors opening onto the front porch replacing original sash windows, timber fretwork added to the front porch, and construction of a new garage. I sought building permit plans to understand changes to the façade from the pre-1980s to its current state, and thus weigh up whether the property is intact enough to be contributory to this precinct.

Boroondara's building permit records do not go back as far as the original construction of the house at 9 Angle Road in c1922, so we do not have original architectural plans to compare against. The first works recorded on the Building Card for 9 Angle Road are a garage (1930 – no plans survive), a fence (1962) and a carport (1966). The first alterations and additions to the house took place in 1985, first with a building permit for minor additions to the rear (78952/1985), and then additions to the rear and creation of a habitable attic (79084/1985). The latter plans may also show the replacement of sash windows beneath the porch with French doors. The plans are shown below.

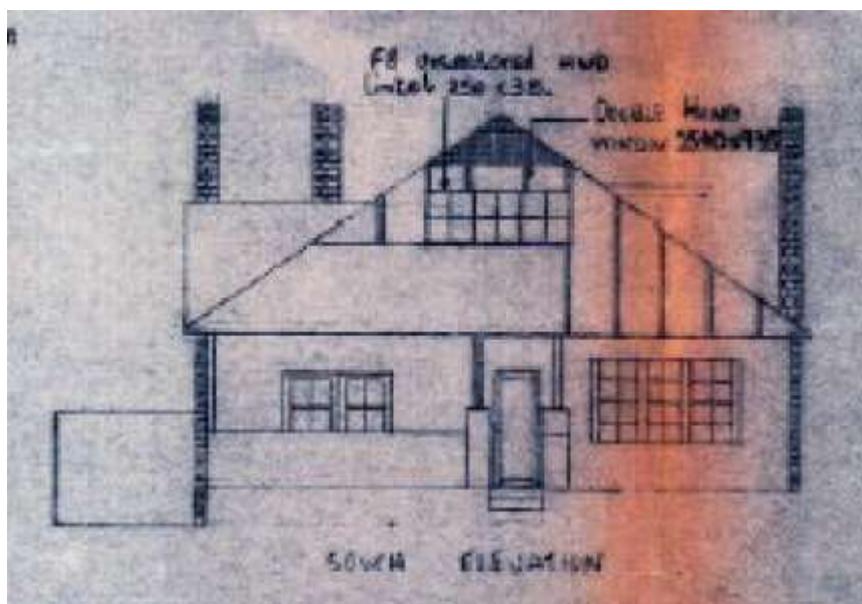


Figure 27. Detail from BP #79084/1985 showing the insertion of attic windows to the front façade, and possibly creation of French doors (left-hand side, beneath the verandah). Otherwise this façade is original including: half-timbering to the gable, porch roof that covers about half of the façade with timber posts on masonry piers, a solid porch balustrade, and multipane windows.

The next building permit for alterations to the house dates from 1998 (#14712). It illustrates two minor changes to the front façade: installation of neo-Federation timber fretwork to the front porch, and creation of a 'new gable projection' at the apex of the front gable. (Note that there is no such gable projection at present, so this part of the design may not have been implemented.) The floorplan also notes a 'new

Context

entry frame and door' – this is current doorway with a highwaisted door and leadlights largely in keeping with what was popular in the 1920s.

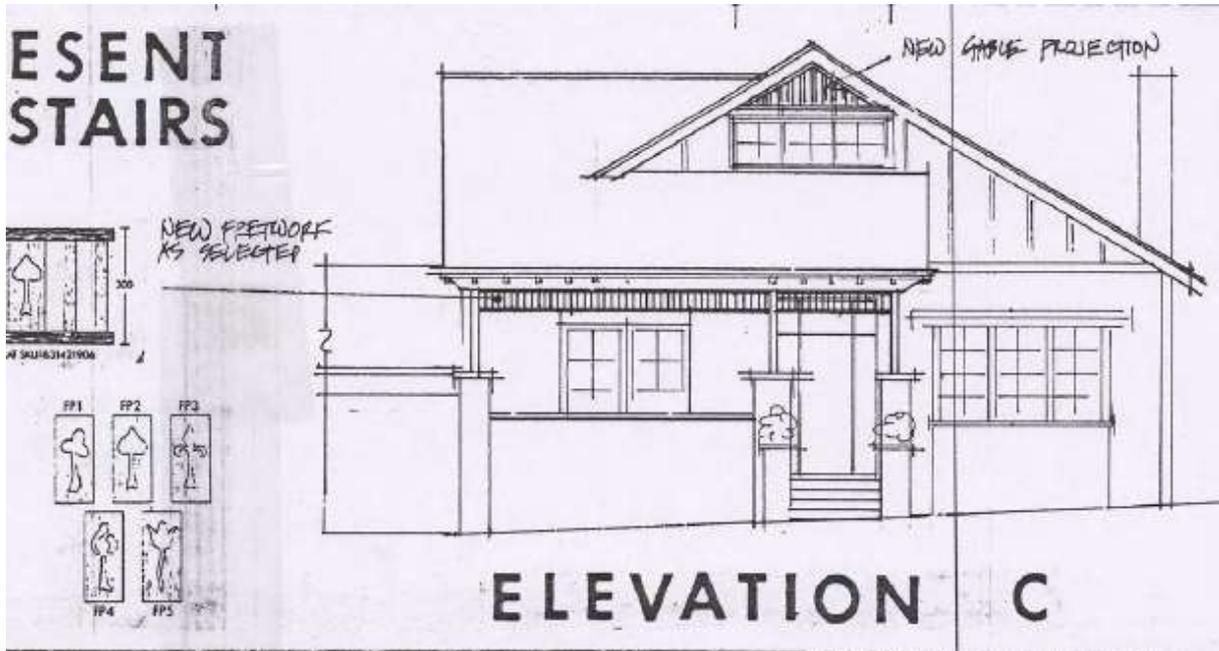


Figure 28. Detail from BP #14712/1998, showing addition of timber fretwork to porch and 'new gable projection'.

There is also a 1989 building permit for a gabled garage (87859/1989). Its location is not indicated, but it appears to be the attached garage noted by the submitter.

The only change noted by the submitter that is not documented in the building permit plans is replacement of timber strapping to the front gable in the 2000s. I do not doubt that this has been replaced, but it appears to have been done like-for-like, not changing the appearance or materiality of the house, so it should be counted as maintenance instead of an alteration.

Considering all of the alterations the submitter has correctly pointed out, what of this property is "original" and is this sufficient for it to contribute to the precinct?

The massing and roof forms of the house, as viewed from the street, is original. Its massing is unusual, with interlocking front and side gables creating an asymmetrical composition. The footprint of the front section of the house is original, including a bay window with multipaned sash windows. The materiality of the house is original, with plinth and dado of contrasting red and clinker bricks below rendered walls, faux half-timbering to the front gable, and terracotta tiles to the roof. The front porch is original, with its skillion roof with expressed rafter tails, clinker brick piers below timber posts, clinker and red brick balustrade, and bullnosed red brick steps between clinker brick piers.

Overall, I consider the house to still be clearly identifiable as an early interwar bungalow. Moreover, its unusual massing provides links to another house in the precinct: 1 Angle Road. As noted in the statement of significance, the precinct is historically significant in part in its demonstration of 'the importance of local builders/developers, such as George Simpson, to whom the subject buildings are attributed, who rapidly built up entire unified streetscapes.' Simpson built variations on a theme which created cohesive but not monotonous rows of houses, and his designs stood out from the standard bungalows constructed by many other builders around that same time. The non-identical pair at 1 and 9 Angle Road illustrate Simpson's approach of repeating house types at certain intervals, but providing them with different decorative details.

I had the pleasure of assessing a nearby precinct with many houses designed and built by Simpson slightly earlier than the Angle Road Precinct, in the 1910s. This is the Parlington Estate in Canterbury (HO702), where Simpson developed rows of semi-detached dwellings massed as single villas. He is noted twice in that precinct's statement of significance:

The precinct also clearly demonstrated the importance of local builders/developers, such as George Simpson and Henry Hutchison, who rapidly built up entire unified streetscapes. ... Parlington Estate Residential Precinct is aesthetically significant as a whole for its cohesive yet picturesque varied rows of semi-detached and free-standing houses, with consistent setbacks behind lush front gardens. The rows of semi-detached houses by builder George Simpson on Burke Road and Torrington Street are particularly distinctive.

I consider George Simpson to have been an important person in the creation of the early twentieth-century suburban development of this part of Boroondara, and the Angle Road Precinct illustrates the next chapter of his oeuvre, following his 1910s works in the Parlington Estate Precinct.

Overall, I consider this house to have an overall intactness that allows it to contribute to the precinct, all the more so considering its design links to the other houses. While the alterations that have been made are generally sympathetic to the house, they most certainly should be recorded in the precinct citation. This has been done in the post-exhibition version of the citation, dated 31 January 2020. The description of the house now reads as follows:

A substantial brick and roughcast Californian Bungalow, its main street-facing gabled roof form incorporating an intersecting transverse gable to the principal façade, both tiled in terracotta and resting on exposed rafters. It is similar in composition to number 1. The house retains one brick chimney. The gable ends incorporate panel board and timber strapping, with a tripartite window to the street-facing gable. The southern declivity of the transverse gable extends to cover the front porch, supported by simple timber posts atop clinker brick piers. The clinker brick balustrading to the porch has small rectangular voids and is topped with exposed red brick capping. Red brick bullnose steps to the porch are flanked with squat clinker piers to match the balustrading, though the capping is cement-rendered. Walls are red brick to sill height with roughcast render above, and clinker brick to the base of the tripartite box window. Alterations to the dwelling made during works carried out in the 1980s, 1990s and 2000s are considered to be generally sympathetic. These include the replacement (in-kind) of timber strapping to the front gable and installation of entry door with leadlight detailing, and the addition of the tripartite window to the street-facing gable, French doors opening onto the front porch replacing original sash windows, Art Nouveau-style timber fretwork added to the front porch, and a garage.

Rear additions carried out in the 1980s are not visible from the public domain.

Heritage value of the property within the proposed precinct

The property does not meet the heritage criteria as defined within the relevant practice note.

The submitter seeks to demonstrate that this house does not meet any of the HERCON criteria that the Angle Road Precinct is considered to meet. I agree, as the property is graded contributory, so can only be a part of a larger heritage precinct that is of local significance itself.

The houses constructed from 1922-1925 contribute to the significance of the proposed Angle Road Precinct. Representative of the California Bungalow style, the houses all exhibit consistency in housing form, materials and detailing, and siting, as identified in the Statement of Significance. As discussed in

Context

response to the property's alterations above, I acknowledge that the house has been altered, however overall, this house is clearly legible as a California Bungalow built in the interwar era and exhibits the principal characteristics of the style, and therefore contributes to the heritage significance of this proposed precinct. As discussed above, it is one of the distinctive houses designed and built by George Simpson, and its contributory status is enhanced by its relationship to the other houses with shared massing (to 1 Angle Road) and detailing.

Changes to the precinct

The character of the precinct has evolved significantly. This is evidenced by the non-contributory [sic] properties; 7 and 12 Angle Road, as well as the other properties in Angle Road (1B-1E) that have not been included in the Precinct. These excluded properties exemplify the changes to the area that the Council has been inactive in preventing.

I agree that the original bungalows built at 7 and 12 Angle Road have been lost and replaced with two-storey classically styled houses in recent years. The presence of these non-contributory properties was taken into account in the assessment of the precinct as a whole. In my professional experience, there are almost always non-contributory properties in all but the smallest HO precincts. In the case of Angle Road, there is such a high level of consistency amongst the remaining contributory buildings, that the precinct clearly retains local significance even with the two non-contributory properties.

In relation to 1B-1E Angle Road, these are new dwellings built on land subdivided from the rear of Burke Road properties. Their erection did not require the demolition of any of George Simpson's bungalows. Furthermore, they are physically and situationally removed. While the houses of the precinct face each other and stand on the north and south sides of Angle Road, 1B-1E Angle Road site at the far end, with only 1B clearly visible from within the precinct. I do not consider that this new development outside the precinct has had a discernible impact on the heritage value of the precinct.

Conclusion and Recommendations

It is my opinion that:

- 9 Angle Road, Deepdene, is a California Bungalow that, while altered, is legible as a representative example of the interwar style, so can clearly contribute to the precinct by demonstrating the interwar development of this area. Moreover, it is linked to the other designs by George Simpson that make up this precinct, in its details, materiality and unusual massing.
- Thus it is correctly graded as Contributory within the proposed Angle Road Precinct.
- The presence of two non-contributory properties within the precinct does not impact the local significance of the precinct as a whole.
- Apart from documenting the alterations made to 9 Angle Road in the precinct description found in the 31 January 2020 version of the place citation, no other changes are recommended to Amendment C318.

5.3 129-131 Yarrbat Avenue, Balwyn (Submission 9)



Figure 29. 'Silver Birches' and garden, 129-131 Yarrbat Avenue, Balwyn. (Source: Context, November 2017)

5.3.1 Background

The individual place was assessed as part of the Balwyn Heritage Peer Review Stage 2 and found to be of local significance. It is recommended for inclusion in the Boroondara Heritage Overlay. The reasons for its significance were set out in the statement of significance, below.

5.3.2 Statement of Significance

The statement of significance prepared for this place, dated 12 April 2019* and exhibited as part of Amendment C318, reads as follows:

What is Significant?

'Silver Birches', formally known as 'Hillsborough', and garden, at 129-131 Yarrbat Avenue, Balwyn, built in 1936 on the Canterbury Park Estate, is significant. The house was designed by architects A S and R A Eggleston, and the garden by Edna Walling. Significant elements of the place include the house and garage, front and rear garden layouts and associated elements, including original capped sections of the front fence, curved drive wall and entrance gates, mature plantings (in particular the mature specimen Oak), and pond, low rubble stone walls and other hard landscaping features in the rear garden.

* While there were revisions to the place citation proposed in the draft prepared post-exhibition, dated 31 January 2020, no changes were proposed to the statement of significance. These changes were endorsed by the Boroondara Urban Planning Special Committee on 17 February 2020.

Context

The raised section of the front fence and alterations made in 1970 are not significant.

How is it significant?

The residence and garden at 129-131 Yarrbat Avenue, Balwyn, is of local architectural (representative), aesthetic and associative significance to the City of Boroondara.

Why is it significant?

'Silver Birches' is a representative and externally intact example of a two-storey Georgian Revival dwelling. It embodies the principal characteristics of the style, including the understated restraint in detailing, cream brick walls, steep hipped slate roof, presentation of the pedimented entrance, and near symmetry in the arrangement of fenestration. (Criterion D)

The residence and garden at 129-131 Yarrbat Avenue is aesthetically significant as a particularly well designed and detailed architect-designed residence that is carefully sited within an extensive garden designed by Edna Walling. Tiled in slate, the roof's ridge lines have concealed transverse flashings under the slates removing the need for ridge capping. This heightens a sense of simplicity and clarity in the design and demonstrates the restrained and simplified detailing often evident in Georgian Revival architecture. The capped sections of the painted brick front fence, including the serpentine wall extending from the front drive gates towards the house's entrance, is part of this original garden design. The property's aesthetic significance is further enhanced by other remaining garden elements mature plantings (in particular the mature specimen Oak), and pond, low rubble stone walls and other hard landscaping features in the rear garden. (Criterion E)

The residence at 129-131 Yarrbat Avenue, Balwyn is significant for its association with Douglas Gray George, managing director of Georges department store in Melbourne, established in 1880 by brothers William and Alfred George. In 1889, the business moved to its famous location at 162-168 Collins Street. By 1901 Georges was a 'favoured spot with most of the smartest people in Melbourne', becoming an icon of genteel shopping and epitomising the exclusive image of Collins Street. It was a pioneer in Australian retailing, being one of the first stores to introduce lifts, a cash discount system, and a bargain basement 'on the American principle'. After William George died in 1935, his son Douglas Gray George became managing director of Georges Ltd for four years until his death in 1939. Georges closed its city and suburban stores in October 1995. (Criterion H)

Recommendations and Amendment C318

This property is recommended for inclusion in the Schedule to the Heritage Overlay of the Boroondara Planning Scheme as an individually Significant place. Tree controls are proposed for the mature specimen Oak in the front yard, and outbuilding and fence controls are proposed for the garage and capped sections of the front fence.

Response to Submission

The submitter does not support the proposed inclusion of 129-131 Yarrbat Avenue, Balwyn, a two-storey Georgian Revival residence and garden (designed by Edna Walling) built in 1936, as an Individually Significant building in the Heritage Overlay. The submitter's comments are shown below in italics with my response shown below.

Internal and external alterations to the residence

This property has been renovated internally, and externally extended to the rear. The street frontage was altered in the 1970s to include larger windows.

The citation correctly identifies that internal alterations have occurred and given no internal controls have been proposed, internal considerations are not relevant to the heritage assessment. The citation also

correctly identifies that alterations made to the rear of the property have occurred, but as these are not visible from the public domain, it is considered that this does not render the property unsuitable for an individual Heritage Overlay.

The submitter provided information about further alterations to the property, particularly enlargement of ground-floor windows on the front façade. As these changes had not been noted when viewing the house from the street, I recommended that a site visit be made so that the submitter could point out the alterations. On Wednesday 5 February 2020, Mr Huntersmith, who carried out the architectural assessment for this property, visited the property to compare the front façade in its current form to the original 1936 drawings, as well as inspect any other alterations and assess the potential impacts on the integrity of the place. He was accompanied by a staff member of Boroondara Strategic Planning.

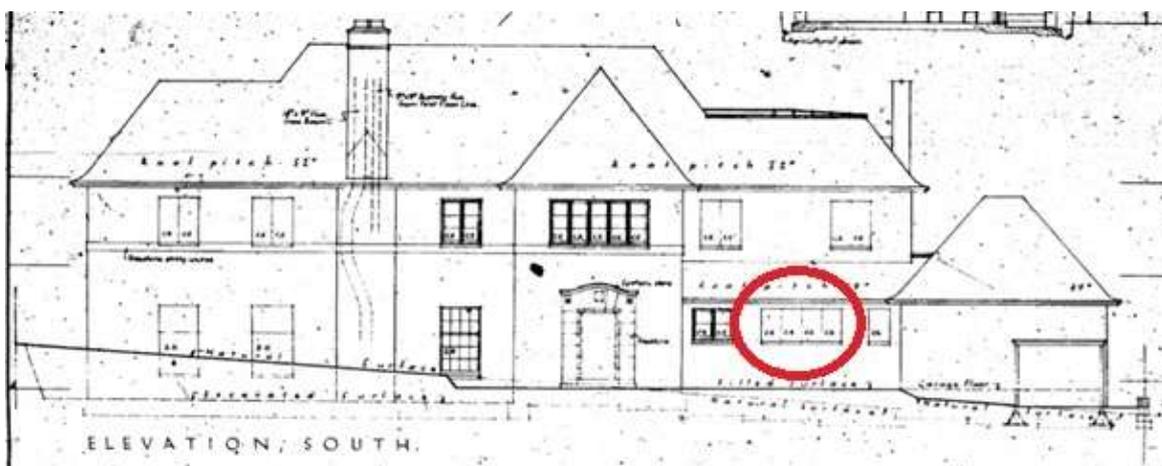


Figure 30. Front façade of the subject site, with the garage visible at far right, as designed in 1938. The kitchen windows later altered are at right, circled. (Source: City of Camberwell Building Permit 9410, dated 8 March 1938)

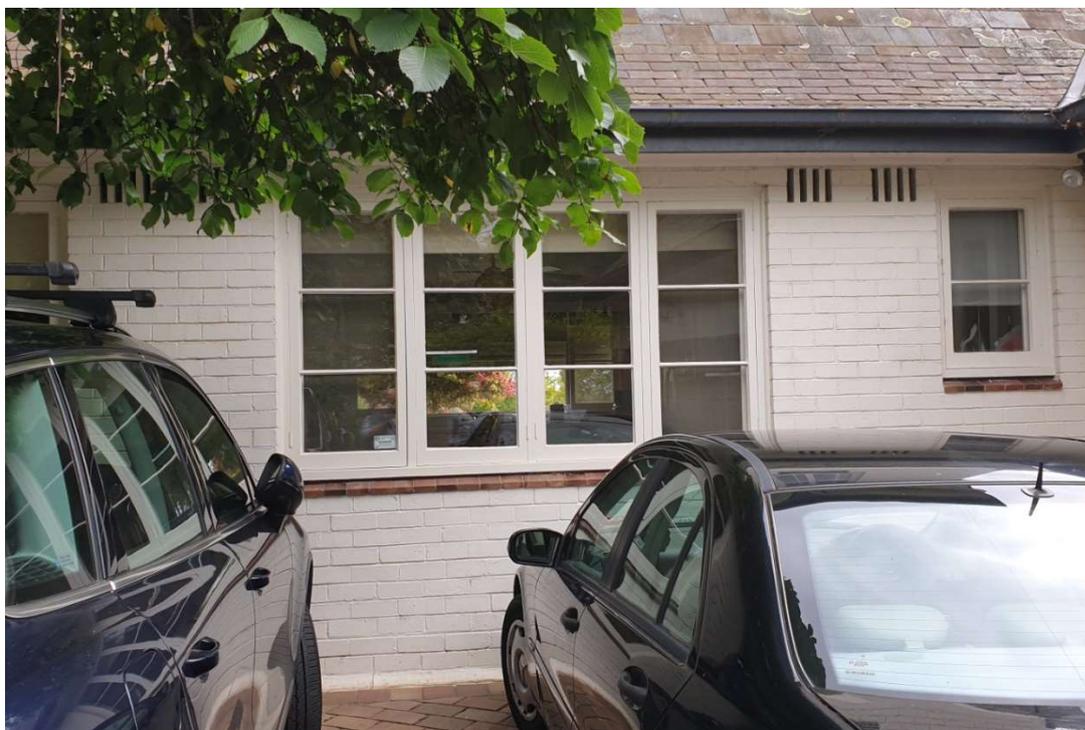


Figure 31. Right-hand side of the front façade, showing the bank of four windows whose sills were lowered in the 1970s. They were originally the same height as the single window to the right. (Context, 2020)

Context

Mr Huntersmith confirmed that the replacement of the kitchen window on the southern (principal) façade of the house had resulted in the lowering of the window's sill height, although the head height and width of the window opening remained the same, and the detailing (including the sill detail) matched that of the original. He also confirmed that during installation of the pool, changes had been made to the raised patio area across the rear of the house, altering the Edna Walling design to this part of the garden. Mr Huntersmith also confirmed that the original garage door had been replaced, required maintenance had been undertaken to the low rubble stone walls and internal resurfacing of the pond, and several plantings within the garden had been renewed. He revised the place citation to document these alterations following the site visit, as seen in the 31 January 2020 version of the Peer Review.

Mr Huntersmith did not consider these changes significant enough to render the property unsuitable for an individual Heritage Overlay.

I have reviewed the material gathered by Mr Huntersmith and his revisions to the place citation, and I strongly agree that this place is still of local heritage significance. It is a mansion, elegantly designed by prominent architects of its day, the house is of very high intactness (even the brick walls were originally "colour washes" and not exposed), and its setting is of extraordinarily high intactness, retaining much of its Edna Walling garden, curved entrance walls and original garage.

Replacement of driveway material

The front drive has been replaced with concrete and Daniel Robinson tiles.

During his site visit, Mr Huntersmith confirmed that the front driveway, originally of Lilydale topping, has since been paved. He concluded that it is a minor change to the site, particularly as the drive retains its original layout as part of the landscape design by Edna Walling.

I agree that the replacement of the driveway material has not had an undue impact on the heritage significance of the place, which is still clearly of local significance as a whole.

Alterations to front fence

The height of the brick front fence has been increased.

The citation correctly identifies that sections of the brick front fence have been raised, bringing the whole fence up to the height of the original gate piers. Further, the altered sections have been correctly identified as having no heritage significance in the citation. Accordingly, fence controls have only been applied to the capped sections of the fence, including the serpentine wall extending from the front drive gates towards the house's entrance, which are part of the original garden design by Edna Walling.

While the front fence is overall not intact, I consider its unusual form, with curved entrance walls, and its authorship by Edna Walling to make it important enough so that the intact sections are recognised and protected.

Conclusion and Recommendations

It is my opinion that:

- The place citation provides a clear and convincing argument for the architectural and historical significance of 129-131 Yarrbat Avenue.
- The minor alterations to the property, most of which are internal or pertain to the rear of the property and are not visible from the public domain, do not render the property unsuitable for an

individual Heritage Overlay. This includes the enlargement of the kitchen window on the front façade, as this is a very minor alteration and one that was carried out sympathetically.

- Apart from documenting the alterations made to 129-131 Yarrbat Avenue in the precinct description found in the 31 January 2020 version of the place citation, no other changes are recommended to Amendment C318.