Planning and Environment Act 1987
Panel Report pursuant to section 25 of the Act
Boroondara Planning Scheme Amendment C266
Canterbury Heritage Gap Study
5 July 2018

Amanda Cornwall, Chair
Helen Martin, Member
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List of Abbreviations

the Act  Planning and Environment Act 1987
PPN1  Planning Practice Note 1: Applying the Heritage Overlay, January 2018
UPSC  Urban Planning Special Committee of City of Boroondara
**Overview**

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<td><strong>Brief description</strong></td>
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| **Submissions**   | 70 submissions and three late submissions:  
  - 35 opposed  
  - 27 supported  
  - 8 partially supported subject to changes |

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Executive summary

(i) Summary
Boroondara Planning Scheme Amendment C266 (the Amendment) seeks to implement the findings of the Canterbury Heritage Gap Study. It applies the Heritage Overlay to 22 new individual heritage places and six new heritage precincts and it expands one existing heritage precinct.

(ii) General issues
The Panel finds that a sound methodology has been applied to the Canterbury Heritage Gap Study.
Applying the Heritage Overlay will enable Council to consider future development within a heritage context and will not unreasonably restrict future development. The Heritage Overlay would not result in unreasonable financial costs for planning permit applications and for maintaining heritage properties and property owners cannot be compensated for any of these costs. Property value is not relevant to the Amendment.

(iii) Extension of the Heritage Overlay
The Panel finds that the proposal to extend the Balwyn Road Residential Precinct (HO264) to encompass the 1933 former Sunday School at 2 Boronia Street, Canterbury is not justified.
The Panel considered many submissions in support of the protecting the building because of its social significance, its aesthetic qualities and it represents one of the valued development periods in the precinct’s history. The expert evidence acknowledged these qualities.
However, in this case the heritage place is the Balwyn Road Residential Precinct, rather than the Baptist Church site as a whole. The Baptist Church on Balwyn Road, is identified as a Contributory property within the precinct. The description of the precinct in the Statement of Significance focuses on Balwyn Road and the properties along it. The former Sunday School building does not share those characteristics. As a result, the contribution of the former Sunday School does not reach the threshold for a Contributory building within the precinct.
The Precinct covers the Baptist Church on Balwyn Road, which is identified as a Contributory property within the Balwyn Road Residential Precinct. The description of the precinct in the Statement of Significance focuses on Balwyn Road and the properties along it. The former Sunday School building does not share any of those characteristics. As a result, the contribution of the former Sunday School does not reach the threshold for a Contributory building within the precinct or warrant extension of the Heritage Overlay boundary.

(iv) Individual places
The Panel agrees that the Heritage Overlay should be applied to all the individual places in the Amendment except Ramornie (formerly Glenlea), 49 Mangarra Road, Canterbury (HO687). It considers that all the other individual places, meet the local significance threshold to justify the Heritage Overlay.
The Panel finds that the property at 49 Mangarra Road has been too altered to meet the values for which the property is considered Significant. The key elements for the property’s historical and aesthetic significance are that it is one of the early substantial estates fronting Mont Albert Road and that it is designed by Ward and Carleton architects. The Panel believes the house has lost its visual setting and the observer does not get a sense of a grand home that originally fronted Mont Albert Road. The Panel finds that the property was designed by Ward and Carleton architects but the alterations to the property have made it no longer able to be regarded as a fine example of their work. The Panel finds that the extent of the alterations also compromises the ability of the property to demonstrate a transition between the Victorian and the Federation styles.

The Panel recommends some changes to the Heritage Overlay for the shops at 351-359 Canterbury Road, Canterbury. The Panel could not determine if all the shops are still constructed of timber, so they should be more accurately described as simply ‘Victorian shops’. The Panel recognises that the shops are partly in Surrey Hills, which is reflected in the address in the citation.

The Panel recommends some changes to the Heritage Overlay and the citation for 2 Snowden Place based on the considerable evidence presented on this property. The Panel finds that architects designing houses for themselves is a significant theme in the City of Boroondara, and that Charles Neville Hollinshed is an architect of sufficient importance for the house he designed and lived in for nearly two decades to be recognised as Significant. The Panel also finds that the house still represents Hollinshed’s design concept, encompassing the additions and alterations that he made during his tenure, and it is sufficiently intact to justify the Heritage Overlay.

The Panel finds that the garage identified as ‘early garage’ in the fences and outbuildings column in the Schedule to Clause 43.01, is not sufficiently unusual to warrant special recognition. The Panel adopts the expert evidence that the Snow Pear tree in the front garden was planted at about the time the house was built rather than being a remnant of a previous estate.

The Panel accepts new historical information presented by a representative of the owner of 10 The Ridge, Canterbury about the owners, occupants and architect of the property. In particular, it pointed to a change in the house numbering between number 10 and number 14 at some point. Council’s expert witness reviewed the information and agreed.

Given the new information, the Panel finds that number 10, not number 14, was built for the Russell family. So, the reference to the name ‘Russell House’ should be removed from both the citation and the Schedule to Clause 43.01 for number 14 The Ridge. References to trees and outbuildings should also be removed from the schedule for numbers 10 and 14 respectively.

The Panel finds that the unusual details at 13 Mangarra Road are an original feature of the house, even if some have been reproduced and replaced. It adopts the new evidence on the association with the house of prominent violinist Gertrude Alger. The Panel agrees that Gertrude Alger’s connection to the house is enhanced because she taught music there, as well as living there. The Panel supports Council’s proposal to add criterion A to the Statement of
Significance based on this new information, and adding the new information to the citation and history so that the information on the place is available for future reference.

The Panel agrees to reduce the curtilage of the Heritage Overlay around the electricity substation at 26A Myrtle Road, Canterbury. Transport for Victoria requested the change to avoid the potential to trigger a planning permit requirement for maintenance works on railway land and Council agreed.

Heritage citations should be updated to more accurately reflect each place’s history and significance for:
- 351-359 Canterbury Road, Canterbury and Surrey Hills
- 2 Snowden Place, Canterbury
- 10 The Ridge, Canterbury
- 13 Mangarra Road, Canterbury.

(v) **Precincts**

The Panel agrees that the Heritage Overlay should be applied to all of the precincts in the Amendment except the Victoria Avenue Precinct (HO704) and the eastern side of the Rochester Road Precinct (HO703). It considers that the four other precincts meet the local heritage significance threshold to justify the Heritage Overlay with some changes to the gradings of individual properties.

The Panel concludes that the western side of the Victoria Avenue Precinct does not warrant a Heritage Overlay based on the agreed expert evidence. The Panel finds that the Statement of Significance does not support a precinct reduced to only the eastern side of the street. If Council considers that the dwellings on the eastern side of Victoria Avenue warrant heritage protection it should commission a review of the precinct and prepare a new Statement of Significance. The Panel notes that the London Plane trees, which a number of submitters highlighted as important to the character of the street, are listed on the Significant Tree Register. The heritage controls on individually significant properties would remain.

The Panel finds that the properties at 10-20 Rochester Road, on the eastern side of Rochester Road Precinct (HO703) do not have sufficient local heritage significance to justify the Heritage Overlay. The dwellings represented on the eastern side have insufficient historical interest to justify their inclusion in the precinct. Including these smaller, plainer, more altered properties reduces both the integrity and the visual and stylistic cohesion of the precinct. In the Panel’s view, they make only a minor contribution to the historic significance of the precinct, which is not well substantiated by the Statement of Significance.

Heritage citations should be updated to more accurately reflect each precinct’s history and significance for:
- Griffin Estate and Environ Precinct to add details of changes at number 8 Chaucer Crescent.
- Matlock Street Precinct to downgrade 29 Myrtle Road and 101 Prospect Hill Road to Non-Contributory.
- Rochester Road Precinct to delete reference to properties on the eastern side of the street.
• Canterbury Road Commercial Precinct (HO699) to regrade number 86 Canterbury Road from Contributory to Non-contributory.

(vi) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Boroondara Planning Scheme Amendment C266 be adopted as exhibited subject to the following:

1. Amend the Heritage Overlay schedule to:
   a) delete 2 Boronia Street, Canterbury from the Balwyn Road Residential Precinct (HO264)
   b) change HO681 to read: ‘Victorian shops, 351-359 Canterbury Road, Canterbury and Surrey Hills’
   c) change 2 Snowden Place, Canterbury (HO692) to delete reference to the Snow Pear tree under tree controls and to delete reference to the ‘early garage’ in the fences and outbuildings column
   d) delete Ramornie (formerly Glenlea), 49 Mangarra Road, Canterbury (HO687)
   e) change 14 The Ridge, Canterbury (HO694) to remove reference to the name ‘Russell House’
   f) change Rochester Road Precinct (HO703) to delete 10-20 Rochester Road, Canterbury so the description reads ‘5-35 Rochester Road, Canterbury’
   g) delete the Victoria Avenue Precinct (HO704).

2. Amend the Heritage Overlay map to:
   a) delete 2 Boronia Street from the Balwyn Road Residential Precinct (HO264)
   b) reduce the curtilage of 26A Myrtle Road, Canterbury (HO682) to 5 metres around the electricity substation building or the property boundary, whichever is the lesser
   c) exclude 10-20 Rochester Road from the Rochester Road Precinct (HO703), but to cover the full width of the roadway (to the extent of public land) in front of numbers 5-35 Rochester Road
   d) delete the Victoria Avenue Precinct (HO704).

The Panel makes further recommendations for the following heritage citations:

3. Amend the Statement of Significance for:
   a) 351-359 Canterbury Road to remove reference to 361 Canterbury Road (except in the historical information about the construction of the pair of shops at 359-361); record that the parapets of 355-357 are rendered brick; and remove reference to 355-357 from in the discussion of Criterion B.
   b) 2 Snowden Place to remove reference to the Snow Pear tree as a contributory element.
   c) 10 The Ridge, Canterbury to: remove reference to the fence in ‘What is Significant’, delete reference to associational significance under ‘How is it Significant?’, and remove the third paragraph under ‘Why is it Significant?’, regarding Criterion H.
   d) 14 The Ridge Canterbury to: delete reference to the outbuilding in ‘What is Significant?’; delete reference to historical and associational significance and
insert architectural significance under ‘How is it Significant?’; and remove the fifth paragraph under ‘Why is it Significant?’, on Criterion H.

e) Rochester Road Precinct to delete reference to properties on the eastern side of the road at 10-20 Rochester Road, Canterbury, as shown in Appendix D.

f) Amend the Statement of Significance for the Canterbury Road Commercial Precinct (HO699) in the ‘What is Significant?’ section to remove reference to number 86 as an “intact (or partial) early and original shopfront.”

4. Amend the citation for:

a) 351-359 Canterbury Road, Canterbury to:
   • recognise additional alterations to the shops at 355-357 Canterbury Road, particularly the brick parapets and the changes to the stallboards on number 355
   • record other minor changes raised in submission 41, where these are confirmed by the heritage consultant.

b) 2 Snowden Place to:
   • record that the entry porch was enclosed in 1977, to a design by Campbell Thorn, in the section dealing with alterations to the house
   • replace the words ‘low slung hipped roof’ with ‘flat roof’ in the description and integrity section
   • replace the reference to the Snow Pear tree in the description and integrity section with words to the effect of: ‘It was planted relatively shortly after the construction of the house.’

c) 10 The Ridge, Canterbury to accurately document details of the owners, occupants and architect.

d) 13 Mangarra Road, Canterbury to recognise the historical significance of the property under Criterion A based on its association with prominent musicians.

e) Griffin Estate and Environs Precinct to add details of the changes to the roofline and the painting of the render at number 8 Chaucer Crescent.

f) Matlock Street Precinct to downgrade 29 Myrtle Road and 101 Prospect Hill Road to Non-Contributory.

g) Rochester Road Precinct to delete reference to the properties on the eastern side of the road at 10-20 Rochester Road, Canterbury.

h) Canterbury Road Commercial Precinct to downgrade number 86 Canterbury Road from Contributory to Non-contributory.
1 Introduction

1.1 The Amendment

About the Amendment

The Amendment proposes to introduce a Heritage Overlay to all sites identified in the Canterbury Heritage Gap Study and makes other consequential changes to the Boroondara Planning Scheme. The Amendment would apply the Heritage Overlay to 22 new individual heritage places, six new heritage precincts and expand one existing heritage precinct.

Specifically, the Amendment:

- changes the schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Maps 8HO, 9HO, 12HO, 13HO and 14HO to apply the Heritage Overlay to:
  - the 22 individual places listed in Table 1
  - the six heritage precincts listed in Table 2
  - amend the extent of the Heritage Overlay to the precinct listed in Table 3.

- amends Clause 22.05 Heritage Policy to include the Statement of Significance for the six heritage precincts at Clause 22.05-5 and include the associated heritage study as a reference document at Clause 22.05-7.

Table 1 Individual heritage places affected by the Amendment

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<th>Criteria</th>
<th>HO ref</th>
<th>Submission</th>
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<tr>
<td>Braeside</td>
<td>6 Alexandra Avenue, Canterbury</td>
<td></td>
<td>HO677</td>
<td>60</td>
</tr>
<tr>
<td>St David’s Uniting Church</td>
<td>902A Burke Road, Canterbury</td>
<td></td>
<td>HO678</td>
<td>-</td>
</tr>
<tr>
<td>Canterbury Ambulance Station</td>
<td>61 Canterbury Road, Canterbury</td>
<td></td>
<td>HO679</td>
<td>Support: 8</td>
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<tr>
<td>Canterbury Presbyterian Church</td>
<td>146 Canterbury Road, Canterbury</td>
<td></td>
<td>HO680</td>
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<td>Timber Shops</td>
<td>351-359 Canterbury Road, Canterbury</td>
<td></td>
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<td>41, 42</td>
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<tr>
<td>Electrical Distribution Substations</td>
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<tr>
<td>Kaiapoi</td>
<td>35 Chatham Road, Canterbury</td>
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<td>HO683</td>
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<td>Sassafrass</td>
<td>13 Mangarra Road, Canterbury</td>
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<td>31</td>
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<td>Canterbury Girls School</td>
<td>16 Mangarra Road, Canterbury</td>
<td></td>
<td>HO685</td>
<td>-</td>
</tr>
<tr>
<td>Hawthorn House</td>
<td>23 Mangarra Road, Canterbury</td>
<td></td>
<td>HO686</td>
<td>-</td>
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</table>
Ramornie (formerly Glenlea) 49 Mangarra Road, Canterbury  HO687  37
Willy’s Store (A and J Sullivans) 35 Matlock Street, Canterbury  HO688  -
Ballantyne House 67 Mont Albert Road, Canterbury  HO689  -
Silchester (formerly Tregothenan) 106 Mont Albert Road, Canterbury  HO690  -
Gunyah (first Canterbury Troop Scout Hall and Camberwell North Guide Hall) 25 Shierlaw Avenue and 1A Faversham Road, Canterbury  HO691  -
Hollinshed House 2 Snowden Place, Canterbury  HO692  24
Yarrola 10 The Ridge, Canterbury  HO693  22, 54, 73
Russell House 14 The Ridge, Canterbury  HO694  65
Driffville 15 View Street, Canterbury  HO695  -
East Camberwell Substation 28 Warburton Road/26A Myrtle Road, Canterbury  HO696  -
Elaine 37 Wentworth Avenue, Canterbury  HO697  3
Norway 2 Woodstock Street (and stables at 33A Parlington Street), Canterbury  HO698  -

Table 2  New heritage precincts affected by the Amendment

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<th>Properties included in Precinct</th>
<th>HO number</th>
<th>Submission</th>
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<td>Canterbury Road Commercial Precinct</td>
<td>84-114A Canterbury Road</td>
<td>HO699</td>
<td>38, 62</td>
</tr>
<tr>
<td>Griffin Estate and Environ Precinct</td>
<td>126-144 Canterbury Road</td>
<td>HO700</td>
<td>4, 5, 14, 66</td>
</tr>
<tr>
<td></td>
<td>5-51 and 2-28 Chaucer Crescent</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>2-44 Dudley Parade</td>
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<tr>
<td></td>
<td>4-6 Keats Street</td>
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<td></td>
<td>4-12 Marlowe Street</td>
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<td></td>
<td>9-25 Myrtle Road</td>
<td></td>
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<tr>
<td>Matlock Street Precinct</td>
<td>99-151 Prospect Hill Road</td>
<td>HO701</td>
<td>2, 35, 43, 44, 67, 70</td>
</tr>
<tr>
<td></td>
<td>39-57 and 36-72 Spencer Road</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>1-5 and 2-12 Bow Crescent</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>1-43 and 2-30 Matlock Street</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Background to the Amendment

Key milestones associated with the Amendment are outlined in Table 4.

Table 4  Background to the Amendment

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 July 2016</td>
<td>Council resolved to engage heritage consulting firm Context Pty Ltd to prepare the Canterbury Heritage Gap Study.</td>
</tr>
<tr>
<td></td>
<td>Council’s Urban Planning Special Committee resolved to:</td>
</tr>
<tr>
<td></td>
<td>- endorse the Council officers’ response to the preliminary feedback received and recommended changes to the Draft Canterbury Heritage Gap Study</td>
</tr>
<tr>
<td></td>
<td>- adopt the revised Draft Canterbury Heritage Gap Study</td>
</tr>
<tr>
<td></td>
<td>- write to the Minister for Planning and request authorisation to prepare Amendment C266 under sections 4B and 8A(4) of the Planning and Environment Act 1987</td>
</tr>
<tr>
<td>3 July 2017</td>
<td>- request the Minister to prepare, adopt and approve an amendment to the Scheme under s 20(4) of the Act to introduce interim heritage controls to</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>25 July 2017</td>
<td>Council wrote to the Minister and sought authorisation to prepare Amendment C266.</td>
</tr>
<tr>
<td>27 July 2017</td>
<td>Council requested the Minister prepare, adopt and approve Amendment C264 which introduced interim heritage controls to the properties recommended for inclusion in the Heritage Overlay in the revised Draft Canterbury Heritage Gap Study.</td>
</tr>
<tr>
<td>3 August 2017</td>
<td>Minister authorised Council to prepare Amendment C266.</td>
</tr>
<tr>
<td>31 August 2017 – 13 October 2017</td>
<td>Amendment C266 formally exhibited.</td>
</tr>
<tr>
<td>13 October 2017-April 2018</td>
<td>Council received 70 submissions in response to the Amendment and accepted three late submissions between February and April 2018.  See Appendix A.</td>
</tr>
</tbody>
</table>
| 29 January 2018 | Council’s Urban Planning Special Committee resolved to:  
- receive and note the submissions received  
- endorse the Council officers’ response to submissions and the recommended changes to the Amendment and the Canterbury Heritage Gap Study  
- request the Minister appoint an independent Planning Panel under section 23 of the Act to consider the submissions. |
| 8 February 2018 | Amendment C264 gazetted.                                                                                                                                                                                          |
| 3 May 2018    | Amendment C292 approved.                                                                                                                                                                                          |
| 8 May 2018    | Minister’s delegate notified Council of proposed Amendment C299 (the amendment was approved 28 June 2018).                                                                                                         |

**Submissions in response exhibited Amendment**

Council received 70 submissions in response to the exhibition of the Amendment. Of the submissions received during the exhibition period 27 supported the Amendment, eight partially supported the Amendment subject to proposed changes and 35 objected to the Amendment. Council received and accepted three further late submissions.

Most of the submissions addressed specific places, which are set out in Tables 1-3. Several submissions supported the Amendment in general but did not mention necessarily address specific places or precincts including submission 11 by the Canterbury Community Action Group, submission 13, and submission 64. The list of submissions is in Appendix A.

**Amendment changes after exhibition**

Council stated that a number of submitters raised concerns about the accuracy of detail within the exhibited heritage citations; inconsistencies, errors and the currency of the exhibited citations (i.e. a number of properties have been modified or demolished since the Amendment was exhibited).
Council officers and heritage consultant reviewed the exhibited heritage citations and made a number of minor changes to ensure they reflected the current condition of the individual properties and precincts, and the level of significance required to meet the threshold of being included in the Heritage Overlay.

The changes included:

- removing the curtilage from the property at 26A Myrtle Road/2B Warburton Road (the East Camberwell Substation) (in response to submission 39)
- re-grading the property at 86 Canterbury Road within the Canterbury Road Commercial Precinct from Contributory to Non-Contributory, following Council officers’ consent to the demolition of the property, prior to the Urban Planning Special Committee resolution on 3 July 2017 to adopt the revised Draft Canterbury Heritage Gap Study
- re-grading the property at 29 Myrtle Road within the Matlock Street Precinct from Contributory to Non-Contributory, following a search of building permit records confirming the property is a faux-Edwardian timber dwelling built c1998 (in response to submission 43)
- making minor corrections to the heritage citation for the property at 12 Victoria Avenue within the Victoria Avenue Precinct (in response to submission 6) including:
  - amending an incorrect reference confusing the property ‘Clyde’ (12 Victoria Avenue) with ‘Shewalton’ (22 Victoria Avenue)
  - amending incorrect combined information under Criterion E about 12 Victoria Avenue and 20 Victoria Avenue
  - correcting the built date to 1908
  - amending the information about the cedar tree in the front garden.
  
  (Note: these corrections do not impact the recommended grading of the building as ‘Significant’.)

Council officers recommended that the exhibited Canterbury Heritage Gap Study be amended to reflect the above changes.

On 29 January 2018, the Urban Planning Special Committee endorsed the Council officers’ recommended changes to the Amendment and the Canterbury Heritage Gap Study (as exhibited). Council’s proposed changes were presented to the Panel in track changes format as part of its Part A submission.

**Interim heritage controls**

On 8 February 2018, Amendment C264 introduced an Interim Heritage Overlay to all affected properties in Canterbury as recommended in Amendment C266, and made other consequential changes. The interim Heritage Overlay has an expiry date of 30 November 2018 to allow enough time for Council to properly consider the permanent heritage control amendment.

In addition, Amendment C264 amended the schedule to Clause 43.01 (Heritage Overlay) and Planning Scheme Maps 13HO and 14HO to delete the interim Heritage Overlay from the following four sites, as Amendment C264 applied a new precinct-based interim Heritage Overlay to these properties.
On 12 October 2017, Amendment C269 introduced a Heritage Overlay to the above four properties on an interim basis until 31 December 2018 and corrected an administrative error. The amendment was made in response to applications under section 29A of the Building Act 1993 for full demolition of the dwellings at the four properties. The properties were identified as places of heritage value in the Canterbury Heritage Gap Study as either Contributory properties in the Parlington Estate Precinct or Contributory properties within Rochester Road Precinct. Interim heritage controls protect these heritage places from demolition while Council progresses the Amendment to apply the Heritage Overlay to the properties permanently.

On 3 May 2018, Amendment C292 was approved. It amended Planning Scheme Map No. 13HO to delete the interim Heritage Overlay (HO704) from 25-27 Victoria Avenue, Canterbury.

At the hearings on 8 May 2018 Council tabled a letter from the Minister’s delegate giving notice of a proposed Amendment C299 to provide transitional provisions for places with building permits issued before the interim controls under C264 applied (document 45).

### 1.2 The panel process

#### Hearings

The Panel conducted a Directions Hearing at the offices of Planning Panels Victoria on 14 March 2018 and met on 18, 19, 23, 24, 26, 27 April, and 1 and 8 May 2018 at Hawthorn Arts Centre to hear submissions about the Amendment. The parties attending the Hearing are listed in Appendix B.

On 16 April 2018, Council made available on its website the reports of Council’s experts and the expert reports of all the parties who were calling expert witnesses. It notified all the parties to the Hearing by email with a link to the reports, as directed by the Panel.

Documents tabled at the Hearing are set out in Appendix C.

#### Parties withdrawing

Two parties withdrew from the proceedings during the Hearing.

Submitter number 70, the owners of 101 Prospect Hill Road represented by Planning Appeals, withdrew their request to be heard by the Panel on 10 April 2018. Following discussions with Council in a Victorian Civil and Administrative Tribunal compulsory conference, Council had agreed to downgrade their property in the Matlock Precinct from contributory to non-contributory and had granted a permit to demolish.
Late submitter number 71, the owners of 25-27 Victoria Avenue withdrew their submission and request to be heard because:

- The building had been demolished and a new one was being constructed
- Council’s heritage expert had recommended that due to demolitions on the western side of street it was no longer sufficiently intact to be part of a heritage precinct (see Statement of Evidence by Natica Schmeder, prepared for City of Boroondara 12 April 2018, pages 9-10)
- Council officers had agreed to downgrade their property from contributory to non-contributory in the Victoria Avenue Precinct HO704.

Council informed the Panel on 24 April 2018 that the Minister for Planning had notified them that he planned to introduce Amendment C292 to remove the property from the Heritage Overlay. Amendment C292 was approved on 3 May 2018.

**Written submissions**

Submitter 2 requested to be heard by the Panel but was not available during the hearing dates in April so he made a written submission by email on 11 April 2018.

Submitter 42 was scheduled to be heard on two separate occasions but he was not able to attend. The Panel did not agree to his third request to be rescheduled and invited him to provide a written submission. The Panel allowed Council a week to provide a response.

**Late requests to be heard**

During the hearings two submitters made late requests to be heard:

- submitter 22 sought to introduce substantial new information
- submitter 67 initially sought to ask questions of Council or its expert witness.

In addition, on 20 April 2018 the owner of 19 Victoria Avenue, Canterbury represented by Alex Gelber of HWL Ebsworth made a late request to be heard. He was not a submitter and Mr Gelber’s email gave no reasons for seeking to make a late submission and to be heard.

The Panel advised at the Hearing on 24 and 26 April 2018 that it would not accept the late requests to be heard by the submitters or the request to be heard by Mr Gelber.

Council submitted that it was opposed to the late request to be heard by Mr Gelber on natural justice grounds and that as Mr Gelber had not provided a submission for Council to consider it could not indicate if it would accept the late submission.

Council indicated at the Hearing on 26 April that it was opposed to the Panel accepting the request to be heard by submitter number 67 because he would not have heard the evidence to justify the Amendment for the Matlock Street Precinct.

At the Hearing on 1 May 2018, the Panel advised Council, the submitters and Mr Gelber that it had reconsidered the requests. The Panel announced that it would hear from the two submitters and it proposed to hear from Mr Gelber by exercising its discretion to inform itself under section 161 of the Planning and Environment Act 1987 (the Act).

After considering a submission from Council on Mr Gelber’s request to be heard, the Panel announced that the Hearing would continue on 8 May 2018 to hear:

- submissions from submitters 22 and 67
• further information from Mr Gelber about 19 Victoria Avenue, Canterbury.

The Panel directed as follows:
• submitters 22 and 67 are to confine their issues to those raised in submissions to the exhibited Amendment
• Mr Gelber must provide preliminary written information to the Panel by 5.00pm on Thursday 3 May 2018 and the Panel will circulate it to all parties
• the Panel may consider any question regarding the Amendment from a submitter or Mr Gelber.

The Panel gave Council a right of reply to the late submissions and new information.

After the Hearing had concluded, on 9 May 2018 the Panel received a further submission and request to be heard from Ms Paula Bridges. The Panel advised Ms Bridges that the Council had not accepted her late submission and it therefore has not been referred to the Panel for consideration and the Panel is not able to accept it.

**Presentation for submitter number 22 – 10 The Ridge, Canterbury**

On 3 May 2018, Ms Wang, an advocate for submitter number 22, sent an email to the Panel requesting to make a submission with new information that was not part of the original submission. The Panel informed Ms Wang and Council that it would accept the new information if she provided it within 24 hours. The Panel provided Council the opportunity to respond in writing by 16 May 2018 if it did not have time to present a response on the last day of Hearing on 8 May 2018.

At the Hearing on 8 May 2018, Council submitted that the Panel should not accept Ms Wang’s new information. Council submitted that it was too late to be introducing substantial new information, it was unfair on Council not to be able to respond at the Hearing with its heritage expert and the Panel’s offer to Council to respond in writing still puts it at a disadvantage. After considering Council’s submission the Panel ruled that it would accept Ms Wang’s submission by exercising its discretion to inform itself under section 161 of the Planning and Environment Act. At Council’s request the Panel agreed to extend the period for it to respond until 23 May 2018 so that it could consult with its heritage expert.

**Information from owner of 19 Victoria Avenue, Canterbury**

Mr Gelber sent a letter to the Panel on 2 May 2018 on behalf of the owner of 19 Victoria Avenue, Canterbury requesting to be heard and outlining the issues he wished to present. An email to the Panel on 3 May 2018 from Council stated that it did not concede that the letter was a submission, it did not intend to ‘consider’ the letter as a late submission and that it did not refer the letter to the Panel as a late submission.

At the Hearing on 8 May 2018, the Panel asked Mr Gelber why the owner had not made a submission in response to the exhibited Amendment or requested to make a late submission sooner. He replied that the owner’s architects had assumed the Amendment did not apply to the property because the building had been lawfully demolished under a demolition permit issued in February 2017. The owner acted urgently to seek legal advice when he received a letter from Council on 19 April 2018 informing him that he would require a planning permit because of the interim Heritage Overlay.
At the Hearing on 8 May 2018 Council tabled a letter from the Minister’s delegate giving notice of a proposed Amendment C299. The amendment would exempt the need for a planning permit under Clause 43.01 for sites with interim heritage controls where there is a valid permit under the Building Act. The purpose of the amendment is to ensure that similar circumstances to 25 Victoria Avenue do not arise in the future (document 45). Amendment C299 was approved on 28 June 2018.

1.3 Issues dealt with in this Report

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- General issues
- Individual heritage places
- Griffin Estate and Environ Precinct
- Matlock Street Precinct
- Parlington Estate Residential Precinct
- Rochester Road Precinct
- Victoria Avenue Precinct
- Canterbury Road Commercial Precinct.
2 Planning context

The Panel has reviewed the policy context of the Amendment as set out in the Explanatory Report and Council’s submissions, and has made a brief appraisal of the relevant and planning strategies.

Council submitted that the Amendment’s strategic justification is supported by the State Planning Policy Framework and is consistent with the Local Policy Framework and Plan Melbourne.

2.1 Planning Policy framework

(i) State Planning Policy Framework

Council submitted that the following State Planning Policies provide the framework for the proposed Amendment:

- State Planning Policy Framework at Clause 15.03 provides the overarching objective to ensure the conservation of places of heritage significance
- direction 4.4 of Plan Melbourne to ‘respect our heritage as we build for the future’.

15.03-1 (Heritage conservation)

- Objective: To ensure the conservation of places of heritage significance.
- Strategies:
  - Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
  - Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.

(ii) Local Planning Policy Framework

Council submitted that the Amendment is consistent with the Local Planning Policy Framework, particularly Clauses 21.04-5 (Built Environment and Heritage) and 22.03 (Heritage Policy), which relate to the cultural heritage significance of places within the City of Boroondara. The policies seek to identify, protect and enhance the cultural heritage significance of places within the municipality and will be updated to reference the places and precincts included in the Amendment.

21.04-5 (Built Environment and Heritage)

- Objective 7: To identify and protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance.
- Key issues:
  - Ensuring new works to heritage places are respectful to the heritage significance of the place.
  - Loss of heritage built fabric and cultural sites from development.
- Strategies:
  - 7.1 Conserve and enhance individual heritage places and precincts, and aboriginal and cultural features.
7.2 Require development to respect and enhance heritage buildings and precincts.

**22.03 (Heritage Policy)**

The objectives of Council’s Heritage Policy (Clause 22.03) are:

- To preserve ‘significant’ heritage places, protecting all significant heritage fabric including elements that cannot be seen from the public realm.
- To facilitate sympathetic new buildings which extend the life of ‘significant’ heritage places.
- To retain and conserve ‘contributory’ places and fabric in the Heritage Overlay which are visible from the primary street frontage.
- To facilitate sympathetic additions, alterations and new buildings to ‘contributory’ heritage places which are massed, detailed, finished and located to preserve the presentation of the place from the street.
- To ensure buildings and works to ‘non-contributory’ properties are sympathetic to the heritage values of the precinct and complement the precinct’s heritage built fabric by being respectful of the scale, massing, rhythm and detailing.

The Amendment includes statements of significance for all precincts and individual places covered by the Heritage Overlay. The Heritage Policy states that Statements of Significance:

*Take into account the relevant Statement of Significance for a heritage place when assessing an application. Statements of Significance for precincts are contained within the reference document - Heritage Policy - Statements of Significance (City of Boroondara, August 2016, or as amended and adopted by Council from time to time).*

Place citations are contained within the Boroondara Heritage Property Database which is a reference document to this Heritage Policy.

Where a Significant graded heritage place is located within a heritage precinct, any proposal must have regard to both the most recent Statement of Significance for the individual place (where available) as well as the most recent Statement of Significance for the heritage precinct in which it is located.

**Zones and overlays**

The Amendment applies the Heritage Overlay to properties in a variety of zones, including the General Residential Zone 1, Neighbourhood Residential Zone and Commercial 2 Zone. Some of the commercial use properties are also under a VicRoads Public Acquisition Overlay.

**2.2 Relevant strategies and plans**

**(i) Plan Melbourne 2017-2050**

Plan Melbourne 2017-2050 is Melbourne’s metropolitan planning strategy. The following principle, direction and policy from the strategy are relevant to the Amendment:

- Principle 1 (A distinctive Melbourne): Melbourne has an enviable natural environment, important Aboriginal cultural heritage values, a rich inheritance of open space, and landmark buildings and streets created during the population booms of the Gold Rush and post-War period. To ensure Melbourne remains
distinctive, its strengths will be protected and heritage preserved while the next
generation of growth is planned to complement existing communities and create
attractive new neighbourhoods.

- Direction 4.4 (Respect Melbourne’s heritage as we build for the future): Heritage
  will continue to be one of Melbourne’s competitive strengths, contributing to its
  distinctiveness and liveability and attracting visitors, new residents and investors.
  Heritage is an important component of Victoria’s tourism industry and benefits the
  economy.
- Policy 4.4.1 (Recognise the value of heritage when managing growth and change)
- Policy 4.4.4 (Protect Melbourne’s heritage through telling its stories).

(ii) Heritage Action Plan and Heritage Gap Study

Council adopted an updated Heritage Action Plan on 2 May 2016 which designates the
preparation of the Municipal-Wide Heritage Gap Study a very high priority action. The study
assessed all properties outside the existing Heritage Overlay in Boroondara. Council
Council planned to complete suburb assessments for Ashburton, Glen Iris, Hawthorn East,
Kew East and Mont Albert in 2017-18. Balwyn, Balwyn North, Deepdene and Surrey Hills are
not included in the scope of the Municipal-Wide Heritage Gap Study as these suburbs had
already been assessed (see Council Part A submission, Appendix A).

On 25 July 2016, Council resolved to engage Context Pty Ltd to prepare the Canterbury
Heritage Gap Study. The study sought to implement the ‘very high’ priority in the Heritage
Action Plan 2016 by identifying and protecting valued heritage properties and precincts by
including the properties in the Heritage Overlay.

In the past few years, Council had commissioned further area studies of two suburbs –
Balwyn (incorporating Balwyn North and Deepdene) and Surrey Hills, as well as studies of
smaller areas and individual places. Council was progressing planning scheme amendments
to introduce an additional 690 properties in the Heritage Overlay (C177 and C243) during
2018.

(iii) Thematic environment history

Council commissioned Built Heritage Pty Ltd to complete a Thematic Environmental History
for the municipality, which Council adopted in 2012. It provides a detailed overview of the
history of Boroondara, illustrating how different themes have shaped the development of
the City. The Thematic Environment History identifies buildings and features that relate to
each theme and provides recommendations for future heritage investigations. Heritage
Victoria’s standard brief for local heritage studies requires a thematic environmental history
for each municipality.

2.3 Heritage Overlay

The purpose of the Heritage Overlay under Clause 43.01 is:

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

A permit is required to subdivide land, demolish or remove a building, construct a building or construct or carry out works, repairs and maintenance which change the appearance of a heritage place or are not undertaken to the same details, specifications and materials. The Heritage Overlay enables its Schedule to specify additional controls for specified trees, for externally painting a building, for outbuildings or fences, or for internal alterations to a building. The Schedule may also identify if a place is allowed to be considered for uses that are otherwise prohibited, subject to a planning permit.

2.4 Ministerial Directions and Practice Notes

The Amendment’s Explanatory Report states that the Amendment is consistent with Ministerial Directions 7(5) and 11 and relevant Practice Notes.

Ministerial Directions

The Explanatory Report stated that the Amendment:
• addresses the requirements of Ministerial Direction No. 11 - Strategic Assessment of Amendments.
• is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act. This unnumbered direction is referred to as Ministerial Direction 7(5) in this report.
• complies with Ministerial Direction No. 9 Metropolitan Planning Strategy which requires amendments to have regard to Plan Melbourne 2017-2050.
• is consistent with Direction 4.4 which recognises the contribution heritage makes to Melbourne’s distinctiveness and liveability and advocates for the protection of Melbourne’s heritage places.

The Explanatory Report also stated that the Amendment is not considered to compromise the implementation of the Metropolitan Planning Strategy.

Planning Practice Notes

The following planning practice notes are relevant to the Amendment:
• Planning Practice Note 1 (PPN1) Applying the Heritage Overlay, January 2018
• Planning Practice Note 46 (PPN46) Strategic Assessment Guidelines, June 2015

PPN1 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:
Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

PPN1 provides that the heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. It specifies that documentation for each heritage place shall include a Statement of Significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (referred to as PPN1 criteria in this report) that have been adopted for assessing the value of a heritage place:

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

PPN1 advises:
- thresholds to be applied in the assessment of significance are ‘State Significance’ and ‘Local Significance’
- Letter gradings (for example, ‘A’, ‘B’, ‘C’ should not be used).

PPN1 provides guidance on mapping places of heritage significance, including consideration of adequate curtilages.

### 2.5 Conclusion

The Panel concludes that the Amendment is supported by and implements the relevant sections of the State and Local Planning Policy Frameworks, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and should proceed subject to establishing the heritage significance of the places proposed for heritage protection and addressing the more specific issues raised in submissions as discussed in the following chapters.
3 General issues

This chapter considers general issues which were common to several properties. Chapters 4 to 9 consider issues specific to each identified heritage place or precinct. Any issues raised in submissions and considered in Chapter 3 are not repeated in the subsequent chapters.

3.1 Heritage study methodology

(i) The issue

The issue is whether Council’s heritage consultants used appropriate methods for identifying places and precincts that have potential heritage significance and their assessment and recommendations for additions to the Heritage Overlay was robust and meets the requirements of PPN1.

(ii) Evidence

In her statement of evidence, Ms Schmeder explained that she was the project leader for the Canterbury Heritage Gap Study leading a team of consultants at Context and Trethowan Architecture and Design (Statement of evidence by Natica Schmeder, prepared for City of Boroondara, 12 April 2018). Her expert statement outlines the methodology adopted by Context Pty Ltd to complete the Canterbury Heritage Gap Study. It states that the heritage practice guidance that they followed was predominantly The Burra Charter: The Australian ICOMOS Charter for Places of Cultural Heritage Significance (revised 2013) and PPN1.

Step 1 – Preliminary identification of place and precincts

Ms Schmeder stated that she carried out a preliminary field survey of Canterbury as a separate scoping exercise in September and October 2015, before the Municipal-Wide Heritage Gap Study began (in August 2016). Council commissioned the survey in response to requests from Canterbury residents to protect places and areas they regarded as having heritage significance and to revisit the many precinct recommendations from the 1991 Canterbury Conservation Study (by Graeme Butler) that had not yet been implemented.

Ms Schmeder drew preliminary boundaries with the intention to include:

- as many properties as possible of high heritage value (usually meaning high architectural quality and high intactness)
- streetscapes of high integrity (small number of Non-contributory properties or very altered buildings) and high visual cohesion.

Ms Schmeder made further investigations into places earmarked for individual assessment and for those properties that had a previous assessment or other mention she returned to those sources and noted any pertinent information.

The outcome of the survey was the delineation of nine potential precincts and 21 individual places of potential significance outside of those precincts (more were specifically identified within the potential precincts).

Ms Schmeder then coordinated and contributed to consultant workshops with her Context colleague, Director Louise Honman, and with Trethowan Architecture team members
Director Bruce Trethowan and Consultant (now Director) Mark Stephenson. After the workshop, Trethowan Architecture visited each potential site and carried out minor research before presenting Ms Schmeder with a final list of places they had found worthy of assessment.

The final step in Stage 1 of the study was the compilation of Context’s and Trethowan’s final recommendations for the places and precincts to assess in the next stage, along with brief rationale for each recommendation.

**Step 2 – Assessments and recommendations**

In August 2016, Council engaged Context to undertake stage 2 of the Canterbury Heritage Gap Study. Ms Schmeder’s evidence stated that the steps carried out by Context for the assessments and recommendations in the study was comprised of:

- site visits to the precincts and individual places to be assessed, from the footpath
- confirming final precinct boundaries based on the same considerations as stage 1
- preparing histories for the places and precincts assessed
- first draft descriptions of all the precincts and individual places which sought to provide a description of the public domain and any contributory elements in it, the street layout, discussion of major building periods and styles present
- comparative analysis of precincts and places in Canterbury and other suburbs in the Municipal Wide Heritage Gap Study
- assessing significance against HERCON criteria
- assessing precincts and places against thresholds
- finalising heritage citations including a description and Statement of Significance
- preparing statutory recommendations including Heritage Overlay schedule controls
- entering place citations into HERMES database including text and photos for each place and precinct
- preparing a background report.

The definitions for gradings of properties as 'Significant', 'Contributory' and 'Non-contributory' is set out in Clause 22.03-5 Heritage Policy of the Boroondara Planning Scheme, which can be found in the Schedule of Gradings Map, which is a reference document in the Municipal Strategic Statement.

Ms Schmeder stated that she used the HERCON criteria for all assessments of significance. She assessed each individual place against two thresholds during the two stages of the study. In stage 1, she looked at all properties in Canterbury outside the Heritage Overlay and noted those that stood out. She then reviewed the list with Ms Honman, comparing the places and precincts among themselves and the surrounding streets.

In stage 2, she assessed all the places and precincts by comparing them to similar examples across Boroondara and further. For precincts she:

*compared the visual cohesion of streetscapes and level of overall integrity (proportion of Non-Contributory properties), the average intactness of individual buildings and architectural quality of those buildings against precincts with a similar make up* ...
To assess properties within proposed precincts to determine if they are Non-Contributory, Contributory or Significant Ms Schmeder stated that she first defined the period of time that is of heritage significance and if those properties were developed in that period. Then she assessed whether the given property or building is able to contribute to the understanding of the development in the relevant period and the reasons the precinct is significant.

She stated that 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.

Consultation

Ms Schmeder stated that she responded to the submissions in response to the preliminary consultations about all of the places that Context had assessed; Ms Honman reviewed her responses regarding places that Ms Honman had assessed before they were finalised. In some cases, Ms Schmeder stated that the errors submitters pointed out could be easily confirmed or corrected while others required more work to confirm the information. In some instances, the information resulted in downgrading the status of properties.

Context reviewed the nominations in response to the submissions. As a result, three new individual places were recommended for the Heritage Overlay and two small proposed precincts where enlarged into a much larger precinct – Griffin Estate and Environs Precinct. Context assessed a fourth individual place in response to submissions but concluded that it did not meet the threshold of local significance.

Following exhibition of the Amendment and the Canterbury Heritage Gap Study report in 2017, Ms Schmeder and Ms Honman reviewed the submissions and addressed any new heritage issues as part of the response prepared by Council’s Strategic Planners. Ms Schmeder did not recommend any further revisions to the study report after reviewing the submissions on the precincts and places she had assessed. Her expert statement addresses the submissions that remained unresolved.

Trethowan methodology

Mr Trethowan’s statement of evidence sets out the methodology used by Trethowan Architecture and Design in its work for the study. It states that they worked with selected properties from the interwar and post war periods, taking in the time span of 1918 to 1970.

Trethowan’s work was primarily in stage 2 and its methods for research, assessment and reporting follow the same standard tasks as Context outlined above. The Trethowan team also prepared revisions to the citation and background report in response to Council feedback and submissions.

Peer review of Ms Honman’s work

At the Hearing, Ms Schmeder took on the role of expert for the places that her colleague Louise Homan assessed during her study because Ms Honman was unwell and unable to attend the Hearing. Ms Honman had prepared a draft statement of evidence which Ms Schmeder appended to her report. In Ms Schmeder’s opinion, Ms Honman’s statement had been completed although not subject to further review or drafting edits.
As instructed, Ms Schmeder peer reviewed the work undertaken by Ms Honman, the opinions expressed and her responses to submissions in her expert evidence in regard to:

- Rochester Road Precinct
- Victoria Avenue Precinct
- 49 Mangarra Road.

Ms Schmeder’s evidence describes her peer review method as starting with a visit to the individual place and precincts, then reading the submissions about them and Ms Honman’s responses. When intactness was an issue, she viewed Council’s building permit plans, which she did for 49 Mangarra Road and 21 Rochester Road. She also reviewed the Canterbury Heritage Gap Study citations where she thought it necessary.

Ms Schmeder’s overall professional opinion was that Ms Honman’s approach:

... is satisfactory in its comprehensiveness, and she has undertaken a very similar exercise to what I would have carried out in her place ... Her response to the heritage related issues raised have been thoughtful.

The details of Ms Schmeder’s conclusions are set out in the relevant chapters for each precinct or individual place.

(iii) Submissions

Errors and out of date information

Some of the submissions in response to the exhibited Amendment and Canterbury Heritage Gap Study, pointed to errors and out of date information. Council responded to those submissions by making minor changes, set out in chapter 1.

Several submitters to the Panel raised further issues about the accuracy of some details in the Statements of Significance which formed the basis for controls under the Heritage Overlay.

In addition, as discussed in chapter 1.2, the owners of numbers 19 and 25 Victoria Avenue pointed out that the dwellings on those properties had been lawfully demolished following the study and should not be included in the proposed Victoria Avenue Precinct. Ms Schmeder’s expert evidence stated that in a subsequent survey in April 2018 she noted significant change on the west side of the street as a result of the demolitions. She recommended that the west side of Victoria Avenue (numbers 7-25) be excluded from the precinct (pages 9-10). The substance of these changes is discussed in chapter 10 of this report.

Submitter 25 stated that Ms Schmeder had misidentified number 18A Rochester Road as number 18 on a property that has been subdivided. He submitted that this demonstrates that Council’s experts had not done a good job.

Rigour and independence

A number of submissions questioned the quality and rigour of the heritage assessments, and the independence of Council’s heritage experts.
Ms Tania Cincotta of Best Hooper for Canterbury Baptist Church questioned the quality and rigour of the heritage studies used to justify extending the boundaries of HO264 to cover 2 Boronia Street (document 5). She submitted that Council and its heritage consultants had proceeded on an incorrect starting point because they failed to reference the background to the introduction of HO264 in 2006 and 2007. The substantive issues for site are discussed in chapter 4.

Ms Sarah Porritt of Counsel for Boroondara Aged Care questioned the independence of Ms Honman’s assessment of properties on the west side of the proposed Rochester Road precinct. She asked Ms Schmeder under cross examination if it was non-heritage people in Council who made the decision to assess the east side of Rochester Road rather than the heritage consultants at Context.

Mr Nick Sutton of Planning Property Partners representing submitter 37 questioned the rigour of the heritage assessment and the independence of Ms Schmeder on the basis that she “is a contractor to the Boroondara City Council who currently spends approximately 20 per cent of her professional career working at Council.” (document 37, paragraph 6).

He submitted that a rigorous, accurate and objective analysis had not been provided to justify assessment of 49 Mangarra Road as being individually significant (document 37, paragraph 11).

Mr Raworth, in his statements of evidence on 10-12 Rochester Road and 26 Victoria Avenue put the view that previous studies which had considered those properties but had not identified them for heritage protection were more reliable. He stated that previous heritage assessments, particularly in the 1991 Canterbury Conservation Study had found only a few properties warranted heritage protection. Several of these properties now had individual Heritage Overlays, while others had been altered substantially. He put the view that the Camberwell Conservation Study had used generally accepted heritage assessment methodologies and the author had a particular interest in interwar buildings, so it was unlikely he would overlook properties worthy of protection. Mr Raworth also referred to a Lovell Chen review of ‘B’ graded properties in Boroondara in 2005, which recommended downgrading 26 Victoria Avenue to a ‘C’ grading, because of what were considered to be recent alterations.

In assessing the rigor and independence of Council’s expert witnesses Council urged the Panel to adopt the approach of the Panel in Boroondara Amendment C178 which stated:

... the fact that a building had been overlooked in previous heritage studies does not imply that it has no, or marginal, heritage significance. ... As time passes and the concept of heritage broadens, more recently built properties or those representing different themes or values, such as social significance, may be identified as important. This is, in fact, one of the reasons why thematic environmental histories are now required ...

Peer review

Ms Porritt and Mr Stuart Anderson QC questioned Ms Schmeder under cross examination about her ability to conduct an independent peer review of Ms Honman’s work because Ms
Honman is a director while Ms Schmeder is an associate. Ms Schmeder’s response was that they treat each other as equals and that she was the team leader for the project.

Mr Anderson submitted that her peer review was not independent and was conflicted. He stated that it is ‘less than ideal’ for the Panel not to have the opportunity to hear from Ms Honman and cross examine her, being the person who conducted the comparative analysis. He questioned Ms Schmeder about the adequacy of her peer review because she did not have direct evidence of what Ms Honman did or direct knowledge of how she applied the criteria. Ms Schmeder replied that the Statement of Significance shows how Ms Honman had applied the criteria and that a peer review does not involve doing the work again.

Mr Anderson submitted that Ms Schmeder admitted that she completed her peer review in two days and she agreed that this was not enough time. He stated that her peer review gave no analysis as to why she agreed with Ms Honman. He submitted that it is unsatisfactory evidence and the Panel should give it little weight. He submitted that Ms Schmeder had held the view that Victoria Avenue should be a precinct from the outset of the heritage study.

Council, in its submission in reply on Day 8 of the hearing, pointed the Panel to the report on Amendment C178 to the Boroondara Planning Scheme which stated:

> With regard to the claimed lack of independence of Ms Schmeder, the Panel rejects this outright. It is normal practice for Panels to hear expert evidence from the consultants that have carried out local heritage studies. Peer reviews are seldom called for, except in rare cases such as where the studies relied on are old and/or where the people who undertook the study are unavailable.

(iv) Discussion

The Panel considers that the assessment methodology described by Ms Schmeder and Mr Trethowan is consistent with the Burra Charter and PPN1. They used the HERCON criteria for assessments, prepared detailed citations containing statements of significance for each place and precinct that explained the basis on which they had been assessed as having heritage significance, conducted comparative analysis, and applied relevant thresholds of local significance. The consultants demonstrated that they excluded from the Amendment places they found did not meet the threshold.

Several submissions emphasised that sites proposed to be covered by the Heritage Overlay had not been identified in previous heritage studies of the municipality and therefore should not have the heritage significance attributed to them. Some also queried the legitimacy of heritage gap studies. The Panel finds that gap studies are legitimate and necessary to address areas or themes not previously studied in detail and to reconsider places.

Heritage assessments are based on observations from the street and publicly available historical records, so there will be minor errors that local residents can readily identify. Residents can also bring more detailed information about the history of a building as part of the public consultation process, and this was demonstrated in the submissions.

Context should not be criticised on the basis that the study did not reflect the demolition of dwellings at 19 and 25 Victoria Avenue, which occurred in 2017, well after Context completed their heritage study. Ms Schmeder’s evidence to the Panel reflects her follow up
site visit and recommended changes to the proposed Victoria Avenue Precinct as a result of the demolitions.

By endorsing the methodology, the Panel has not made any conclusions about the heritage merits of properties and precincts, especially where there is new information. The Panel considers the merits of including specific places and precincts in the Amendment in the following chapters. That should not be taken to question the overall methodology.

The Panel considers the submitters’ challenges to the independence and rigour of Context and particularly Ms Schmeder were unsubstantiated and it rejects them.

The Panel agrees with the submitters that it was less than ideal for Ms Honman not to be present to be cross examined, but it found Ms Schmeder’s peer review was adequate. It agrees with Ms Schmeder’s statement that a peer review entails an assessment of what information has been relied upon and how the criteria has been applied. It does not involve doing the work again.

The Panel found Ms Schmeder and Mr Trethowan to be highly experienced and thoughtful expert witnesses.

(v) Conclusions

The Panel concludes:
- that the Canterbury Heritage Gap Study applies a sound methodology and is of high quality.

3.2 Private financial impacts

(i) The issue

The issue is whether financial impacts on property owners are relevant to the Amendment. Submitters raised private financial impacts in a number of ways:
- Perceived detrimental impact on property values
- Perceived cost burden of maintaining a heritage building
- Perceived impediments to routine maintenance and repairs and internal changes
- A claim for financial compensation
- A claim that owner consent should be required before Heritage Overlay is applied.

(ii) Submissions

A number of submitters considered that the heritage controls would be detrimental to their property values, would impose unreasonable associated financial costs to maintain the heritage property or would impose unreasonable restrictions and costs for routine maintenance and internal changes; see submission numbers 1, 3, 15, 22, 31, 42, 44, 47, 56, 57, 60, 62, 65, 66, 67 and 73.

Submission 3 stated that applying Heritage Overlay to their property would result in a substantial loss of property value and increased maintenance costs for an individually listed place, for which the owners should be compensated.
Submission 31 expressed concern that the constraints to future development placed on their property as a result of the Heritage Overlay was a “serious future risk” to the market value of property and would impose a substantial financial penalty.

Submission 42 stated that the Heritage Overlay would “have an adverse impact on the value of our property which we bought with our life time savings to build a family asset.”

Submission 60, for example, stated that applying the Heritage Overlay “would have a significant adverse effect on the value of our property and on our ability to sell out property ... let alone make improvements to the property in the meantime.”

Submission 62 submitted that the Heritage Overlay applying to his property would have significant detrimental personal financial impacts on him and his family. It stated that the building is in a dilapidated state with rising damp and inadequate bathroom facilities, and should be replaced rather than repaired. It stated that his family and business had experienced hardship in recent years and he wished to sell his properties to developers in future but developers would pay only a fraction of the current value for a building with the constraint of a Heritage Overlay. It submitted that reducing the value of his property amounts to being arbitrarily deprived of his property and that Council had an obligation to compensate him.

Submission 22 submitted that an owner’s permission should be required to place a property under the Heritage Overlay and that the building is in poor condition. Mr Trethowan, in his statement of evidence dated 12 April 2018, responded to this submission stating that the owners’ consent is not needed for the inclusion of a property in the Heritage Overlay. The Act requires Council to identify and protect places of local architectural and historical interest. The Canterbury Heritage Gap Study was being carried out for this purpose.

Submission 65 stated that applying a Heritage Overlay to 14 The Ridge would come with a financial disadvantage and the reasons for listing it did not seem to warrant this.

Council stated that the structural integrity or condition of buildings could be properly assessed against identified heritage values at the planning permit application stage. This allowed for the most appropriate balancing of competing priorities, in cases where a redevelopment proposal might undermine the heritage significance of a place.

Council submitted that the private financial impacts for property owners are not relevant economic matters to be considered at the planning scheme amendment stage and may be more appropriately considered at the planning permit stage. Council submitted a number of panel reports and judicial authority in support of the proposition.

Council acknowledged that financial impacts may be considered if they overlap with or translate into public economic effects. It submitted the financial matters raised in the submissions were expressed on a site-by-site basis and not at a broader community level.

In support of its position, Council cited the Panel reports in Amendments C91, C101 and C103 to the Stonnington Planning Scheme and in Amendment C129 to the Moreland Planning Scheme. Both panels stated that panels have repeatedly ruled that such issues are not material to this stage of the planning process - a position supported by Practice Notes and numerous Victorian Civil and Administrative Tribunal decisions.
Council submitted that a planning authority’s obligation to consider the ‘fair, orderly, economic and sustainable use, and development of land’ in accordance with the objective set out under s 4(1)(a) of the Act does not include ‘personal’ financial circumstances (amongst others). It cited the Panel report in Moreland Amendment C129 in support of the proposition that the reference to economic impacts in section 4(1)(a) of the Planning and Environment Act refers to the economy in its broad community sense.

Council submitted that the requirement in section 12(2)(c) of the Act for a planning authority, in preparing a planning scheme amendment, to ‘take into account its social effects and economic effects’ does not include private or personal cost implications. It cited the panel in Melbourne Planning Scheme Amendment C207, which stated that public economic effects are a proper consideration in relation to a planning scheme amendment and private economic impacts fall outside the scope for consideration.

Council cited Justice Garde’s decision in Dustday Investments Pty Ltd v Minister for Planning [2015] VSC 101 as authority that “it is open to the Panel to give such weight to the competing considerations of heritage, social and economic effects as affect these properties in such manner as the Panel sees fit.” (Council Part B, Day 2, pages 18-19).

Council stated that the Panel must balance positive social effects of the application of the Heritage Overlay to a place against any claimed negative effects, taking into account short and long term outcomes. It is at the planning permit stage that the balancing of heritage values against the social benefits of redevelopment of a property is determined. In support of this statement it cited Victorian Court of Appeal in Boroondara City Council v 1045 Burke Road Pty Ltd Ors [2015] VSCA 27 (Council Part B, Day 2, pages 19-20).

(iii) Discussion

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

No submitter provided information that demonstrated a direct impact of applying the Heritage Overlay to property value. There are many different variables that influence property value.

A planning permit is not required if a property owner is seeking to carry out routine maintenance and repairs that do not affect the appearance of a heritage property or if proposed changes to the property are internal (and do not otherwise require a permit).

The Panel confirms that an owner’s permission is not required to place a property under the Heritage Overlay. Nor is there any basis for property owners to claim compensation.

(iv) Conclusions

The Panel concludes:

- Property value and private economic impacts of a personal or property specific nature are not relevant considerations for the Amendment.
3.3 Restrictions on demolition and redevelopment

(i) The issue

The issue is whether the Heritage Overlay would unreasonably restrict demolition and redevelopment opportunities, including the cost of planning permit applications for improvements when none is currently required.

(ii) Evidence and submissions

Many submitters raised concerns that the Heritage Overlay would unreasonably restrict demolition and redevelopment opportunities; see submission numbers 2, 5, 15, 21, 25, 29, 31, 35, 40, 43, 42, 44, 47, 48, 56, 62 and 67.

Submitter 5, for example, stated that he had been told that he has a responsibility to maintain his property despite the multiple difficulties inherent in the building such as unstable soil and foundations. He stated that it would be much more practical to demolish it and build a new 6-star house.

Submitter 42 in a submission to the Panel stated that:

*While we appreciate the value of retaining the history to some extent, it should not come at compromising the lives and aspirations of this generation and the next. We put all our savings in this comparatively dilapidated property (because that’s all we could afford in this area) to subsequently turn it into somewhere we could comfortably live in and extend our business. Heritage Overlay is going to throw all of that out of the window and send our lives in total disarray.*

Council submitted that the Heritage Overlay does not prevent redevelopment, including restoration and additions. It imposes additional permit triggers and relevant considerations for a future planning permit application, which is necessary to ensure places of heritage value are recognised and appropriately managed.

Council stated that assessment of the significance of a place or precinct, and the question of its conservation, adaptation, alteration or demolition of buildings are two distinct and separate issues. It submitted that this is proper heritage conservation practice and mirrors the processes of the Victorian Heritage Act 1985. Council cited the Panel’s report in Amendment C14 to the Latrobe Planning Scheme under the heading ‘Economic and Personal Factors’ (Latrobe C14 (PSA) [2010] PPV 53 (19 May 2010)), which stated:

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

Council submitted that concerns relating to future redevelopment opportunities of heritage properties are immaterial to this stage of the planning process and more appropriately considered at the time a planning permit is applied for.
Council submitted that the introduction of the Heritage Overlay does not preclude buildings, works or even demolition to a heritage place altogether. It stated that Council’s local heritage policy (at Clause 22.03-3.2 of the Scheme) generally supports the demolition of ‘Non-contributory’ graded buildings provided their removal does not compromise significant built fabric. Decision guidance is offered to assist in determining the merits of demolition of higher graded fabric and buildings and works.

Council stated that the full demolition of ‘Significant’ or ‘Contributory’ buildings is generally discouraged, but partial demolition may be allowed if the partial demolition, additions and alterations will not adversely affect the cultural heritage significance of the place and will assist the long term conservation of the building.

Two submitters stated that their planned redevelopments amounted to public social and economic benefits, not just private and site specific financial interests relying on Dustday Investments Pty Ltd v Minister for Planning [2015] VSC 101. They submitted that the public and community effects from their redevelopments outweighed the public effects of including a property in a Heritage Overlay; the net community benefit.

Submitter 20 is a not-for-profit provider of aged care services. It plans to demolish the properties at numbers 10 and 12 Rochester Road as part of expanding its assisted living and dementia care facilities across multiple properties. Ms Porritt submitted on behalf of the service that the Panel must balance the significant benefit to the community of the owner being permitted to expand their services without the constraints of a Heritage Overlay. She stated that if the Panel finds that the buildings meet the threshold for inclusion in the Rochester Road precinct, that significance is outweighed by the social and economic benefits of allowing the owner to continue its planned development without these added restrictions.

Submitter 24 outlined alterations proposed to the family property to accommodate the owner remaining at home rather than having to live in a high care facility; a lift, new disabled toilet and shower on the first floor. Mr Pitt QC submitted that if the Panel concludes that the property meets the threshold of local heritage significance it would need to consider the economic and social effects for the owners and the general community. Those effects included the cost to taxpayers of subsidising care in a high care facility, where expenses have to be met by the Commonwealth and State Governments. He submitted that it would also be contrary to government policies that support keeping people in need of care in their own homes for as long as possible.

Council’s response to submitter 20 was that the constraints the submitter claimed the Amendment imposed could only comprise the need for a permit application and this is an unsubstantiated adverse impact.

Council’s response to submitter 24 was that the asserted social and economic effects have no sufficient nexus to the introduction of the Heritage Overlay. When the responsible authority is deciding on an application for a permit for additions such as a lift, new disabled toilet and shower on the first floor the relevant considerations will not be confined to heritage matters.
(iii) Discussion

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

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

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

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

The two submissions that asserted their redevelopment proposals amount to a public rather than a private and site-specific effect (submissions 20 and 24) raise novel arguments. The Panel agrees with Council that the constraints imposed by the Amendment on submitter 20 is comprised of the need for a permit application. That is not a special impact on the submitter. The submitter’s status as a not-for-profit service provider does not bring this private financial impact into the realm of public or community interest for the purpose of assessing net community benefit.

Submitter 24 asserts in effect that if the Heritage Overlay is applied to the property one of the owners will be forced out of his home and into high level supported accommodation. In fact none of the alterations set out in the submission would be affected by the proposed heritage controls because they are all internal to the building.

When the responsible authority is deciding on an application for a permit for additions to the building, the personal circumstances of the property owner may be taken into account.

(iv) Conclusions

The Panel concludes that the Heritage Overlay:

- will enable Council to consider future development within a heritage context
- will not unreasonably restrict future development.

3.4 Planning issues

(i) The issue

The issue is whether a Heritage Overlay is inappropriate where State Planning Policy and zoning supports urban consolidation, or where a Public Acquisition Overlay applies.
(ii) Submissions

A number of submitters stated that a Heritage Overlay is not appropriate within a General Residential Zone 1. Submitter 25, for example stated that the proposed Heritage Overlay for Rochester Road Precinct is contrary to its designation as a General Residential Zone 1 which makes it suitable for urban consolidation, consist with the objectives of the State Planning Policy Framework.

Submitter 41 asserted that a Heritage Overlay is inconsistent with the commercial imperatives of the timber shops at 351-359 Canterbury Road which are in a Commercial 2 Zone with a VicRoads Public Acquisition Overlay.

Mr Gelber for submitter 41 stated that the property had been identified for the purpose of road widening and transit-oriented development due to their proximity to Chatham railway station so there would be limited public benefit in including them in a Heritage Overlay. He submitted that the Panel should avoid imposing conflicting overlays and should exercise its capacity to balance heritage significance against broader strategic planning imperatives. He submitted that the strategic imperative for development of the sites outweighed any heritage significance they might have.

In response to the suggestion that heritage listing is incompatible with the Public Acquisition Overlay, Council submitted that unless there is conclusive information that the proposed heritage place is required in the near future for road purposes the appropriate course is to include this place in the Heritage Overlay (as long as it meets the threshold for significance). That will facilitate the heritage place being managed in the short and medium term. If VicRoads requires the land at some time in the future, the options for mitigating the heritage impact can be considered then.

Submission 65 stated that there had been considerable redevelopment in The Ridge, which is now dominated by new buildings of various styles. It submitted that is not good planning to have isolated heritage properties that will be overshadowed by medium density development.

A number of submitters stated that the proposed Heritage Overlay is not strategically justified because it is inconsistent with the policy in Plan Melbourne supporting medium density development in the middle ring suburbs.

(iii) Discussion

The Panel is aware that heritage places in planning schemes can be identified in any zone.

The General Residential Zone (Clause 32.08) for example, includes an objective that seeks to ensure development is compatible with neighbourhood character. The Commercial 2 Zone (Clause 34.02) encourages a range of commercial uses but does not presuppose intensification of use or development.

Schedule 17 to the Design and Development Overlay (Clause 43.02) in the Boroondara Planning Scheme applies to ‘commercial corridors’, including the shops at 351 to 359 Canterbury Road. It has a specific design objective “To ensure development respects and enhances identified heritage buildings and precincts.”
The Public Acquisition Overlay indicates a long-term possibility that land may be required for a public purpose. The Panel agrees with Council that unless the property is required for road purpose in the near future there is no inconsistency. The application of the Heritage Overlay will allow the heritage place to be managed appropriately in the meantime. A Heritage Overlay ensures that the heritage values of places listed for acquisition can be considered in planning for the future development of the area. The Panel therefore concludes that a Heritage Overlay should be applied to any place that has been found to have heritage significance at the local level.

(iv) Conclusion

State Planning Policy and zoning that supports urban consolidation, and a Public Acquisition Overlay do not preclude a Heritage Overlay being applied.

3.5 Adequacy of public consultation

(i) The issue

The issue is whether Council provided appropriate notice of the Amendment and consulted adequately with the community and affected property owners.

(ii) Submissions

Several submitters stated that Council had not provided adequate information for property owners to understand that they were affected by the Amendment or that Council had not adequately considered their submissions.

Submitter 11 told the Panel that he believed Council failed to properly consider objections from residents and showed a bias against them. He stated that out of seven submissions on the Rochester Road Precinct Council’s response was to ‘support’ only 2. He submitted that Council endorsed the Canterbury Heritage Gap Study at its meetings in 3 July 2017 and 29 January 2018 despite almost all the residents who attended speaking against it.

Submitter 39 told the Panel that he was concerned that Council’s letter to residents giving notice of the public exhibition of the Amendment did not have sufficient information to inform residents that they were affected by the proposed precincts. He stated that there were no plans attached to the letter and when he looked at the very long and complex Canterbury Heritage Gap Study he could find no street names and numbers. He stated that he had spoken three neighbours who were affected by the proposed Griffin Estate and Environ Precinct and all believed that they were not affected. He told the Panel that he believed the inadequate information resulted in a low number of submissions. He asked the Panel to recommend action to address what he submitted was a lack of information (Document 39).

Submitter 42 described his experience of Council’s consultation process as an exercise in farce. It expressed concern that affected owners had only three minutes each to present their case to Council’s public consultation session and that he would have preferred a personalised and private discussion. It stated that Council’s Urban Planning Standing Committee did not address the individual concerns of most of the objecting parties.
Council submitted that it conducted preliminary consultation on the draft Canterbury Heritage Gap Study from 27 February to 27 March 2017 which took the following form:

- letters were sent to all property owners and occupiers in Canterbury including all affected properties
- letters were sent to relevant community groups and historical societies
- notice of the assessment was published in the Progress Leader on 28 February 2017, 14 March 2017 and 21 March 2017
- documentation was publicly available at Council’s Camberwell office
- documentation was publicly accessible online.

Council stated that it received 94 submissions in response. Council’s officers considered the submissions and recommended a number of changes to the Draft Canterbury Heritage Gap Study, which are detailed in chapter 1.2 of this report. Council then prepared a revised Draft Canterbury Heritage Gap Study.

At its meeting on 3 July 2017, Council’s Urban Planning Special Committee resolved to (amongst other things) endorse Council officers’ response to the preliminary feedback and recommended changes to the Draft Canterbury Heritage Gap Study, and adopt the revised Draft Canterbury Heritage Gap Study.

Council formally exhibited the Amendment under section 19 of the Act for six weeks between 31 August and 13 October 2017. Notice of the Amendment was:

- made available, including all exhibited documents in-person at Council’s Camberwell office, on Council’s website and on the Department of Environment, Land, Water and Planning website
- sent to all affected and adjoining property owners and occupiers
- sent to all parties who submitted feedback during the preliminary consultation period (including a note that any preliminary feedback previously submitted would not formally be considered as a submission to the Amendment)
- sent to key stakeholders, including local community groups, historical societies and traders associations and groups
- sent to prescribed Ministers and public authorities
- published in the Progress Leader on 5 September 2017 and in the ‘Boroondara Noticeboard’ within the Progress Leader on 12 September 2017, 3 October 2017 and 10 October 2017

The Amendment documentation as exhibited comprised the following documents:

- the Explanatory Report
- the Notice of Preparation of an Amendment
- the Instruction Sheet
- proposed Clauses and schedules (in both track changes and final format)
- Clause 22.05 – Heritage Policy
- Schedule to the Heritage Overlay (Clause 43.01)
- revised maps to reflect the above ordinance (8HO, 9HO, 12HO, 13HO, 14HO).
(iii) Discussion

The Panel acknowledges the challenges faced by some residents in understanding proposed planning scheme amendments, particularly Heritage Overlays.

The Panel has reviewed all of the submissions to the exhibited Amendment and agrees with Council’s analysis of the level of support and objections. There were many submitters in favour of the Amendment, including some who sought to extend the Heritage Overlay to more properties.

Council conducted an informal preliminary consultation on the draft study targeting affected property owners prior to the exhibition of a heritage amendment. This allowed owners and occupiers to understand what was proposed, ask questions of consultants and provide additional information that was not available at the time the heritage study was prepared. It allowed Council and its consultants to conduct more detailed inspections of properties to confirm the extent of change, which led to changes to the assessment of the significance of some places and precincts.

Council exhibited the Amendment for six weeks as required by the Act and provided appropriate notice including letters to affected land owners and advertising.

(iv) Conclusions

The Panel concludes:

- Council has conducted appropriate public consultation on the proposed Amendment in accordance with the Act.

3.6 Addition of places to the Amendment

Several submissions (61, 63 and 69) asked for additional properties to be included in the Amendment and to have a Heritage Overlay applied. Several of these are already included under the Heritage Overlay and Mr Trethowan and Ms Schmeder advised that others had been assessed but found either to be too altered to warrant listing, or not of sufficient heritage significance to reach a threshold for individual significance.

It is not within the remit of the Panel to formally recommend that additional places be included in an amendment that has been exhibited and considered.
4 Individual heritage places – submitters appearing

4.1 2 Boronia Street, Canterbury (HO264)

(i) The place

Figure 1 2 Boronia Street, Canterbury

The Amendment proposes to extend the Balwyn Road Residential Precinct (HO264), which covers the Baptist Church on Balwyn Road, to encompass the 1933 former Sunday School at 2 Boronia Street, Canterbury.

The Statement of Significance was not reproduced in the Canterbury Heritage Gap Study as the ‘Why is it Significant?’ section forms part of the Clause 22.05 Heritage Policy.

The full Statement of Significance for the Balwyn Road Residential Precinct in the Balwyn Road Residential Precinct Canterbury, Stage 2 Heritage Precinct Review by RBA Architects (2006) is very long, so only material relevant to the current discussion is set out below.

<table>
<thead>
<tr>
<th>Exhibited statement of significance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What is significant?</strong></td>
</tr>
<tr>
<td>The development of the Balwyn Road Residential Precinct, which extends along Balwyn Road, a secondary arterial road, between Canterbury and Mont Albert Roads, occurred in distinct phases from the late nineteenth century to the end of the 1930s, with a lesser period of development since WWII ... Construction however, continued at a relatively steady pace through the Federation and Interwar periods. Since WWII, there has been infill development and some limited subdivision.</td>
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<tr>
<td>The blocks are generally substantial and there are opportunities to take advantage of topography, which provides hill side views from the east side of the precinct in particular. These aspects, in combination with the landscaping, have attracted an affluent class among whom have been several eminent people ...</td>
</tr>
</tbody>
</table>
The buildings are primarily residential except for two churches. The houses are generally substantial, free-standing family homes that are setback from the front and side boundaries, are well-maintained and remarkably intact externally to their period of construction ...

**How is it significant?**

The Balwyn Road Residential Precinct is of local historic, aesthetic and social significance to the City of Boroondara.

**Why is it significant?**

The Balwyn Road Residential Precinct is of historic significance because the pattern of development reflects that of Boroondara generally. In much of Boroondara one or two periods might be represented in any one precinct, however in the Balwyn Road Residential Precinct all periods are nearly equally represented. As such, the precinct is a microcosm of the broad sweep of development across the City. The relative consistency in the allotment width and/or size across the different phases of development serves to unify the precinct.

There are historical associations with several eminent families ...

The Balwyn Road Residential Precinct is of aesthetic significance for the many high quality buildings, some of which are of individual significance at the broader level, and others that are generally good examples of their architectural style. The buildings are remarkably intact to their period of construction and have been well maintained. There has been limited change of building stock. A high proportion of the buildings have been architect designed. Although there are a range of styles evident, there is a consistency in scale and setbacks. The extensive and well maintained landscaping both to the street (with trees and wide reservations) and the private gardens provides a level of cohesion... In addition, some of the early road and paving infrastructure is intact.

The Canterbury Heritage Gap Study did not propose any changes to the Statement of Significance for the precinct. The 2006 Balwyn Road Residential Precinct review included a separate Statement of Significance for the Baptist Church site. The study and the Amendment proposed to amend this as shown below (with additional information underlined):

*One of several buildings within the precinct constructed post WWII which is representative of a lesser phase of development. This lesser phase of development extends to the end of the twentieth century. The style of the intact church is indicative of the Post-WWII approach to ecclesiastical architecture with its simplified Modernist detailing.*

*Residents of the precinct were among the founding members, and the site has been in use by the Baptist Church since 1891.*

*The Sunday school is an externally intact gothic church hall of the Interwar period. The building contributes to the character of the site and broader precinct, and is of architectural interest for its fine gothic detailing. Historically, the Sunday school demonstrates the changes that occurred to the site across the twentieth-century and the growth of the congregation throughout the period.*

The Canterbury Heritage Gap Study recommended that the Balwyn Road Residential Precinct (HO264) be extended to cover the Sunday School, to the extent of the Boronia Street frontage, and that the building be given a Contributory grading.
(ii) The issue

The issue is whether the former Baptist Sunday School at 2 Boronia Street, Canterbury is of sufficient heritage significance to justify extending the Balwyn Road Residential Precinct to include the site and for it to be identified as Contributory within the precinct.

(iii) Evidence and submissions

Council received fourteen submissions on the proposed extension of HO264.

Submission 20 opposed the application of the Heritage Overlay to the former Sunday School, on the grounds that the heritage value of the church land and its associated buildings were evaluated by the Balwyn Road Residential Precinct study in 2006. It stated that Council agreed in 2007 with representations on behalf of the Canterbury Baptist Church that the places that fronted Boronia Street and Canterbury Road and the church hall in the centre of the site were not of heritage significance to the precinct. Only the church itself, at 1A Balwyn Road, was included in the amended precinct boundary in the approved version of amendment C59.

The submission stated that nothing had changed since that time to warrant revisiting the issue. It submitted that the proposal did not address a gap, but rather represented “a reiteration of a previous process that was appropriately resolved at that time.”

It added that a building with a frontage to Boronia Street could not be seen as making a fundamental contribution to the precinct.

Submissions 7, 9, 10, 12, 17, 18, 19, 23, 28, 30, 34 and 46, many of them from residents of Boronia Street, supported the extension of HO264 to cover the former Sunday School. In summary, the submissions stated that the building:

- is one of the few remaining neo-gothic buildings from the interwar period in Canterbury and demonstrates the key architectural details of the style
- should be preserved so that future generations of residents can learn about the history of their municipality and the different eras and changes in architectural styles
- is an important contributor to the overall character of Boronia Street, in keeping with the period homes on either side
- should be considered as a contributory part of the heritage of the church site.

One submission stated that the building represented a reminder of the stories and memories of thousands of people who have entered it to celebrate significant events in their lives and protecting it would help preserve the character of Canterbury and the Balwyn Road precinct.

A supplement to submission 18 was received prior to the hearing. It stated that the submitters had always admired the building but the details in the amended citation had increased their appreciation of its architectural details. The supplementary submission contained photographs of the original 1891 Baptist Church, also in a neo-gothic style. It concluded:

*The inclusion of 2 Boronia Street, built in 1933, as an extension of the existing overlay on the Church, built in 1962, is consistent with the nature of the Balwyn Road Heritage Precinct as it is by intent a mixed precinct in terms of the period*
and style of its component buildings, which reflect the changing cultural styles since subdivision and sale of the land began in the late 1800s.

Since very few of the original buildings from Canterbury’s beginnings remain today (such as the original Church), to retain the building at 2 Boronia Street would retain some of that character reminiscent of the late 1890s and early 1900s.

Mr Trethowan’s statement of evidence (dated 12 April 2018) regarding the Canterbury Baptist Church site at 1A Balwyn Road includes 2 Boronia Street. It stated that he had reviewed documentation from amendment C59 to find out why the former Sunday School had been excluded from the boundaries of the Balwyn Road Residential Precinct. He was particularly interested in identifying whether RBA Architects had assessed its heritage significance as too low to warrant inclusion. He found that they recommended that the whole church site be included as a Contributory place in the precinct, covering the church the former Sunday School (now the Boronia Centre) and other land and buildings fronting Canterbury Road.

Mr Trethowan found no evidence in the documentation held by Council that RBA Architects conceded that the former Sunday School did not have heritage value. It was his opinion that the statement in the 2007 report to Council’s Urban Planning Special Committee that “…the places that front Boronia Street … are not of heritage significance” was an officer’s opinion, rather than that of the heritage consultants.

Mr Trethowan stated that the Canterbury Heritage Gap Study identified the building as a Contributory element to the site because of its historical importance and for its fine gothic detailing. He considered it was an integral part of the Canterbury Baptist Church site, and its interwar construction date accorded with one of the important periods of development illustrated by the precinct.

Mr Trethowan stated that not all Contributory properties in the Balwyn Road Residential Precinct were directly visible from Balwyn Road. The property at 8A Balwyn Road was hidden behind the house at 8 Balwyn Road, but had a Contributory grade because it was historically part of the holdings at number 8 and maintained a Balwyn Road address. In his opinion the same could be said for the Sunday School at the rear of 1A Balwyn Road, as its history was integrally linked with that of the Canterbury Baptist Church (and it formed part of 1A Balwyn Road).

Mr Trethowan’s view was that the former Sunday School was comparable to other church halls in Boroondara in terms of its historic relationship to the associated church and its adoption of a Gothic Revival style, using clinker brick. The building was unusual in predating the existing church; it helped to anchor the place historically in terms of its long-standing use by the Baptist Church, demonstrating the historical development of the site.

Mr Trethowan concluded that the former Sunday School was an integral, intact and architecturally distinguished part of the Canterbury Baptist Church site and should be included in the Balwyn Road Residential Precinct. In his view, no evidence refuting this conclusion was raised by the opposing submission or in the documentation relating to amendment C59.
At the Hearing and in response to cross-examination, Mr Trethowan stated that he believed that the former Sunday School was architect designed but no documentation had been found. In his view, the name of the Balwyn Road Residential Precinct was a convenient way of describing its location rather than implying that Balwyn Road was the only significant frontage. Mr Trethowan’s evidence was that he was not originally aware that Council had previously considered the inclusion of this property in a Heritage Overlay and he thought it was not something he needed to know, although he did wonder why it was not included.

Mr Trethowan stated that when assessing the former Sunday School he and his colleagues looked at the whole church site as the heritage place. While the churches and halls in his comparative examples all had the same type of street frontage and an obvious visual relationship, his opinion was that this should not be taken as a general rule regarding determination of significance.

Mr Trethowan’s evidence was that there are various ways of dealing with Non-Contributory fabric on a large site in a precinct. In this case, where the original study produced an individual citation for the church site, it should be identified in the description.

Mr Raworth’s statement of evidence dated 11 April 2018 on 1A Balwyn Road and 2 Boronia Street stated that early records showed that the present consolidated Baptist Church site was made up of several separate earlier allotments, each with a different development history.

In Mr Raworth’s view, the Statement of Significance for the Balwyn Road Residential Precint focused on the built form within Balwyn Road and the valued character and significance of the precinct. It made no reference to properties fronting adjoining streets, except in the case of the house on the corner of Mont Albert Road, which also addressed Balwyn Road.

Mr Raworth pointed out that for a place to be identified as warranting a Heritage Overlay, it must be assessed as meeting a threshold of local significance for at least one of the HERCON heritage criteria. In his opinion it should do this:

... not just in a simple or generic manner, but to a degree that is better than many or most other examples at a local level or to a degree that is comparable to other examples that are subject to the Heritage Overlay.

Mr Raworth stated that, while the former Sunday School was of the period of development that was valued in the precinct, he did not believe that its contribution reached the threshold for a Contributory building or warranted extension of the Heritage Overlay boundary. He had advised the Canterbury Baptist Church in 2007 that the church land fronting Boronia Street “was of no contributory interest to the Balwyn Road Residential Precinct as it was not visible from Balwyn Road.” Council subsequently removed all the Baptist Church land and buildings except the church and its immediate surrounds from the definition of the precinct. He did not know whether RBA Architects was consulted on this change.

Mr Raworth’s present view remained essentially the same:

... while the building is a reasonably intact and typical example of interwar architecture of its type, it makes no appreciable contribution to the Balwyn Road Residential Precinct and does not warrant inclusion within the precinct.
He stated that while the Sunday School could be seen to make some contribution to the character of the church site in an historical sense, independent from the church it did not contribute to the broader heritage place in any meaningful way. In his view, the Statement of Significance for the precinct supported the existing boundaries.

Mr Raworth stated that if the church site were to be considered of individual local significance sufficient to warrant a site-specific Heritage Overlay, the Sunday School would reasonably be seen as a Contributory component within it. However, no site-specific control was proposed, nor did the church complex warrant one, having only been graded D (contributory in the precinct) in the 2006 study. He also pointed out that the Amendment did not seek to take in the full extent of the church land, which was a departure from RBA Architects’ recommendation of 2006.

In Mr Raworth’s opinion, the critical consideration in this instance was that it was not the church site that was significant, but the precinct. The church was only a Contributory element. He stated that the Sunday School building was:

... in effect being identified as a contributory element to a contributory element. In my view such a telescoping of values of significance is not sensible in terms of the clearly established character, appearance and significance of the Balwyn Road Residential Precinct.

Mr Raworth stated that while the Sunday School building was linked historically with the church on Balwyn Road it was separated from it by a considerable distance and a non-contributory building of some scale. This was not an instance where there was a strong visual link between two buildings, even on their own site, as they had effectively been designed and located so that they turned their backs on each other. He stated that the property at 8A Balwyn Road, referred to by Mr Trethowan, is not comparable to 2 Boronia Street because it has an address, access and frontage to Balwyn Road.

Mr Raworth identified the Methodist [now Uniting] Church property as the only other one in the Balwyn Road Residential Precinct that extended through to Boronia Street. The site-specific citation for that place referenced the hall, connected to the church, but made no mention of the single storey brick villa on the corner of Erica and Boronia Streets. Mr Raworth stated that the site appeared to have been mapped based on its title boundaries.

At the hearing and in response to cross-examination, Mr Raworth stated that the HO264 Balwyn Road Residential Precinct was generated in response to agitation from residents. It was not part of any systematic evaluation process.

Mr Raworth’s opinion was that the former Sunday School was not of sufficient historical or architectural significance to warrant listing in its own right. While it was located within the curtilage of the church, he believed it had insufficient connection or importance to the broader Balwyn Road precinct to warrant being included or being graded Contributory.

He stated that the Sunday School was a handsome building, aesthetically distinctive in Boronia Street and good and intact. However, it was a very standard building of its type, not architecturally distinguished. In his opinion it was probably architect-designed, but this would not necessarily add to its significance.
He submitted that there appeared to be a confusion of objectives. Boronia Street was assessed as not warranting a new precinct, but the Sunday School was noted and reviewed as an interesting building. He concluded that adding it to the existing Balwyn Road Residential Precinct was a convenience, rather than being justified by the Statement of Significance.

Council’s submission on 2 Boronia Street (document 4), adopted the evidence of Mr Trethowan. It stated that the Panel should have regard to heritage matters rather than past processes, such as those as described in submission 20. It put the view that the issues raised in the opposing submission and Mr Raworth’s evidence were:

... not such as to persuade that the building lacks the requisite heritage values to warrant inclusion in the precinct as a contributory building.

Ms Lane told the Hearing that the post-exhibition changes to amendment C59 that omitted the former Sunday School and other components of the site from the precinct were not tested by a Panel. Council made alterations to satisfy the only two opposing submitters, including the Baptist Church. Ms Lane reiterated the point made by Mr Trethowan that there was no evidence that the heritage consultants supported these changes in 2007.

With regard to the lack of visibility from Balwyn Road, Council stated that although the building’s aesthetic contribution might not be directly visible from Balwyn Road, its architectural details and visual prominence along Boronia Street made a significant contribution to the Baptist Church site as a whole and the precinct more generally. It described Mr Raworth’s evidence on the issue of visibility as too narrow. Council considered that the historical importance of the building also justified its identification as a Contributory element to the precinct. It stated that the Sunday School building is “an integral, intact and architecturally distinguished part of the ... site, which demonstrates the importance of the church in demonstrating the social and cultural associations ...”

Council noted that Mr Raworth had acknowledged that the former Sunday School building was linked historically with the church on Balwyn Road and was a handsome building in its own right. It stated:

Council shares these sentiments and submits the Sunday School building ought be included within the precinct as it is:

• of aesthetic significance as it contributes to the overall character of the Baptist Church site and precinct more broadly (regardless of its Boronia Street address);
• of architectural significance as a result of its fine Gothic detailing; and
• of historical significance as it demonstrates the changes that have occurred to the site across the twentieth-century and the growth of the congregation through this period.

Ms Lane directed the Panel’s attention to the definition ‘heritage place’ in the Clause 22.05 Heritage Policy and stated that it included groups of buildings as well as buildings on their own.

Ms Cincotta, for the Canterbury Baptist Church, presented a supplementary submission (document 5) to the hearing. She pointed out that while the original citation for the church
site (RBA Architects 2006) mentioned other buildings on the land, the Statement of Significance referred only to the church itself, which was graded D (Contributory).

She submitted that the Panel should find that Council as the planning authority had failed to discharge the burden of establishing a sound basis for determining the property to be of sufficient heritage significance to warrant an overlay. She further submitted that in the circumstances, it had “acted in an inappropriate and unfair manner.”

Ms Cincotta reiterated Mr Raworth’s view that the relevant question for the Panel is not whether 2 Boronia Street is of contributory significance to the site but rather whether it is of contributory significance to the heritage place, namely the precinct (HO264). She submitted that Council and Mr Trethowan had proceeded from an incorrect starting point in assessing the significance of the building with reference to the balance of the church holdings rather than the Statement of Significance for HO264.

Ms Cincotta pointed to Mr Trethowan’s statement that “Contributory places typically form a significant streetscape that is best managed as a precinct...”, and stated that it was difficult to find any visual physical relationship between 2 Boronia Street and the Balwyn Road properties.

The suggestion by Council and Mr Trethowan that RBA Architects did not concede that the Sunday School had no heritage value was not supported by any evidence, Ms Cincotta stated. She described the proposed revision of the 2006 citation for the church site as “unorthodox and questionable” and seemingly being made in an attempt to elevate the significance of the Sunday School.

Ms Cincotta stated that the Church relied on the evidence of Mr Raworth that there was no strategic basis for the proposed change to the planning scheme. She submitted that the property at 2 Boronia Street did not have any heritage significance to warrant inclusion in the Balwyn Road Residential Precinct (HO264) or any relationship with the precinct.

In response to a question from the Panel, Ms Cincotta stated that the Church’s concern was both with the proposed Heritage Overlay listing of the former Sunday School and the fact that extension of the boundary to the Boronia Street frontage would include a large amount of fabric with no heritage value, in the shape of the brick hall.

(iv) Discussion

The Panel inspected the site on 1 May 2018 and noted that the former Sunday School is indeed a handsome building with fine gothic detailing.

The Panel has considered carefully all the evidence and submissions concerning this property. It notes the number of submissions supporting its inclusion in the Heritage Overlay, indicating that it is highly valued by residents in Boronia Street and elsewhere in the surrounding area.

The Panel concurs with Mr Raworth and Ms Cincotta that the key question to be addressed is the contribution of the building to the heritage place. There are two possible ways of defining the heritage place: the Baptist Church site; or the Balwyn Road Residential Precinct (HO264) as a whole.
The Panel notes that the definition of ‘heritage place’ in the Clause 22.05 Heritage Policy includes groups of buildings as well as buildings on their own, and that a heritage place may be a heritage precinct, which is defined specifically in the Heritage Policy:

_Heritage Precinct: Means a group of buildings and/or structures or other works and their associated land which have cultural heritage significance when read together._

In this case, in the Panel’s view, the relevant ‘heritage place’ is clearly the Balwyn Road Residential Precinct. The Baptist Church on Balwyn Road is identified as a Contributory property within it.

If the whole Baptist Church site been included in the Heritage Overlay, as proposed in amendment C59, there would have been some components of the fabric that were contributory to the precinct and others of lesser or no heritage interest. That is apparently the case with the Uniting (former Methodist) Church complex on the corner of Balwyn Road and Erica Street. The Panel believes that the key issue is whether the former Sunday School itself contributes to the precinct or, alternatively, whether its role as an important component of a Contributory place is enough to justify its inclusion.

Council’s case, based on Mr Trethowan’s evidence, appears to focus on the contribution of the former Sunday School to the broader Baptist Church site and, to a lesser extent, to Boronia Street. It sees the contribution of the building to the Balwyn Road Residential Precinct as stemming from its role as an integral part of the church complex.

Many of the supporting submitters also mentioned the building’s contribution to the Baptist Church site and to the character of Boronia Street.

On the other hand, Mr Raworth contended that a contribution to the Baptist Church site is not enough. It acknowledges that if the church site is considered to be of individual local significance, sufficient to warrant a site-specific Heritage Overlay, the former Sunday School could reasonably be seen as a contributory component within it. However, since no site-specific control is proposed the former Sunday School building is, in Mr Raworth’s words, “in effect being identified as a contributory element to a contributory element.”

The Panel has also considered the citation and Statement of Significance for the Baptist Church property developed by RBA Architects in its 2006 review of Balwyn Road. Assuming the original Statement of Significance comprised only the first two paragraphs of the amended version included in the Canterbury Heritage Gap Study, the former Sunday School was not mentioned. This was despite the recommendation that the whole of the church site be included in the precinct. The original citation included a photograph of the Sunday School building but said only:

_A brick Sunday school building with Gothic openings was completed in mid 1933._

This may indicate that the consultants did not consider the building worthy of more attention or that their focus was firmly on Balwyn Road, but in the Panel’s view this is not material. The appropriate question here is whether the information before the Panel in this Amendment justifies the proposed extension of the precinct.
Before addressing this question, the Panel reiterates that it recognises that systematic heritage gap studies are an established and valid method for assessing the heritage significance of places in a municipality or a defined part of it. They may come to different conclusions from earlier studies of the same area, due to a wider remit, the effects of the expansion of heritage concepts, or for other reasons. The Panel does not accept the view that once a place has been overlooked for heritage listing or has been excluded from a listing, the decision can never be revisited.

The Panel adopts the expert evidence of Mr Trethowan and the views of Council and other submitters that the former Sunday School is an important component of the Baptist Church site and demonstrates a key stage in its evolution from 1891 to the 1930s. It also recognises that the building has considerable aesthetic qualities. The amended citation and Statement of Significance for the Baptist Church site in the Canterbury Heritage Gap Study substantiate these values. The Panel notes that Mr Raworth’s evidence did not contradict this assessment in any fundamental way.

However, in the Panel’s view, the case for the contribution of the former Sunday School to the Balwyn Road Residential Precinct as a whole, rather than just to the Baptist Church site, is much less clear. A large part of the problem is that the contribution of the Baptist Church itself is not articulated in the precinct Statement of Significance. As noted above, even the individual Statement of Significance for the Baptist Church complex from the 2006 study is quite limited in its treatment of the church and silent on the rest of the buildings on the site. It notes that “residents of the precinct were amongst the founding members and the site has been in use by the Baptist Church since 1891” but does not suggest that the complex has any ongoing social significance to the community.

The Panel agrees with Mr Raworth that the description of the precinct under ‘What is Significant?’ focuses on Balwyn Road and the properties along it. This section says “the buildings are primarily residential except for two churches”, but the churches are not discussed further. The houses are said to be “generally substantial, free-standing family homes”, set back from the front and side boundaries and “well-maintained and remarkably intact externally to their period of construction.” The landscaping within the precinct is also identified as significant.

The Balwyn Road Residential Precinct was found to be of local historic, aesthetic and social significance to the City of Boroondara.

Under ‘Why is it Significant?’ the Statement of Significance discusses historical significance in terms of the precinct covering all periods of Canterbury’s development nearly equally. Social significance is not dealt with specifically, although an association with several eminent families is noted. Regarding aesthetic significance, it says:

The Balwyn Road Residential Precinct is of aesthetic significance for the many high quality buildings, some of which are of individual significance at the broader level, and others that are generally good examples of their architectural style. The buildings are remarkably intact to their period of construction and have been well maintained. ... A high proportion of the buildings have been architect designed. Although there are a range of styles evident, there is a consistency in scale and setbacks.
The Panel adopts the evidence of Mr Trethowan, supported to a large degree by Mr Raworth, that the former Sunday School is a good example of its architectural style, well maintained, externally intact and probably architect-designed. It also represents one of the valued development periods in the precinct’s history. To this extent, it could be said to be representative of the buildings described as contributing to the significance of the broader heritage place.

However, although the ‘Why’ section above generalises its discussion of aesthetic value to apply to ‘buildings’ the ‘What’ section focuses clearly on houses. It also attributes significance to the consistent setbacks from front and rear boundaries and to gardens. The former Sunday School building does not share any of these characteristics. The precinct Statement of Significance also cites the contribution of street trees and “early kerb and channeling to the road, reservations and footpaths.”

The Panel notes Mr Trethowan’s view that the name of the precinct was a convenient locational description, rather than implying that Balwyn Road was the only significant frontage. However, the Panel does not believe that the precinct Statement of Significance can be read to apply much weight to the contribution of the small sections of other streets that are included within the extent of the precinct. It notes that apart from the rear section of the Uniting Church complex, all the buildings in the precinct face onto or gain access from Balwyn Road. The inclusion of the word ‘Residential’ in the name of the precinct also appears to the Panel to be significant.

For the reasons given above, the Panel prefers the evidence of Mr Raworth that the contribution of the former Sunday School does not reach the threshold for a Contributory building within the precinct or warrant extension of the Heritage Overlay boundary.

This conclusion is not based on visibility from Balwyn Road, but on the Panel’s interpretation of the reasons given for the significance of the precinct. The precinct Statement of Significance does not contain any explanation of the value or contribution of the Baptist Church and its associated buildings. This means that the Panel is unable to conclude that one particular part of the wider church site should now be added to the precinct.

(v) Conclusions

The Panel concludes:

- The former Sunday School at 2 Boronia Street is of historical and architectural interest as an integral part of the Canterbury Baptist Church complex.
- The former Sunday School at 2 Boronia Street does not contribute to the Balwyn Road Residential Precinct (HO264) to the extent that warrants extension of the precinct to cover this site.

(vi) Recommendations

The Panel recommends:

- Amend the Heritage Overlay schedule to delete 2 Boronia Street, Canterbury from the Balwyn Road Residential Precinct (HO264).
b. Amend the Planning Scheme Map for 13HO to delete 2 Boronia Street from the Balwyn Road Residential Precinct (HO264).

4.2 351-359 Canterbury Road, Canterbury (HO681)

(i) The place

![Figure 2](image2.jpg)

**Figure 2** 351-355 Canterbury Road, Canterbury

![Figure 3](image3.jpg)

**Figure 3** 357-359 Canterbury Road, Surrey Hills
Exhibited statement of significance

What is Significant?
The Victorian shops at 351-361 Canterbury Road, Canterbury and Surrey Hills, are significant. They were built in 1892-93 for two owners: butcher William Tacey (the pair 351-353), and electrician Thomas Hyde (pairs at 355-357 and 359-361). The pairs at 351-353 and 359-361 have timber parapets, the construction of the parapets at 355-357 is unknown. All shops have brick party walls and retain timber-framed shopfronts. The shopfronts at 351, 355, 357 (half), and 359 are largely original.

How is it significant?
The row of shops is of local historical and architectural significance and rarity value to the City of Boroondara.

Why is it significant?
The shops illustrate the pattern of nineteenth-century commercial development after Canterbury Railway Station opened in 1882. Businesses were established along Canterbury Road to the east and west of what was then a level crossing. It was only after 1910 that retail and commercial development began along Maling Road, eventually eclipsing the Canterbury Road shopping strip (Criterion A).

The timber shops at 351 and 353 and 359, and possibly 355 and 357, Canterbury Road are very rare survivors in the City of Boroondara. Timber shops were the first to be built in new suburbs and shopping areas in the nineteenth century, but were gradually replaced by more substantial brick buildings, leaving few of this building type in the Melbourne metropolitan area (Criterion B).

The shops demonstrate the typical characteristics of early retail buildings in Boroondara, with simple unadorned facades and simplified versions of Boom-style parapets. The surviving whole or partial shopfronts at nos. 351, 355, 357 and 359 demonstrate the typical nineteenth century timber-framed display and highlight windows with lamb’s tongue mouldings, a solid stallboard, and recessed entry (Criterion D).

(ii) The issue

The issue is whether the row of Victorian timber shops at 351 to 359, Canterbury meets the threshold for identification as an individually significant heritage place.

Although the Statement of Significance refers to 351-361 Canterbury Road, Canterbury and Surrey Hills, the entry in the Schedule to Clause 43.01 and the Explanatory Report for the Amendment both list the proposed heritage place as 351-359 Canterbury Road, Canterbury. The reason for this is discussed in the evidence of Ms Schmeder below.

(iii) Evidence and submissions

Council received two submissions on the proposed Heritage Overlay for Victorian shops at 351-359, Canterbury, HO681.

A representative for the owners of 351, 355-357 and 359 Canterbury Road provided submission 41. According to the copy of title attached to the submission, the remaining shop at 353 Canterbury Road is owned by VicRoads. The submission objected to the proposal to include these properties in the Heritage Overlay. It stated that while some elements of the assessment criteria were relevant the application of the Heritage Overlay was not justified because:

... their partial exemplification, lack of cohesion and disjointed significance. ...
A property meeting the threshold of one criteria does not in itself confer a significance rating on the whole of the property.
The submission stated that the shops were no longer recognisable as being pairs. The verandahs, the most significant architectural features, had been demolished. The timber shopfronts were now mostly rendered and no longer recognisable and the shops were in poor condition. The submission contended that the shops would need to be rebuilt to their original condition before they could meet the threshold for heritage listing.

Submission 41 considered each of the shops in detail and listed the features identified in the Canterbury Heritage Gap Study as being original significant fabric or non-original elements, plus additional changes not identified in the study. The submission put the view that non-original elements were of greater extent than original ones and:

... the building facades all differ, particularly the parapets and pediments and that the key features of the shopfronts, comprising front stall boards and highlight windows have been covered-over.

It submitted that heritage listing would be contrary to the Commercial 2 zoning, to the existing Public Acquisition Overlay for the purposes of future road widening, and to the Design and Development Overlay (Schedule 17) that all applied to the land. It pointed to what were considered to be similar shops to the east and west of the subject properties that were not proposed for heritage listing.

Submission 42, from the owner of number 351 Canterbury Road, opposed the application of HO681. It stated that the architectural features of the group of shops were no longer cohesive, the verandahs were missing, and the original fabric of the buildings was in a very shabby condition. The submission included a photograph of a chimney on one of the houses proposed for individual heritage listing in the Amendment, together with one of the much plainer chimney on number 351 Canterbury Road.

Ms Schmeder’s statement of evidence dated 12 April 2018, stated that the City of Boroondara Thematic Environmental History, Built Heritage, 2012 (Attachment 9 to document 2) had first alerted her to the existence of this row of shops. In her opinion the place was of local heritage significance for the reasons set out in the Statement of Significance.

In response to the submissions, she stated that if a place met only one HERCON criterion at the level of local significance, it would warrant protection in the Heritage Overlay. It was extremely rare for a place to meet the threshold against all criteria. She had concluded that the row of shops at 351-359 Canterbury Road was significant against three HERCON criteria: historical significance (Criterion A); rarity (Criteria B); and representativeness (Criterion D).

With regard to the claimed lack of cohesion of the shops in the row, Ms Schmeder agreed that numbers 359 and 361 were no longer recognisable as a pair, due to extensive alterations to the parapet and shopfront at number 361. For this reason, she had recommended omitting number 361 from the extent of the proposed Heritage Overlay. In her opinion, the other shops were still clearly legible as pairs. However, the fact that the shops were built in pairs was less important than their demonstration of the post-railway commercial development of the area, as rare surviving timber shops in Boroondara and the metropolitan area more generally, and for their retention of typical nineteenth century commercial forms and shopfronts.
In her opinion, the loss of verandahs did not mean that the shops were no longer of heritage significance. Verandahs had been removed in most other commercial heritage precincts in Boroondara and in many parts of metropolitan Melbourne.

She stated that the timber facades were easier to perceive on some shops than on others, particularly numbers 351 and 353 and to a lesser extent number 359. She acknowledged the information in submission 41 that the parapets, stallboards and brick party walls at number 355 and 357 had been rendered. She stated that, as recognised in the citation, the construction material of the front wall of these shops was uncertain. Nevertheless, she considered that the shops were of architectural significance for characteristics that are typical of early commercial buildings in Boroondara.

Ms Schmeder’s evidence was that the simple chimney of 351 Canterbury Road was not as unusual or as architecturally distinguished as that of 6 Alexandra Avenue (the other chimney illustrated in submission 42). Despite the fact that the buildings were both constructed in the early 1890s, they were not an appropriate comparison. The house at 6 Alexandra Avenue had been recognised for its aesthetic values and its unusual form. The shops had been identified as very rare surviving timber commercial buildings, not because of any unusual decorative detail.

Ms Schmeder stated that very early places or a rare type of place might not need as high a degree of architectural intactness as would normally be required for places to reach the threshold of local significance. This place type – early timber shops – was very rare in the municipality and the metropolitan area and therefore the shops warranted inclusion in the Heritage Overlay, despite a greater than usual level of alteration.

Ms Schmeder stated that she had carried out a very extensive comparative analysis, attempting to identify all examples of nineteenth and early twentieth century timber shops in the Melbourne metropolitan area. She identified examples in Prahran and Williamstown, as well as one in High Street, Kew, all of which were smaller in extent (one or two shops, or a shop and attached residence) than 351 to 357 Canterbury Road, and all listed under the Heritage Overlay in the relevant planning scheme. In her opinion the row of shops in Canterbury Road was possibly of regional significance.

She submitted that none of the nearby shops mentioned in submission 41 dated from the nineteenth century. The Victorian shops further to the west and east were already included in heritage precincts.

Ms Schmeder stated that the Statement of Significance should be amended to record that while 361 Canterbury Road was built as a pair with 359, it had been so altered since then that it was not recommended as part of the Heritage Overlay listing.

In response to cross examination, Ms Schmeder stated:

- The shops were part of the original phase of development in this area and represent the first retail centre in Canterbury. Maling Road and Burwood Road were developed later. The shops provided important information about what suburban high streets looked like originally, similar to what can still be seen in country towns.
• Rarity was the key to assessing this place. Rarity was not a function of intactness and cohesion, as suggested by Mr Gelber. Instead, it was a function of place type and in this case the type was ‘timber shop’.

• Timber shops had commonly been replaced by brick or masonry buildings and it was unusual for the earlier materials to survive. The shops were a very early example and worthy of protection. The timber shop and former residence in High Street, Kew (mentioned in the comparative assessment) was found to be individually significant, even though it was substantially altered. These shops were less altered and had the added weight of being in a group.

• The shop at 351 Canterbury Road was now the only one she knew of in Boroondara that had the shop and residence expressed on the façade (since the 1970s changes to one in Kew). It had its original chimneys, a boarded timber parapet, shop-front with recessed entry, original door, original shopfront windows, and the expression of the residential versus the shop sides of the building.

• Number 353 was still legible as a pair with 351, but less intact. Its shopfront was not original and the highlight windows had been covered over (as had those on 351).

• Numbers 355 and 357 might not be timber shops, but retained timber shop fronts. She could not confirm the statement in submission 41 that the parapets were rendered brick. She regarded the timber façade of number 355 as highly intact, and 357 ‘half there’. She conceded, in response to Mr Gelber, that it was possible that number 355 had a brick stallboard with painted ‘blueboard’ on top of it. In her opinion, numbers 355-357 were still very recognisable as nineteenth century shops and were an integral part of the group. The changes to them were recorded in the citation and taken into account in her assessment.

• Leaving out the shop at number 361 was a decision she struggled with, but she finally decided it should be omitted because it was missing its parapet and its shopfront was rebuilt in a very unsympathetic manner in the 1950s.

• The proposed heritage place was not a row of identical shops, although the pairs were identical originally. It was not like a terrace that had all the same details. However, the buildings had similar features that reflected nineteenth century shops. Each of the shops had enough intact fabric; 353 probably had the lowest integrity but should be interpreted with its pair at 351. Retention of the timber parapets was important.

• Being able to readily appreciate a heritage place was more relevant to precincts. Individually significant places may not be easily visible, although this one was.

• The comparison with the Maling Road commercial area was not appropriate as it was built much later, was of a completely different scale and much grander. As well as Edwardian buildings it had some interwar shop fronts with metal-framed windows.

Council adopted the evidence of Ms Schmeder concerning the heritage significance of the shops at 351 to 359 Canterbury Road, Canterbury.

Mr Gelber presented a supplementary submission (document 41) to submission 41, referring to 355-357 Canterbury Road. He reiterated points in the original submission concerning the alteration and lack of cohesion of the properties.
Mr Gelber discussed the question of thresholds and quoted from the report of the advisory committee on heritage provisions in planning schemes (2007), practice note number one and Ms Schmeder’s evidence. Based on the advice in these documents, he claimed:

_Council’s threshold for inclusion in HO681 is whether a place is similar to (or better than) similar buildings that are already included in Council’s Heritage Overlay in relation to: (a) design quality; and (b) intactness._

Mr Gelber challenged the ‘purported rarity’ of the shops, which he stated was shown by Ms Schmeder’s evidence to be central to the decision to include them in the Heritage Overlay. He submitted that the rarity of the commercial use in itself was not sufficient to cross the threshold, but rather that the properties must be ‘recognisably rare’ in an architectural sense to justify their inclusion. He submitted that “rarity should be appreciable from the public realm by an ordinary person to warrant inclusion in the Heritage Overlay.”

To support this view, Mr Gelber referred to the report of the panel in Yarra Amendment C173 Part 2, which stated that a precinct should be able to show a consistency of built form that could be discerned on the ground.

Mr Gelber submitted that the Statement of Significance for 351-359 Canterbury Road did not accurately identify the elements of the properties that were significant and was therefore inconsistent with the requirements of the practice note. He stated that this inconsistency had:

... led Ms Schmeder into error in identifying the Affected Properties as locally significant on the basis of their age and commercial use rather than their recognisable design quality and intactness.

Mr Gelber submitted that none of the purported elements of the heritage significance associated with the properties could be recognised as being sufficiently intact. He pointed to the repetition of the description of ‘timber shops’ in Ms Schmeder’s evidence and stated that they did not present as timber shops. Instead, some window frames and small features presented as wood, while the overall impression was of mixed materials, with render being dominant on each façade. Some of the stallboards and highlight windows had also been covered with render. The shops could no longer be properly described as ‘timber fronted’.

Mr Gelber suggested that the subject shops compared unfavourably with the timber shop and residence at 415-417 High Street, Kew, one of the comparative examples used by Ms Schmeder (the other has been demolished). He also compared them to the commercial properties in Maling Road, Canterbury (HO145), which he described as providing significantly more intact and consistent heritage fabric. He submitted that applying heritage protection to the Canterbury Road shops could undermine the integrity of the Heritage Overlay more broadly.

Mr Gelber submitted that it was not enough that the shops were rare in themselves. He stated that the threshold test required the rarity to be of good design quality and for those elements that are said to be significant to be sufficiently intact. He submitted that numbers 355 to 357 could not be identified as timber shops for the purposes of rarity. Only some parts of the shopfronts appeared to be wood and then only the window frames. The timber shops might be rare but the others were not.
According to Mr Gelber, a question for Panel was whether there was a sufficient distinction between the new materiality of the altered shops and the timber that was supposed to be significant, when seen from the street. He put the view that the alterations needed to be identifiable, for the purposes of subsequent management of heritage fabric.

Mr Gelber disagreed with Ms Schmeder’s opinion that Maling Road was not an appropriate comparator. He stated that by focussing on the ‘purported timber construction’ of the Canterbury Road shops, Ms Schmeder had avoided comparing them with the most significant commercial centres in Boroondara.

Submitter 42 provided a late written submission to the Panel as he was unable to attend the hearings. The letter raised matters of planning policy, the VicRoads Public Acquisition Overlay and private financial impacts, which are discussed in chapter 3. The submission outlined the owner’s plans to redevelop the building and the difficulties encountered because of the Public Acquisition Overlay. It submitted that the owners might support a Heritage Overlay if Council would assist in having the Public Acquisition Overlay removed and then develop a comprehensive plan to enhance the heritage significance of the site, including reinstating the verandahs. It also sought in principle agreement to the proposed extension, on the condition that the façade would be retained.

In addition to the information given previously about the heritage values of the property, the submission contended that there were “at least 10 similar period timber shops across Melbourne”.

(iv) Discussion

The Panel inspected the shops at 351-359 Canterbury Road, Canterbury on 1 May 2018. It also observed some of the other retail premises in the vicinity, mentioned in submission 41.

The Statement of Significance assesses the shops as being local heritage significance against Criterion A (historical), Criterion B (rarity) and Criterion D (representativeness).

The Panel concurs with Ms Schmeder that it is only necessary for a place to be recognised as significant against one criterion for it to warrant listing under the Heritage Overlay. The key question to be determined is whether the group of shops meets the threshold for local significance against any one (or more than one) of the criteria proposed.

Before considering the criteria, there is a need to determine whether the Statement of Significance effectively identifies what is claimed to be significant about the place. Mr Gelber submitted that it did not and was therefore inconsistent with PPN1. On the Panel’s reading the ‘What is Significant?’ section of the Statement of Significance is in line with the advice given in the practice note and with standard heritage practice. It identifies ‘the Victorian shops’ as significant (although it incorrectly includes number 361). The remainder of the paragraph is historical and descriptive. The passage quoted by Mr Gelber from the practice note is dealing with heritage places that may encompass a number of individual elements, such as a house, garden and outbuildings. It is not necessary for the Statement of Significance to contain an exhaustive list of changes to a building or group of buildings that are identified as significant: this is the function of the ‘description and integrity’ section of the citation.
With regard to Criterion A, the significance attributed to the row of shops is due to them illustrating the pattern of nineteenth century commercial development in Canterbury. For Criterion D, they are considered to be of local heritage significance because they demonstrate the typical characteristics of early retail buildings in Boroondara, including simple unadorned facades and simplified parapets. The details of the timber-framed windows, the solid stallboards and recessed entries are considered to be representative of this type of nineteenth century shop.

The Panel accepts Ms Schmeder’s evidence that the shops were built in 1892-93 (a little later than the estimate of 1888 given in the thematic history) and represent the very early period of commercial development in Canterbury. It notes that the submitters did not challenge this history. The Panel also accepts Ms Schmeder’s evidence, confirmed by its inspection, that the shops present as a group of relatively simple nineteenth century commercial premises and retain their original form and enough of their architectural details to be recognised as such.

The Panel sees no reason to doubt Mr Gelber’s information about the additional alterations to the properties at 355-359 Canterbury Road that are not recognised or not confirmed in the citation, particularly the brick parapets of 355-357 and the changes to the stallboards on number 357. It does not consider that these changes are sufficient to undermine either the historical significance of the row of shops or their ability to represent the characteristics of early retail buildings in Boroondara. These shops should, therefore, retain their identification as part of the significance of HO681 in terms of criteria A and D.

The Panel has no doubt about the rarity of timber shops in Boroondara or the metropolitan area more generally, based on Ms Schmeder’s comparative assessment of places within the municipality and across inner Melbourne, and its own previous experience. It notes, in particular, her comments in cross examination about the importance of number 351 Canterbury Road, as being the only place she knows of in Boroondara that has the shop and residence still expressed on the façade. In regard to 355-357 Canterbury Road, however, the additional information in submission 41, document 41 and Mr Gelber’s presentation calls into question whether these properties should continue to be identified as ‘timber shops’ for the purposes of Criterion B (rarity). The Panel has concluded that they should not, although the other bases of significance still apply.

Mr Gelber’s information about alterations to 355-357 should be added to the citation, along with the other minor changes identified in submission 41 and document 41, to the extent that these are confirmed by Council’s heritage consultant.

In addition, the Panel notes that numbers 355 to 359 Canterbury Road are located in Surrey Hills, rather than Canterbury, so the listing for HO681 in the Schedule to Clause 43.01 should be amended to recognise that the place extends across the suburb boundary (as is recognised in the Statement of Significance).

On the non-heritage issues raised in the submissions and presentation, including the existence of other overlays, policy provisions and the condition of the shops, the Panel has discussed these matters in Chapter 3. They are not relevant to heritage considerations.
(v) Conclusions

The Panel concludes:

- The Victorian shops at 351 to 359 Canterbury Road, Canterbury and Surrey Hills should be added to the Heritage Overlay on a permanent basis. They are of historical significance to the City of Boroondara (Criterion A) and are good representative examples of early retail buildings in the municipality (Criterion D).
- The timber shops at 351 to 353 and 359 Canterbury Road are significant because of the rarity of this building type (Criterion B).
- The listing for HO681 in the Schedule to Clause 43.01 should change the name to ‘Victorian shops’ (since not all of them are still timber) and to clarify that the place extends across the suburb boundary of Canterbury and Surrey Hills, as is recognised in the Statement of Significance.
- The Statement of Significance should be amended to: remove reference to 361 Canterbury Road (except in the historical information about the construction of the pair of shops at 359-361); record that the parapets of 355-357 are rendered brick; and remove reference to 355-357 from in the discussion of Criterion B.
- The citation for the place should be amended to: change the title to ‘Victorian shops’; recognise additional alterations to the shops at 355-357 Canterbury Road, particularly the brick parapets and the changes to the stallboards on number 355; and record the other minor changes listed in submission 41 and document 41, where these are confirmed by the heritage consultant.

(vi) Recommendations

The Panel recommends:

c. Amend the Heritage Overlay schedule to change HO681 to read: ‘Victorian shops, 351-359 Canterbury Road, Canterbury and Surrey Hills’.

d. Amend the Statement of Significance for 351-359 Canterbury Road to:
   - remove reference to 361 Canterbury Road (except in the historical information about the construction of the pair of shops at 359-361)
   - record that the parapets of 355-357 are rendered brick
   - remove reference to 355-357 from in the discussion of Criterion B.

e. Amend the citation for 351-359 Canterbury Road, Canterbury and Surrey Hills to:
   - recognise additional alterations to the shops at 355-357 Canterbury Road, particularly the brick parapets and the changes to the stallboards on number 355
   - record other minor changes raised in submission 41, where these are confirmed by the heritage consultant.
4.3  2 Snowden Place, Canterbury (HO692)

(i)  The place

Figure 4  2 Snowden Place, Canterbury

Exhibited statement of significance

What is Significant?
The residence at 2 Snowden Place, Canterbury is significant. It was designed by the noted Australian theatre architect Charles N. Hollinshead as his own residence.
The Pyrus nivalis (Snow Pear) in the front garden is a contributory element.

How is it significant?
2 Snowden Place, Canterbury is of local historical, architectural, aesthetic significance to the City of Boroondara.

Why is it significant?
2 Snowden Place (1951) is of historical significance as it is representative of an established pattern of architects designing homes for themselves in the City of Boroondara. This pattern continues today with John Wardle’s own house on Kevin Grove in Kew (Criterion A).

2 Snowden Place is representative of the post-war design ethos, optimism and architectural modernisation pioneered by Robin Boyd. The design features honesty of structure and material, clean lines, deep eaves and an overall sense of innovation in design characteristic of this period (Criterion D).

The house is also an important work within Hollinshead’s oeuvre as it is both a departure from his usual theatre commissions and the style of his residential work, most of which has now been demolished. The dwelling also demonstrates his easy adoption of innovative and contemporary styles (Criterion H).

The Amendment proposes to include tree controls in the listing for this property in the schedule to Clause 43.01 and to identify the ‘early garage’ as a feature in the ‘fences and outbuildings’ column.
(ii) The issue

The issue is whether the property at 2 Snowden Place, Canterbury meets the threshold to be identified as an individually significant heritage place.

(iii) Evidence and submissions

Submission 24 opposed the Heritage Overlay being applied to 2 Snowden Place on the grounds that the house and tree did not satisfy the criteria listed in the practice note. It stated that the house was built in stages from 1951 and had undergone at least three alterations that had changed it significantly. At least 65 per cent of the façade had been altered from the original Hollinshed design, including a protruding garage and upper level bedroom at the front, designed by Campbell Thorn, and the addition of a stone wall and changes to windows. It submitted that these alterations to the façade were not recognised in the Statement of Significance. The submission contained architectural drawings illustrating changes to the house since 1950 and the estimates of the approximate dates these were implemented.

Submission 24 stated that the house was not representative of Hollinshed’s work, as he was known primarily as designer of theatres and town halls, nor was it a very successful residential design. It bore no resemblance to the angular compositions of Robin Boyd and Peter McIntyre illustrated in the citation. The submission also challenged the claim that ‘architects living in homes they designed’ was a recognised or significant historical theme in Boroondara.

A letter from Mr Peter Barrett, architectural conservation consultant, was attached to submission 24. It dealt in more detail with changes to the property and the background of the architects. It pointed out that, at some stage after the Thorn alterations in 1970, the entry courtyard had been removed and the entry relocated closer to the street. It concluded that the house was not an intact example of Hollinshed’s work, or a fine example of a Modernist designed house in Boroondara. He considered that the other historic themes applied to the house in the citation were dubious.

Also attached to submission 24 was a response to the Canterbury Heritage Gap Study, prior to exhibition of the Amendment. It suggested that heritage protection should give reasonable consideration to the highest and best use of a property. It stated that while 2 Snowden Place had some academic interest to the architectural and design professions, it did not reflect modern community home values and needs. It stated that Council’s significant tree local law already covered the large pear tree in the front garden, so heritage control was unnecessary. It also stated that the present owners, who had lived there since approximately 1990, had painted the house white “to distract the viewer from a number of discordant architectural elements that don’t blend together in their own right.”

Mr Trethowan’s statement of evidence dated 12 April 2018 included, as the Panel had requested, examples of places that had been considered for heritage listing but rejected after assessment. One of these was the house at 3 Snowden Place, an architect-designed dwelling that was included in Neil Clerahan’s book Modern Houses in and around Melbourne (1955). Mr Trethowan stated that 3 Snowden Place was rejected at an early stage “because the considerable alterations and additions that had taken place over the years had
substantially altered the building from its original design.” Very little original fabric remained visible or unaltered and a large two-storey addition over the garage had overwhelmed the residual form of the original single storey house and altered its presentation to the street.

Mr Trethowan responded to the claim in the submission that 65 per cent of the façade of 2 Snowden Place has been altered from the original design. He did not dispute that the house was built in stages, but stated that it was not correct to suggest that 65 per cent or even most of the façade was not significant. He set out his reading of the sequence of changes, based on architectural drawings submitted with building permit applications:

In 1950 Hollinshed designed the house (Architectural drawings in Building Permit 4959). The house’s original design comprised a two-storey core with single storey projecting wings and included Modern elements such as the flat roofs, a broad chimney, rough stone feature walls, a row of small windows, and a protruding feature wall separating the entry from the carport. The carport was labelled as ‘Future Garage’. Indeed, the garage was constructed contemporaneously with the rest of the house or very soon afterwards (Architectural drawings in Building Permit 6891, dated 13/12/1950). Other variations to the original design were made by Hollinshed himself, including a tool shed and terrace at the rear of the house.

In 1965, a study was added on the eastern elevation of the house to a design signed by Hollinshed (Source: Building Permit 37532). This addition is on the side of the house and is not visible from the street. Postwar houses were generally small, given the shortage in building materials in the period, and it was not unusual for them to be built in phases and added to over time. The modest scale of the house and its history of additions during the postwar period reinforces the house’s representation within this type of domestic architecture.

It is apparent that the Hollinsheds owned and occupied the property until the late 1960s.

The next documented addition is by Campbell Thorn for the new owner Mrs E.L. Ricketson in 1969, after the Hollinsheds moved to Sorrento. These works comprised the construction of the first floor extension above the existing garage and a small extension at the rear. The first floor extension added a new bedroom to the house with sympathetic expressed brick wall and timber framed windows including a corner window. The wide eaves were extended around the new bedroom addition.

The Building Permit drawings (Figures 4-7) show the extent of the original house left by the Hollinsheds, including the rock feature walls and garage (refer to Figure 9). There is no reason to think that the rubble stone feature wall is not a part of Hollinshed’s original scheme. The rockwork wall is representative of Modern residential designs of the period and could be considered to be derived from European designs, particularly the work of Le Corbusier.
The only other alteration to the front of the house after 1969 was the enclosure of the porch, however, like Thorn’s addition, this was done sympathetically. The original presentation of the entrance as a door set between two large windows was retained, mirroring the original scheme which is still visible within the porch ...

Mr Trethowan identified the original features as: expressed brick walls; flat roof, with original roof lines including deep eaves; front ground floor flat roof projection with straight eaves over slightly angled front dining room wall, with skylights over entrance; rubble stone feature walls with gateway; garage; Modern style chimneys; corner window on dining room; protruding feature wall separating entry from garage; original window on west elevation; and the four timber-framed windows on the south first floor elevation (reduced from six).

He listed as ‘sympathetic alterations’:

- Addition of the first floor bedroom over the garage in 1970, designed by Thorn, with matching expressed brick, deep eaves, and window pattern, including a corner window matching the ground floor dining room.
- Infill of the porch, bringing the entry forward under the eaves in line with the dining room wall, retaining the pattern of a doorway between two large windows. The original entry looks intact within.

Mr Trethowan stressed that the significance of the house derived from the association with Hollinshead, who designed only a small number of houses, some of which had been demolished. It was also significant as a representative of Modern post war design. He considered that any fabric added during Hollinshead’s tenure (1951-69) was significant; the 1965 additions had not compromised the earlier design, as they were single-storey and in accordance with the details of the original house.

Mr Trethowan stated that Thorn’s architectural drawings from 1969 showed the house as it was before the major changes were made. The alterations designed by Thorn were identified in the citation. In Mr Trethowan’s view, they involved only the first floor addition to the façade and a ground floor sunroom at the rear. The latter was considered to have a negligible impact on the significance of the place. The first floor alterations were deemed to be sympathetic. Internal changes or limitations were not relevant to the assessment of heritage significance, as no internal alterations controls were proposed. Mr Trethowan concluded that while subject to some alteration “the house retains its historical and associative significance and this significance continues to be reflected in the fabric.”

Mr Trethowan’s evidence also responded to criticism in the submission and its attachments of the comparative analysis in the citation, including comparisons with properties designed by Boyd and McIntyre, as well as with Hollinshead’s other work. He considered these comparisons appropriate and stated that houses of this period in the Modern style were under-represented in the Boroondara Heritage Overlay.

Mr Trethowan stated that the house at 2 Snowden Place demonstrated a number of important characteristics of post war Modern domestic design, including: small size, area of expressed bricks and stone walls, expansive feature wall, flat roof, wide eaves over windows, glazed entry and garage. He considered that it compared favourably to other examples of Modern residences of the post war period in Boroondara. In his opinion:
... it stands out for its emphasis on expressed brick walls with more limited fenestration ... and bolder adoption of the flat roof form at both upper and ground levels, with prominent glazed entry porch.

In response to cross-examination at the Hearing, Mr Trethewan stated:

- He believed that architects designing their own houses was ‘an incredibly important theme’ from his perspective as an architect and that they represented a significant residential building type across Australia. These houses told more about the architect than those they designed for clients.
- He was not aware that Built Heritage found the same theme in the City of Whitehorse and City of Stonnington.
- Houses designed by architects in the immediate post-war period were relatively rare in Boroondara and those in the Modern style rarer still. Architects designing Modern houses were pioneers.
- Hollinshed is recognised in the Encyclopaedia of Australian Architects (document 25A). Two specialists in the architecture of this period had identified this house as a significant example within Hollinshed’s body of work, including Simon Reeves (document 25B).
- Mr Barrett and Mr Raworth had overstated the importance given to Boyd in the comparative analysis and the Statement of Significance. There was no intention to claim a direct relationship between Boyd and the design of this house. Also, the Statement of Significance described 2 Snowden Place as representative of Modern design, rather than innovative.
- Post war houses are special but fragile group of buildings. Their construction was not substantial; it had no feeling of longevity and often ‘did not pass the test of time’. Most of them had had major alterations or been demolished. They had often been overlooked in previous heritage studies.
- This house fell easily into the overall ethos of Modernism. It was a ‘fabulous’ composition of horizontals and verticals, particularly around the entrance and used natural materials in an expressive way. He considered it a well-preserved example of this ethos, fitting under Criterion D.
- An ashlar stone wall existed on the original house but was later extended to enclose the courtyard; he believed this occurred during Hollinshed’s ownership. The masonry wall on the house was shown on Hollinshed’s original block plan submitted with the building permit application in 1950 (shown as a blueprint in the citation and in colour in attachment 1 to Mr Raworth’s statement of evidence). He told the hearing that his reason for believing this was the conventions in the Australian Standards for Architecture, where vermillion is used for masonry.
- The front stone wall appeared to have been extended to the west during Hollinshed’s occupation and the pergola over the garage and the stone wall down the eastern side of the garage were also built during this period. He stated that these were shown in Thorn’s documentation of what was there in 1969.
- He agreed that the original scheme was a design of simple rectangles, with ground floor projections that had various functions. The rectangular form was a significant element in Hollinshed’s design.
• Hollinshed built the garage and Thorn projected it upwards to a two-storey form.
• The original design featured unpainted brick, but he considered that it was not unsympathetic to the design of the property, fitted the ethos of the architecture and did not degrade its integrity.
• The enclosure of the porch in 1977, identified by Mr Barrett, would not have required a building permit. It reproduced the detailing of the main front door, which appeared to be still there within the enclosed porch. This information could be added to the section of the citation that discusses changes to the building. The citation should also be amended to recognise that the roof is flat rather than ‘low hipped’ and correct the age attributed to the Snow Pear tree; the phrase ‘precise angles’ in the comparative analysis section could be replaced with ‘angular composition’.
• Thorn’s additions were agreed to be both prominent and visible from the public realm; the first floor addition was the closest part of the building to the street. This had altered the composition but, in his opinion, not significantly. He considered that Thorn’s changes to the house were ‘very sensitive’.
• The house at 3 Snowden Place, which he mentioned in his evidence had been investigated but rejected for heritage protection, not just because of its first floor addition (as suggested by Mr Pitt) but because it now bears no resemblance to the original building.
• The three houses used for comparison in his statement of evidence were additional to those discussed in the citation; those in the citation were the most relevant.

Mr Barrett, in his statement of evidence dated 10 April 2018 on 2 Snowden Place, gave the original name of the house as ‘Windrush’. He described it as a two-storey Modernist house, built in 1950-51 and altered in stages in 1965, 1969 and 1977. The changes to the house were summarised in a table; the list was similar to the sequence given by Mr Trethowan, except that Mr Barrett believed that the garage formed part of the 1969 extensions and he documented the enclosure of the original porch in 1977. He considered that the random rubble stone wall had been added at some time after the house was built, and subsequently extended to the west, but did not suggest a date for it. He pointed out that the stonework and mortar of the extension was different from that on the house itself. The stonework on the eastern side of the garage was similar to the extension.

Mr Barrett considered that Thorn’s 1969 alterations, which added a first floor bedroom and a garage in place of what he believed was previously a small carport, had “altered the composition of the house and ... the massing of the upper level from a rectangular plan to an L-shaped plan.”

Mr Barrett encouraged the application of heritage controls to protect places of recognised cultural heritage value in Boroondara, but stated that there should be a sound basis for their implementation. Without this, there was a risk that sites of little appreciable heritage value could be added, which would lower the value of heritage in the eyes of the local community. In relation to comparative assessments, Mr Barrett saw no value in considering Hollinshed’s major works (theatres and town halls) as there was a marked difference between them and this house, in terms of geographic location and sitting, scale, use and style. The fact that the
house was one of the few Hollinshed was known to have designed should not be used to underpin its heritage value. In any case, in his view, it was not sufficiently intact to represent Hollinshed’s residential work, as another architect had remodelled it.

In Mr Barrett’s view, the intactness of the house was overstated in the citation, and what it described as the ‘low slung hipped roof’ was in fact flat. The building was said to share the ‘honesty of structure and material’ of a comparable house by McIntyre, but Mr Barrett thought that the painting of the brickwork was in conflict with this statement. He also pointed out that the significance of the pear tree had not been assessed against any of the criteria in the practice note and there was no evidence that it predated the house.

Mr Barrett’s opinion was that the house did not satisfactorily meet the criteria identified in the Statement of Significance (A, D and H). He stated that architects building houses for themselves in Boroondara did not constitute an historical theme, or at least not one of any importance, although he noted that Simon Reeves had identified it as a ‘sub-theme’ in his thematic environmental history. Mr Barrett noted that the thematic history said that this phenomenon was more marked in Studley Park, Kew and Balwyn North than in Canterbury. He also queried the connection made with Boyd in the Statement of Significance, in the absence of any documentation. Hollinshed could have been influenced by a number of Modernist sources, including several contemporary architects whose designs bore more similarity to Hollinshed’s than did Boyd’s.

In relation to Criterion D, Mr Barrett stated:

> The existing compositional arrangement of the house is an amalgam of two sets of additions and alterations, undertaken over 20 years by two architects (Hollinshed and Thorn). It cannot be considered innovative given that architects were designing in the Modernist idiom elsewhere in Boroondara by the late 1940s and early 1950s. Nor in its altered condition can the house be considered intact, or an exemplar, of Hollinshed’s work or of 1950s Modernism (Criterion D).

He argued that Criterion H was not appropriate, because the house is not an important example of Hollinshed’s work and was too altered to represent a fine or intact example even of his residential designs.

Mr Barrett suggested that if the Panel supported the proposed Heritage Overlay, the citation should be amended to acknowledge other changes to the house, particularly the new entrance, and to correct errors and ambiguities. However, in his view, the citation did not establish that the house was of sufficient architectural, aesthetic or historical significance at the local level. He believed that heritage controls should not be recommended.

In response to cross examination, Mr Barrett stated:

- Much of the basis of significance seemed to reside with Hollinshed and the building being an exemplar of his residential work. For this to be so, it should be intact to his original vision.
- Hollinshed’s original concept was a U-shaped mass on the lower level and rectilinear on the upper level. The Hollinshed extension changed this slightly, but the Thorn changes were more significant. It now took on an L shape in its mass.
• He believed that the garage, if it existed at all during Hollinshed’s ownership, was extended forward by Thorn and the side stone wall and pergola were added at the same time. He stated the hatching on side of the ‘proposed garage’ in the Hollinshed block plan, which represented proposed works, confirmed that it was not originally enclosed.

• There was an expansion joint in the front stone wall near the south west corner of the house and the ledge on top of this part of the wall tucked in under the eaves. The mortar was different in that section, so the extension to the wall was done separately. The stone wall on the side of the garage was not in the original design. It had similar mortar and laying of stone to the western part of the front wall, rather that adjacent to the house, and was built as part of Thorn’s extension in 1969.

• There was no comparative assessment of the theme of architects designing houses for themselves against the other inner ring suburbs of Melbourne. This theme was not unique to Boroondara; if it were it would be a distinct theme and one of some substance. However, he acknowledged that Boroondara shared many significant themes with other middle ring municipalities, including Victorian or Edwardian mansion homes.

• Individually significant houses did not necessarily have to be absolutely intact. The issue was the level of change and where it was located, in terms of visibility. The weight put on Hollinsheed meant the building should be substantially his design, if he is the main reason for its historical significance. In his view the changes, although in the Modernist vein, had impacted on the ability to understand Hollinshed’s house and its original design, particularly the upper level extension and the garage.

• Hollinshed was a theatre architect and designed a theatre in Maling Road, Canterbury. However, if an exemplar of his residential work were to be listed, it ought to be more intact. There was an intact example of his residential work in the City of Stonnington, ‘Medindie’ at 2 Ledbury Court, Toorak (c1933) in an English revival style that was quite theatrical in its design.

Mr Raworth, in his statement of evidence dated 11 April 2018, noted that Hollinshed’s original design provided for a future garage, but it was not known when it built, although it seemed to be extant in 1969 when Thorn’s drawings were prepared. He also referred to the drawings for Hollinshed’s addition to the east side at the rear and described this as modest in extent and not visible from the street.

Mr Raworth stated that the garage door had “more of a 1970 provenance than a 1950s provenance.” The date of the stone walls was unclear, but they appeared to post-date Hollinshed’s documented changes. However, he acknowledged that a wall was shown in the correct location in the 1969 Thorn drawings and was not identified as new work. He advised that the current wall to the west of the house was face brick on the inside and face stone on the outside, so the stone may have been added after the wall was built.

In any case, Mr Raworth stated:

... it is clear that the original fabric and character of the early 1950s house of Hollinshed is barely appreciable from the current presentation of the building, and that the only addition that is clearly attributable to Hollinshed is minor,
and concealed from street views, and has no bearing on the architectural character of the place as perceived from the public realm.

Mr Raworth contended that for a place to be assessed as meeting a threshold of local significance against heritage criteria:

... the criteria in question should be met not just in a simple or generic manner, but to a degree that is better than many or most other examples at a local level, or to a degree that is comparable to other examples that are subject to the Heritage Overlay.

He considered that the dwelling “can be seen to possess some degree of local historical interest” as a post war architect designed house, but it did not necessarily meet the relevant threshold. Like Mr Barrett, he questioned the significance of the theme of architects designing houses for themselves and stated that this was very common in the inner eastern suburbs of Melbourne in the post war period. Moreover, the property was now substantially altered in appearance and detailing, “which strongly detracts from the capacity of this building to illustrate this theme.” In his opinion, being the architect’s own home did not necessarily mean that the residence was important relative to the designer’s specialist work. In any case, he questioned whether Hollinshead was sufficiently prominent to warrant recognition under Criterion H.

Mr Raworth went on:

... the dwelling does not have significance arising from its architectural character that is any greater than the significance of other post-war modernist dwellings in the Boroondara municipality. A building of this generic level of architectural interest might be considered to be of contributory value if it were located in a heritage precinct in which buildings of the postwar period were significant, although even then the extent of alterations might be seen to reduce its contributory value.

In regard to the comparative analysis in the citation, Mr Raworth rejected any valid comparison with the Boyd and McIntyre houses, both of which were much more distinctive. He considered that Boroondara had a particularly rich heritage of post war buildings, such as in the Yarra Boulevard Precinct in Kew (HO530), to which this house compared unfavourably.

Mr Raworth paraphrased the second step questions set out in the Heritage Council of Victoria’s Victorian Heritage Register Criteria and Thresholds Guidelines (2014), to apply them to the local level. He stated that for Criterion A, historical significance, the question should be whether the place allowed the clear association with the event, phase, etc. of historical importance to be understood better than most other places in Boroondara with substantially the same association. For Criterion H, it should be whether the place allowed the clear association with the person or group of persons to be readily appreciated better than most other places in Boroondara:

In my view, there is simply no case to be made that the subject site meets these Step Two threshold considerations in terms of either historical interest, or architectural interest or associative interest.
He continued:

... the house was not amongst the finer postwar houses of the municipality in its first iteration by Hollinshed. While it may have become larger, more impressive and more complex as a result of additions made by Hollinshed and others after 1965, it is not a key exemplar of 1950s design, nor of 1950s-1970s fusion in design, and rather can be characterised as a melange of periods and elements this is of reasonably handsome modernist character but little intrinsic significance.

Mr Raworth concluded that the dwelling was neither of sufficient integrity nor sufficient historic, representative or social significance to warrant an individual heritage control.

In response to cross examination, Mr Raworth stated:

- The stone walls and the extension to the garage are not shown in the Hollinshed block plan of 1965. If he had a hand in these changes, they must have been done after 1965, which was unlikely as he was about to sell the house and retire. No building permit would be needed for the stone walls, so the fact that they were not shown as new work in Thorn’s drawings did not necessarily indicate they were already present. He thought they were more likely to be the work of Thorn in 1969.
- Thorn’s changes were sympathetic to some extent in a stylistic sense, but fundamentally changed the appearance of the building. Architecturally the house now had a very different presentation from the simple rectilinear shape that Hollinshed designed.
- The property had never been identified as an important house or an important example of Modernism. The original design was a simple and “rather old fashioned” version of the movement. Boyd would have been aghast at the inclusion of a feature stone wall, so this was not a good example of the type of Modernism that Boyd espoused, which championed a lack of applied decorative elements. The walls represented the ‘featuristic’ side of Modernism, which was not the valued part of the movement.
- Identifying the architect, even a relatively well-known one, did not elevate an ordinary building. He quoted architectural historian Miles Lewis as saying that there were only three architects in Victoria whose work could be automatically considered significant and it did not include Hollinshed. Mr Raworth later acknowledged that Lewis’s comment had been made in the context of State significance.
- This building did not fall into Hollinshed’s specialist category, it was just a ‘postscript’ to his oeuvre.

Mr Rogers and Mr Cook provided expert evidence about the Snow Pear tree in the front garden of 2 Snowden Avenue, described in the citation as being ‘at least 20 years old when the house was built’ and identified as a contributory element in the Statement of Significance.

Mr Rogers, in his statement of evidence dated April 2018, estimated that the tree was approximately 60 years old, based on its size, structure and condition. He assessed its health as good, but its structure as poor, and stated that trees of this species and trunk size are not
a common occurrence. He considered that its useful life expectancy was about 10 years, though it might last longer. Mr Rogers confirmed that the tree is listed in the significant tree register.

Mr Cook, in his statement of evidence dated April 2018, examined the basis on which the tree had been assessed as significant, which was an estimate of its age that raised the possibility that it was a remnant from the garden of the former Monomeith Estate. The estimate derived from an inspection report by a Council arborist (tabled as an attachment to document 24). Mr Cook's analysis, based on aerial photos back to 1951, indicated it was planted between 1951 and 1956.

Council's submission noted that the Panel had the benefit of expert evidence prepared on behalf of the submitter, which identified that the tree did not pre-date the house at 2 Snowden Place. It invited the Panel to make a recommendation about the wording of the Statement of Significance pertaining to the Snow Pear tree, and the appropriateness of engaging the tree controls through the schedule.

Council, in its Part B submission on this property (document 24), adopted the evidence of Mr Trethowan. It rejected the assertion that the house did not meet any of the HERCON criteria and considered it to be of historical, architectural and aesthetic significance to the City of Boroondara. It pointed to the Boroondara Thematic Environmental History to substantiate the importance of the theme of architects living in residences they designed for themselves and noted that the thematic history said that this trend peaked after the Second World War. Council stated that the fact that this house was designed as Hollinshed’s personal residence offered “an elevated degree of insight into Hollinshed’s personal style, unrestrained by a client’s instructions or scope of design.” It submitted that the post-Hollinshed additions from 1969 onwards had not compromised the early design.

Council submitted that the owners’ expert witnesses had overstated the effect of the alterations to the property, which in any case did not lessen its historical and associative significance. It was satisfied that the property still demonstrated a number of important characteristics of a post war Modern domestic dwelling, as set out in Mr Trethowan’s evidence. Council regarded Mr Raworth’s application of the tests from the Heritage Council/Heritage Victoria document as inappropriate. It submitted that the Panel should prefer the expert opinion of Mr Trethowan and recommend the inclusion of the property in the Heritage Overlay as an individually significant place.

Mr Pitt stated that for the Statement of Significance “clarity is essential to provide a substantiated basis for decision making downstream” (document 27).

He submitted that important information was missing or not adequately explained on the extent and location of alterations and changes to the building. He stated that on the basis of Mr Barrett’s and Mr Raworth’s evidence, these included including changes to the entry in 1977 and the date of introduction of the stone feature wall and the crazy pavement. He also pointed out that the information regarding the Snow Pear was incorrect, which he considered raised doubts about the adequacy of the rest of the research relating to the property.
He stated that the theme of architects designing homes for themselves in the City of Boroondara was of no significance:

\textit{It is hardly surprising that an architect would design his/her own home or that architects choose to live in the middle ring suburbs.}

He questioned whether a lay person would see or understand a house differently if it was designed for a client, rather than an architect occupant.

Regarding the association with Hollinshed, Mr Pitt stated that comparison with any of the architect’s theatres or civic buildings was of no relevance and that the house was recognised as being atypical even in terms of his residential designs. The building had been substantially altered in appearance, so that it provided little insight into the professional life of Hollinshed.

Mr Pitt cast doubt on the independence of Mr Trethowan’s assessment of significance, stating that it was more a justification of his decision to recommend the application of a Heritage Overlay to the building. He submitted that the evidence of Mr Barrett and Mr Raworth should be given greater weight.

He put the view that in a case where a site-specific Heritage Overlay was proposed, there must be a rigorous assessment and justification, which was lacking in this case:

\textit{This relates to both the analysis of the initial design, the relevance of the first designer, the subsequent alterations and the impact on the intactness of the building and the existence of the Snow Pear Tree.}

Mr Pitt stated that neither the collection of data nor the analysis was rigorous, when compared with those undertaken by Mr Barrett and Mr Raworth. He submitted that the Panel should come to the view that the property did not satisfy any heritage criterion and that there was insufficient justification for its inclusion in the Heritage Overlay.

He questioned Mr Trethowan about how the building came to be listed for consideration for the Heritage Overlay, attaching significance to the fact that Ms Schmeder had not identified it in her original survey.

Mr Pitt’s submission stressed the personal circumstances of the owner and the perceived financial impacts of the Heritage Overlay, which are discussed in chapter 3. In addition, Mr Pitt pointed to some of the provisions of the heritage policy on demolition of significant fabric. He submitted that these might impact on an application to modify the house at 2 Snowden Place. He directed the Panel to the report on amendment C198 to the Melbourne Planning Scheme (document 28), which recommended inclusion in its heritage policy of a provision exempting a particular property from some policy provisions. He suggested that if the Panel supported the heritage listing of 2 Snowden Place, it was open to it to make a similar recommendation.

(iv) Discussion

The Panel notes that the Statement of Significance assesses the house and the Snow Pear tree at 2 Snowden Place as being of local heritage significance against three criteria: A (historical significance), D (representative architectural significance) and H (association with
a person or group of persons). The Snow Pear tree is identified as an element that contributes to the significance of the place.

The basis of significance for Criterion A is that the house represents an established pattern of architects – in this case Hollinshed – designing homes for themselves in the City of Boroondara. The basis for Criterion H is the importance of the house within Hollinshed’s oeuvre as a departure from his usual theatre commissions and from the style of his residential work. Against Criterion D, the Statement of Significance recognises the building as being representative of the post war design ethos, optimism and architectural modernisation ‘pioneered by Robin Boyd’, due to the design features of the house including ‘honesty of structure and material, clean lines, deep eaves and an overall sense of innovation in design characteristic of this period’.

The expert evidence presented to the Panel had three main components, which relate to the assessment of significance:

- Whether architects designing houses for themselves is a significant theme in the City of Boroondara, and if so, whether this is diminished by the fact that it also applies to other middle ring municipalities.
- Whether Charles Neville Hollinshed was an architect of sufficient importance for the house he designed and lived in for nearly two decades to be recognised as significant and if so, whether it should be more representative of his work and/or more intact than is the existing building.
- Whether the house is a good representative example of Modern/Modernist designs of the 1950s, either in its original conception or in its current altered state.

Regarding the historical significance claimed for 2 Snowden Place, the Panel notes that the thematic environmental history (pp 147-150) identifies ‘architects making homes for themselves’ as ‘an interesting sub-theme’. It documents examples from 1862 onwards, but records that the trend intensified in the late 1930s and peaked after the Second World War.

The Panel acknowledges that many of the places documented by Built Heritage were in Studley Park, Kew or Balwyn North rather than in Canterbury, and that the house at 2 Snowden Place was not listed as a related place. However, it notes that in the interwar and post war periods, Canterbury provided fewer development opportunities than did the newer areas of Studley Park or Balwyn North. Opportunities did exist, however, on sites resulting from re-subdivision of major estates, as was the case with Snowden Place. Furthermore, the Panel recognises that the reason for identifying ‘related places’ in a thematic history is not to give an exhaustive list of all places to which a theme or sub-theme might apply, but to provide a starting point for subsequent identification and comparative analysis.

On the basis of the information in the thematic history, the Panel accepts that the theme (or sub-theme) of architects making homes for themselves is a recognised phenomenon in the City of Boroondara. The fact that it might also have occurred in other middle ring municipalities does not, in the Panel’s view, detract from its relevance to Boroondara.

The Panel adopts the evidence of Mr Trethowan that Charles Neville Hollinshed was a prominent architect of his period and one whose designs are still valued today. Hollinshed’s individual designs on the Victorian Heritage Register include the house at 2 Ledbury Court, Toorak and the Horsham Town Hall complex.
The house at 2 Snowden Place is certainly very different from the theatres and civic buildings for which Hollinshed was principally known and also from the example of his residential designs represented by the Toorak house. In this regard, the Panel adopts Mr Trethowan’s expert opinion that an architect’s designs for his or her own residence can tell more about the architect than houses designed for clients. It also notes Council’s submission that the house, as Hollinshed’s own home, offers “an elevated degree of insight into Hollinshed’s personal style, unrestrained by a client’s instructions or scope of design.”

The principal question in relation to Criterion H is, therefore, whether the alterations to the house since the period of Hollinshed’s ownership have altered its intactness it to a degree that makes it no longer representative of his original vision and design.

The issue of intactness is also, in the Panel’s view and that of the expert witnesses, central to determining whether the building should be identified as a good representative example of Modern/Modernist residential design.

Mr Barrett and Mr Raworth appeared to concur with Mr Trethowan that any changes made during Hollinshed’s tenure could be regarded as part of the potentially significant fabric of the building. The three experts were also in general agreement about the extent of changes. The points on which they disagreed were the timing of some of the additions and the effects that the later alterations had on the intactness of the property.

There was no dispute about the date of the original construction of the house, Hollinshed’s addition of a study on the eastern side in 1965 (assessed by all as having a minor impact) or Thorn’s 1969 construction of the first floor bedroom above the garage and a sunroom at the rear. Mr Trethowan’s statement of evidence recognised the enclosure of the front porch (not recorded in the citation) but there appeared to be some confusion in other areas of his evidence in his treatment of this change. The Panel notes that it was mentioned in the letter from Mr Barrett attached to submission 24, so Mr Trethowan had the benefit of this information before preparing his evidence. He later accepted Mr Barrett’s evidence that it was constructed in 1977. The over-painting of the brickwork was also agreed to be a change from the original concept. The second letter attached to submission 24 indicated that the white colour scheme dated from post-1990, but it did not say whether the building was painted prior to that time.

Points in contention in expert evidence included the dates of construction of the garage, the stone walls and some other decorative details.

Mr Barrett believed the garage was built as part of Thorn’s extension, but the Panel adopts Mr Trethowan’s evidence that a building permit was issued for it in 1950, while the house was under construction. It notes that Mr Raworth’s evidence stated that ‘it seems to have been extant’ when Thorn prepared his plans in 1969. It is possible, as Mr Barrett suggested during cross examination, that Thorn extended the garage, since its walls now reach closer to the street those shown in the original block plans. However, its current extent and some details (including the way the pergola structure in front of it is supported by a narrow section resting on a wall) appear in the Thorn drawings and are not identified as new work. In the Panel’s view, this indicates that Mr Trethowan was accurate in describing Thorn’s change to the façade as projecting the existing garage upwards into a two-storey form.
The Panel prefers Mr Trethowan’s verbal evidence, on the basis of the colour applied to it in the block plans, that the feature stone wall on the facade of the house was part of the original design by Hollinshed. It accepts Mr Barrett’s opinion that differences in construction indicate that the extended wall to the west and the wall on the side of the garage are of later construction than the one on the house. However, in the Panel’s view, the case that these walls were built as part of Thorn’s 1969-70 alterations or shortly afterwards has not been made. The extent of the walls, like the garage, is shown in Thorn’s drawings and not identified as new work.

As Mr Raworth pointed out, these changes would not have required a building permit, but this means that they could well have been done by Hollinshed but not documented. The Panel can see no reason for Thorn to include them on his plans if they were only proposed and did not require building permission.

As noted previously, the Panel considers that a key issue in assessing whether the house has the significance attributed to it in the Statement of Significance is its degree of intactness and the effect that changes to it have had on its ability to represent either a post war Modern/Modernist house or Hollinshed’s design for his own residence. The Panel’s assessment proceeds from the position that, on the basis of the expert evidence and documentation discussed above, the only significant alterations to the façade of the house that have been substantiated as occurring after Hollinshed’s tenure are the upper storey bedroom addition (with consequent changes to the bank of windows on the first floor) and the enclosure of the porch. The painting of the brickwork is also recognised as a change.

The Panel notes that Mr Trethowan’s view on the intactness of the property differed markedly from those of Mr Barrett and Mr Raworth. Mr Trethowan considered Thorn’s alterations – the first floor extension and the enclosure of the entry – to be ‘very sensitive’ and sympathetic. His opinion was that the over-painting did not degrade the integrity of the property. Mr Barrett and Mr Raworth, on the basis of their beliefs that Thorn’s changes were of much greater extent, considered that the house was too altered to represent either Hollinshed’s design or a post war house in the Modern/Modernist style.

The Panel inspected this property on 1 May 2018 and gave particular attention to understanding the changes that had occurred since its construction. It also observed the Snow Pear tree to the east of the driveway and noted the house at 3 Snowden Place, mentioned in Mr Trethowan’s evidence and in cross examination.

The inspection confirmed that the first floor extension above the garage has altered the presentation to the street of the house at 2 Snowden Place. But as the garage and the protruding walls on both sides of it pre-dated the construction of this room, the visual effect on the façade has not been as great as Mr Barrett and Mr Raworth contended. The over-painting of the brickwork has reduced to some extent the honesty of material described in the Statement of Significance, but the Panel considers that this change is not unsympathetic and notes that it is reversible.

The enclosure of the porch appears to the Panel to have adopted a similar design to that of the original recessed entry, with a clear glazed window on either side of the door, and again is potentially reversible.
The Panel considers that the house at 2 Snowden Place still represents Hollinshed’s design concept, encompassing the additions and alterations that he made during his tenure, and is sufficiently intact to justify listing under Criterion A and Criterion H.

With regard to Criterion D, the Panel is mindful of the fact that this criterion refers to ‘representativeness’, rather than to aesthetic significance or technical advancement. It accepts Mr Trethowan’s evidence that the Statement of Significance does not claim any direct connection between Robin Boyd and the design of the house, merely a link to the post war design ethos Boyd pioneered.

In terms of comparative analysis, the Panel considers it appropriate for the citation to discuss his theatre and civic works given the role of Hollinshed in the significance identified for this house. However, it might have been more useful if the comparisons with Modern/Modernist houses had been made with buildings of local heritage significance to Boroondara rather than with properties on the Victorian Heritage Register. The same applies to the comparative example suggested by Mr Barrett as a more characteristic and intact example of Hollinshed’s residential work. Number 2 Ledbury Court, Toorak is also listed on the Victorian Heritage Register, which requires a higher threshold than individual significance at the local level.

In this regard, the Panel finds the two additional examples included in Mr Trethowan’s statement of evidence more useful. Although both are several years earlier than Hollinshed’s design for 2 Snowden Place, there is a ‘family resemblance’, particularly with the Boyd design of 203 Doncaster Road, Balwyn North (HO616).

The Panel prefers Mr Trethowan’s evidence that the house at 2 Snowden Place, Canterbury is a good representative example of a Modern/Modernist house of the immediate post war era in Boroondara, to a level that satisfies Criterion D.

The Panel does not accept the claim by Mr Pitt that the mistake in the dating of the Snow Pear tree indicates a serious flaw in the adequacy of the research relating to the property. The other shortcomings he identified in the Statement of Significance were the absence of information as to the extent and location of alterations to the building, including the changes to the entry and the date of introduction of the stone feature wall and the crazy pavement. As discussed above, on the basis of the evidence the Panel finds the enclosure of the entrance is the only significant change post-dating Hollinshed’s tenure that is not recorded in the citation. This should be added to the record, but it is not sufficient in itself to undermine the basis on which the significance of the property has been determined.

In regard to how the building came to be identified for consideration for a Heritage Overlay, the Panel notes that it was included in the list of places to be assessed in Stage 2 of the Canterbury Heritage Gap Study (document 7), principally on the basis of its association with Hollinshed.

In relation to the garage, which is identified as ‘early garage’ in the fences and outbuildings column in the Schedule to Clause 43.01, the Panel is not convinced that the garage (even though it was probably constructed in 1951) is sufficiently unusual to warrant special recognition. Mr Raworth considered that the garage door was probably of a 1970s age rather than 1950s and the citation acknowledges that it is not shown in Thorn’s 1969 plans.
Regarding the Snow Pear tree identified in the Statement of Significance as a contributory element, the Panel accepts the evidence of Mr Cook that it was planted shortly after the construction of the house, not 20 years earlier, as claimed in the citation. While Mr Rogers’ evidence indicates that the tree is a novel species in Melbourne gardens and of an unusual age and size, the Panel does not support its identification in the Statement of Significance or the Schedule to Clause 43.01. The main reason for considering it to be of heritage significance seems to have been its presumed age and the possibility that it was a remnant from the garden of an earlier mansion. This basis of heritage significance no longer applies. The tree’s arboricultural values can be adequately protected under the significant tree local law.

The Panel discusses in chapter 3 the submission that there might be social and economic impacts that the Panel should take into consideration.

The Panel can see no justification for any provision in the heritage policy to exempt the property, as proposed by Mr Pitt. The proposed alterations described in the submissions on behalf of the owner of 2 Snowden Place appear to be relatively limited and not of a scale that would warrant a site-specific amendment to the heritage policy. The Panel also notes that the Amendment does not make any heritage controls on internal alterations on 2 Snowden Place.

(v) Conclusions

The Panel concludes:
- The property at 2 Snowden Place, Canterbury is of local historical, architectural and aesthetic significance to the City of Boroondara and meets the threshold to be identified an individually significant heritage place.
- The Heritage Overlay schedule to HO692 should be changed to remove reference to the Snow Pear tree under tree controls and to remove reference to the ‘early garage’ in the fences and outbuildings column.
- The Statement of Significance should be amended to remove reference to the Snow Pear tree as a contributory element.
- The citation should be amended as follows:
  - the section dealing with alterations to the house should be amended to record that the entry porch was enclosed in 1997, to a design by Campbell Thorn
  - in the ‘description and integrity’ section the words ‘low slung hipped roof’ should be replaced with ‘flat roof’
  - in the ‘description and integrity’ section the second sentence of the paragraph dealing with the Snow Pear tree should be replaced with words to the effect of: ‘It was planted relatively shortly after the construction of the house.’ The entry in the significant tree register should also be corrected.

(vi) Recommendation

The panel recommends:

f. Amend the Heritage Overlay schedule to change 2 Snowden Place, Canterbury (HO692) to delete reference to the Snow Pear tree under tree controls and to delete reference to the ‘early garage’ in the fences and outbuildings column.
g. Amend the Statement of Significance for 2 Snowden Place to remove reference to the Snow Pear tree as a contributory element.

h. Amend the citation for 2 Snowden Place to:
   - record that the entry porch was enclosed in 1977, to a design by Campbell Thorn, in the section dealing with alterations to the house
   - replace the words ‘low slung hipped roof’ with ‘flat roof’ in the description and integrity section
   - replace the reference to the Snow Pear tree in the description and integrity section with words to the effect of: ‘It was planted relatively shortly after the construction of the house.’

4.4 10 The Ridge, Canterbury (HO693)

(i) The place

![Image of 10 The Ridge, Canterbury](image.jpg)

**Figure 5** 10 The Ridge, Canterbury

<table>
<thead>
<tr>
<th>Exhibited statement of significance</th>
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<tbody>
<tr>
<td><strong>What is Significant?</strong></td>
</tr>
<tr>
<td>The dwelling, front wall and garden setting of 10 The Ridge, Canterbury is significant.</td>
</tr>
<tr>
<td><strong>How is it significant?</strong></td>
</tr>
<tr>
<td>10 The Ridge, Canterbury is of local architectural, aesthetic and associational significance to the City of Boroondara.</td>
</tr>
<tr>
<td><strong>Why is it significant?</strong></td>
</tr>
<tr>
<td>10 The Ridge is of architectural and aesthetic significance as an early and intact example of a Spanish Mission revival style residence within a garden setting. The dwelling embodies the principal characteristics of the style through finely detailed stepped central chimney, large ‘Baroque’ gable with central arch flanked by two smaller arches, and loggia. The Cordova tiles and the wrought iron grills over the windows are details that contribute to the dwelling’s aesthetic quality (Criteria D and E).</td>
</tr>
</tbody>
</table>
The dwelling is representative of the development of the Spanish Revival style in the interwar period because of the prevalence of American movies and Australian house periodicals. It is example of a revival style that was designed and constructed for its location, and for owners that had the means to adopt emerging styles and thus created a home that reflected their ideals. The property demonstrates the on-going development of Canterbury during the interwar period (Criterion D).

10 The Ridge is associated with John Larard, a jeweller, son of Alfred Larard: founder of Alfred Larard and Son (later Larard Brothers) and president of the Manufacturing Jewellers Association of Victoria. Alfred Larard and Son were well-known Melbourne goldsmiths and jewellers and the Larard Brothers were famed by their mining jewellery supplied to the Western Australia market (Criterion H).

(ii) The issue

The issue is whether the Spanish Mission style house at 10 The Ridge, Canterbury meets the threshold of local significance to be included in the Heritage Overlay.

(iii) Evidence and submissions

Council received three submissions on 10 The Ridge, Canterbury, two of which were effectively duplicates. Submission 22 (and 73) opposed the application of a Heritage Overlay without the owners' permission. It submitted that the façade and style of the house did not qualify for any historic significance compared with other buildings in the area. It stated that the internal layout is very restrictive, the building is in disrepair and cracks had appeared in the driveway, the footings, internal walls and concrete floors.

Submission 54 advised that the owner’s advocate was seeking expert advice and that a formal submission would be made once it was received.

Mr Trethowan stated that the identification of the property for the Heritage Overlay was justified when assessed against the criteria in PPN1, as set out in the citation.

Council declined to accept a late submission on this property, but the Panel acceded to a late request to be heard and further information from Ms Wang on behalf of the owners of 10 The Ridge, Canterbury. Ms Wang provided the further information on the property (document 42) in writing on 4 May and at the hearing on 8 May 2018.

Document 42 claimed that a renumbering of the allotments on the east side of The Ridge at some time in the mid-1930s meant that the history given for this property (and 14 The Ridge) was wrong. The Canterbury Heritage Gap Study confused numbers 8 and 10 The Ridge. The well-known jeweller, Mr Larard, who was said to have lived at this house, had actually occupied number 8 instead.

The revised history given in Document 42 stated that the house at what is now 10 The Ridge was built in 1926 or 1927, not in 1920 as claimed in the citation. Its original owner was Ada Charlotte Russell, although the Sands and McDougall directories always listed the occupant as Albert G Russell. This meant that the tender notice placed by architect Leslie M Perrott in 1925 for a large brick residence for Mr Russell referred to 10 The Ridge, rather than 14 The Ridge (as the Canterbury Heritage Gap Study assumed). However, the existence of the advertisement did not prove that the house that was built was Perrott’s design. The document also questioned the importance of Leslie M Perrott as an architect of the period.

Even if the house at 10 The Ridge was designed by Perrott it stated that:
... it is at best an example of his work in a commonly used, then fashionable, architectural style and not a building that could be said to be one of his important works, or an innovative or particularly creative house design. Rather it uses the fashionable architectural details that were in common use in middle class suburbs during the 1920s and 1930s.

The document stated that Spanish Mission style houses were reasonably common in the 1920s and 1930s suburbs found in parts of Boroondara, and “the subject house is at best a reasonably simple and fairly typical three-room-wide example, and not an innovative or very creative one, or a very good example.” It is also not an early example, as it was built in 1926-27 rather than 1920, as the citation claimed.

With regard to comparative assessment, it stated that the citation had not compared this house with all the Spanish Mission style houses in the municipality or other buildings of the same style in the area, such as the shops in Canterbury Road near the corner of Chaucer Crescent. It had only cited the five other houses already individually listed under the Heritage Overlay, rather than also considering all those in precinct Heritage Overlay. Therefore, “the … conclusion that the Spanish Mission style house at number 10 is individually significant is unsound.”

Document 42 pointed out that although the house has its main rooms arranged across the block, as was quite common in the period, it was not originally a particularly large house, although it now has extensive additions at the rear. Other examples in the municipality, both with and without HOs, were cited as being equivalent or more impressive. It stated that the only Spanish Mission features of 10 the Ridge were the front porch and the pantile roof, while in other respects it was quite sparsely detailed.

The document put the view that the Canterbury Heritage Gap Study had failed to prove that the house justified its inclusion in a Heritage Overlay as it relied on “erroneous historical research and a completely inadequate comparative assessment”.

Ms Wang told the Panel that she had assistance in preparing document 42 from a person with a heritage background, but that he preferred not to be named.

Council’s response from its heritage expert Mr Trethowan was as follows:

- An error was made in the early history of the house due to the changing numbering of the street in the 1920s-30s, leading to its misidentification as the home of Larard c1920. Instead, the house was constructed in 1926 and was the residence of Albert G. Russell. The c1926 house is still an early example of the adoption of the Spanish Mission style in the City of Boroondara, as most other Significant examples in the municipality are later.
- While the association with Larard (Criterion H) is no longer supported, the aesthetic (Criterion E) and representative value (Criterion D) of the house is unaffected as a significant example of a Spanish Mission style house in the City of Boroondara.
- The combination of rate book entries, Municipal Directories and the tender notice indicates that the house was designed for Mr Russell by architect L M Perrott. An architect’s tender notice is generally accepted as sufficient evidence for a house design. The tender notice fits the revised construction date of the house, c1925-6 and this was the only property on The Ridge associated with the Russells at this
time. The involvement of an architect explains the house’s relatively early adoption of the Spanish Mission style in the mid-1920s.

- Perrott was a versatile architect employing a variety of architectural styles. The subject site is distinguished as an example of Perrott’s successful use of the emerging Spanish Mission style.
- Comparative analysis is only needed with other individually significant comparable houses in the municipality. Comparison to Contributory or Non-Contributory houses is not necessary to establish a threshold of significance, as the threshold is that the place is at least as good as comparable places currently protected individually in the municipality.
- Referring to other Spanish Mission examples mentioned, Number 10 Rochester Road is much more modest in size and lacking the prominent front chimneys and parapets. The subject house [10 The Ridge] is clearly a superior example by comparison to this Contributory house, in scale, ornamentation and composition. The c1924 house at 9 Rochester Road is another early Spanish Mission house, to which the subject property compares favourably, with comparable levels of ornamentation. Number 9 Rochester Road (HO185) has been acknowledged to be of architectural significance ‘as a near original early and accomplished example of the Spanish/Italian/Mediterranean styles which swept Victoria for a brief period in the late 1920s’. That house was illustrated in the Australian Home Builder of June 1925, as one of the early Spanish provincial designs in the country. The subject property, constructed only the following year, is thus a similarly early Spanish Mission style house in the municipality that compares well as an early example of the style. The other comparative examples proposed are either of different styles, heavily modified, or smaller and less ornamented.
- The house at 10 The Ridge may not be large by today’s standards, but as a single-storey villa of its era and type it is a relatively large example, using the breadth of the large site. As a triple fronted Spanish Mission house, the subject property is distinctive. Additions to the rear of the house have not altered its significance as they are not visible to the public realm and no interior controls are proposed.
- The house combines many features such as the triple arch porch, pantile roof cladding, twisted columns and chimneys that make it an excellent representative of its class (Criterion D). The details at 10 The Ridge as outlined in the citation make it aesthetically significant (Criterion E). It has finely detailed stepped central chimney, large ‘Baroque’ gable with central arch flanked by two smaller arches, and loggia. The Cordova tiles and the wrought iron grills over the windows are details that contribute to the dwelling’s aesthetic quality.
- Despite the error in the dating of 10 The Ridge, the house designed by architect L M Perrott in 1926 continues to be aesthetically significant (Criterion E) and representative of the Spanish Mission type of residence in Boroondara (Criterion D). It is accepted that the house should no longer be associated with the Larards (Criterion H) and that the citation should be edited accordingly to reflect these changes.
(iv) Discussion

The additional information provided in document 42 does not have the status of expert evidence, because the identity and qualifications of its main author are unknown to the Panel or the other parties. However, the Panel notes that the details concerning the changes of street numbering were confirmed by Mr Trethowan’s further research, so that this part of the information is not in dispute.

The Panel also notes that Mr Trethowan’s statement of evidence, including his response to the initial submissions on this property, was made available prior to the hearing. The owners’ representative did not have the opportunity to cross-examine him on it, as she was not originally a party to the hearing. The later information provided by Mr Trethowan is untested by cross-examination, including from the Panel.

The Panel adopts the expert opinion of Mr Trethowan that, even with the revised built-date, the property is an early example of a Spanish Mission house in Boroondara that compares well with others in the municipality. It also endorses his view that places of the same style included individually under the Heritage Overlay in Boroondara provide an appropriate basis for comparative analysis.

The Panel inspected this property on 18 April and noted its general appearance and the features described in the Statement of Significance. On the basis of its observations and Mr Trethowan’s evidence, the Panel accepts that the house has architectural significance as a representative example of the Spanish Mission style (Criterion D) and aesthetic significance for its design and detailing (Criterion E).

In the Panel’s view, the architectural and aesthetic significance of the house are not diminished by the inaccuracy of the claim for associational significance due to the connection with the Larard family.

The Statement of Significance for 14 The Ridge attributed significance to its association with L M Perrott as its (supposed) designer (Criterion H). The Panel would not support the inclusion of a similar paragraph in the Statement of Significance for this place, since it did not form part of the supporting material for the exhibited Amendment, or the factual basis on which the property was originally assessed. However, the details of the designer and construction date should be included in the history section of the citation, to ensure that the information is a complete as possible.

The Panel notes that the Statement of Significance, under ‘What is Significant?’ identifies the fence as being part of the significance of the place, but it is not discussed in ‘Why is it Significant?’. The fence is not listed in the Schedule to Clause 43.01 in the column concerning outbuildings and fences. The Panel considers that the reference to the fence should be removed from ‘What is significant’. If Council wishes to apply heritage controls to the fence, it should explain its contribution to the place in the Statement of Significance and exhibit the change in the Schedule in a future amendment.
(v) Conclusion

The Panel concludes:

- The Spanish Mission style house at 10 The Ridge, Canterbury meets the threshold of local significance to be included in the Heritage Overlay.
- The Statement of Significance should be amended to: remove reference to the fence in ‘What is Significant’; delete reference to associational significance under ‘How is it Significant’; and remove the third paragraph under ‘Why is it Significant?’, regarding Criterion H.
- The citation should be amended to record the correct details of the owners, occupants and architect.

(vi) Recommendation

The panel recommends:

i. Amend the Statement of Significance for 10 The Ridge, Canterbury to: remove reference to the fence in ‘What is Significant’; delete reference to associational significance under ‘How is it Significant’; and remove the third paragraph under ‘Why is it Significant?’, regarding Criterion H.

j. Amend the citation for 10 The Ridge, Canterbury to accurately document details of the owners, occupants and architect.

4.5 Ramornie (formerly Glenlea), 49 Mangarra Road, Canterbury (HO687)
(i) **The place**

**Exhibited statement of significance**

<table>
<thead>
<tr>
<th>What is Significant?</th>
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<tbody>
<tr>
<td>49 Mangarra Road, built c1898-99 for John Colclough and designed by Ward and Carleton is significant.</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>How is it significant?</th>
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<tbody>
<tr>
<td>49 Mangarra Road is of local historic and aesthetic significance to the City of Boroondara.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Why is it significant?</th>
<th></th>
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<tbody>
<tr>
<td>49 Mangarra Road is historically significant as one of the large estates fronting Mont Albert Road with the large house of 10 rooms built in 1898-99 on a generous allotment with frontage to the prestigious road. Historically it also shows the impact of subdivision with the large house now occupying a much reduced site. Historically the property is associated with John Colclough whose grocery and tea importing business John Colclough and Co. were successfully operating in Emerald Hill (South Melbourne), and who commissioned the house Glenlea at 106 Mont Albert Road (now 49 Mangarra Road) and occupied it until 1905. Historically the house is later associated with art dealer William Richard Sedon who added to it in 1929 and in 1939 and remained as owner for 30 years, accommodating his art and collections and hosting social events for those associated with Melbourne’s art world (Criterion A). Glenlea at 49 Mangarra Road demonstrates a transition between the Victorian and the Federation styles that is part of Boroondara's contribution to the development of Federation architecture in Australia. Together with architects Alfred Dunn, Terry and Oakden, Ussher and Kemp and Christopher Cowper, architects Ward and Carleton are associated with architectural innovation in residential design. 49 Mangarra Road is a fine example of the work of Ward and Carleton who completed a number of commercial and residential commissions throughout Boroondara and other suburbs (Criterion D). Aesthetically 49 Mangarra Road is significant for its restrained design based on diagonal orientation with projecting wings to each side, its combination of Victorian verandah detailing and bay window with timber fretwork to the gable ends. High quality red brick with tuck pointing and a slate roof provide a contrast of materials of the two periods. Some fine detail is shown in the rendered cornices and timber ‘blinds’ over the sash windows, the squared pattern verandah frieze and ornate brackets, curved timber eaves brackets and the encaustic tiled verandah with bluestone edging. The chimneys in red brick with delicate rendered detail are a fine feature of the work of Ward and Carleton. Whilst there are modern additions to the house and a garage at the rear, these have been executed in matching brickwork and do not detract significantly from the main elevations. The cast iron posts at the entry marked with the inscription ‘Anderson Ritchie Fitzroy’ may have formed part of the original entry to the property on Mont Albert Road, however this has not been confirmed (Criterion E).</td>
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</tbody>
</table>

The Amendment proposed to introduce permit requirements in the ‘Outbuildings or fences exempt under Clause 43.01-3’ column in the Schedule to Heritage Overlay.

(ii) **The issue**

The issue is whether Ramornie, 49 Mangarra Road, Canterbury meets the criteria to justify it being included in the Heritage Overlay and graded as individually significant.

**Submissions**

Submission 37, by the owner of 49 Mangarra Road objected to the property being included in the Heritage Overlay on several grounds.
It stated that the current title boundaries have no heritage significance because subdivisions have isolated it from its original frontage to Mont Albert Road and the result is “hardly a historical remnant of the original claimed seven acres remaining in 1908.”

The submission stated that the building is in a poor state, built without proper foundations and sitting on top of a series of springs and aquifers among its structural problems.

It stated that the current owners who have been resident since the 1980s, have carried out two major renovations. Although the work was sympathetic to the heritage of the building they did not use like-for-like materials and substantially altered the house. It stated that the renovation work undermine assumptions about intactness of the building including:

- very little of the tuck pointing on the red brickwork remains
- the verandah posts and cross sections are look alike timber and compressed timber
- the original concave verandah covering was replaced with out of character bull nosed corrugated Colorbond
- blind toppings had rotted and were removed
- the verandah brackets were found in a scrapyard and added to complete the verandah picture but are not true to the original design.

The submission stated that many of the features that the citation attributes to being original are in fact a result of the owner’s renovations. In particular, the Victorian style gate posts which the Statement of Significance proposes are part of the original entrance to the property were cast in 1985 and of the type and size commonly used in inner city terraces.

The submission disputed the historical importance of past residents and stated that there was no factual evidence that the house was designed by Ward and Carleton architects.

The submission stated that the comparative analysis did not meet Council’s selection criteria and there are better examples of similar better-preserved houses in the vicinity.

On the assessment against the HERCON criteria the submission stated:

- Criterion A – The house does not front Mont Albert Road, only five of the original 10 principal rooms remain in an altered state and the house no longer sits on a generous allotment with a prestigious frontage, the early owners were not people of great import.
- Criterion D – The house is not a definitive or rare example of the style, there is no evidence of the originating architects being Ward and Carleton.
- Criterion E – The projecting wings are the result of an additional wing constructed in 1985, the materials used were high quality but not with the intention to restore the original Victoria/Edwardian style, the cast iron gate posts are contemporary and little original brickwork remains and varying roof heights and materials and different guttering result in a severely altered built form.

**Expert evidence**

The expert evidence of Mr Peter Barrett called by submitter 37 was that the site is not of sufficient aesthetic or historical significance to warrant a site-specific Heritage Overlay (Peter Barrett, Expert Witness Statement, 11 April 2018).
He referred to the threshold for the nomination of individually significant heritage places adopted by Council’s Urban Planning Special Committee Agenda of 3 July 2017 and stated that the property fails to meet the criteria:

... as it is not known to be the intact work of a prominent architect, or having rareness in terms of its historic background. Rather this house is more consistent with those places meeting the criteria for places not recommended as individual heritage places (Barrett, page 16).

Mr Barrett’s opinion was that the association with the former owners does not make the site significant. He stated that Mr Colclough lived there for only four years and had no important association with Boroondara. His business interests were in South Melbourne.

Mr Barrett’s opinion was that Mr Sedon’s former art galleries in the central business district and Hawthorn are of more significance in remembering his work.

Mr Barrett’s opinion on the association with architects Ward and Carleton was that:

... without evidence from a primary source it would be unwise to attribute the design of Ramornie to any particular architect or architectural firm.

He stated that the tender notices relied upon do not identify an exact address in Mont Albert Road. He stated that the stylistic cues that the Canterbury Heritage Gap Study relied on to identify the architect are relatively common on a villa of the period and should not be used to attribute the design to Ward and Carleton.

Mr Barrett’s opinion was that the altered condition of the house means that, even if they were the designers, it cannot be regarded as representative of their work. He stated:

The level of change that has occurred to the house is significant, and has altered the original massing, planning and character of the house (Barrett, page 10).

His opinion was that the alterations and additions to the house and the enlarged rear grassed yard had impacted on its heritage value. His statement of evidence stated:

Alterations and additions have distorted and concealed the original mass of the house and altered and in parts obliterated original fabric. Alterations have occurred to all elevations of the house. The verandah, noted in the citation as a notable element of the house was rebuilt in the 1980s, and much of its fabric is not original, and some detailing (eg roof profile) not an accurate reproduction (Barrett, page 5).

Mr Barrett’s evidence at the hearings reinforced his opinion about the extent and impact of the alterations. He stated that the house now has an awkward relationship to its street and the interface to the public realm. In addition, that is the side of the house that has been changed most.

He told the hearings that the diagonal bay window used to project further out, on the basis of the building plans, and far more change has been made to this façade. He stated that the base of the verandah has been rebuilt which is evidenced by a brick propping up the bluestone along the verandah.
In response to a question from Ms Lane, Mr Barrett stated that Ms Schmeder had implied that the verandah has only been rebuilt in part, and is substantially intact. He stated that it is unlikely the original base of the verandah survives; it has extended forward at some stage, and has then been set back.

Mr Barrett’s opinion was that the alienation of the house from Mont Albert Road and the changes to the house “provides little interpretative value in understanding the early character of Mont Albert Road and its substantial villas.” (Barrett, page 17).

Mr Barrett identified two properties with villas and mansions on Mont Albert Road from the late nineteenth century that provide greater interpretive value, which are subject to heritage controls: Frognall on Mont Albert Road which is recognised at state and local levels and Canonbury at 9 Barnsbury Road, which has been alienated from its Mont Albert Road frontage.

His statement of evidence cited two properties that in his opinion represent a greater level of interpretive value and integrity that are not proposed to be included in the Amendment; Craiqie Var and Erskineville, two earlier brick villas of late-Victorian origin.

On whether the site is important in demonstrating a transition in style from the Victorian to Federation periods Mr Barrett’s opinion was that it “is not an important example of this transition style in Boroondara.” (Barrett, page 13).

Mr Barrett concluded that “the house in my opinion does not meet a sufficient level of heritage value for individual significance.” (Barrett, page 16).

On the HERCON criterion Mr Barrett concluded:

- **Criterion A:** Ramornie is one of a number of houses built on large estates in Mont Albert Road from the end of the nineteenth century. It is not an important remaining example of the phase of Canterbury’s development as other villas and mansions exist that retain a frontage to Mont Albert Road and/or retain more of their original character. Ramornie cannot be considered important to the course or pattern of the City of Boroondara’s cultural history.

- **Criterion D:** The original part of the house, built in c1900 is typical in terms of its materiality, detailing and composition to housing built of this time … a number of architects practiced in this style … The house in its altered condition cannot be considered to be a fine example of a known architect’s work, and is not an example that is important in demonstrating the principal characteristics of this class of place.

- **Criterion E:** The remaining original part of the house … is not important in exhibiting particular aesthetic characteristics. The materials and detailing on the house is representative, rather than important or unique, for this period of house … The chimney detail is not unique to Ward and Carleton’s work and is found on the work of other architects of this period. The ‘squared pattern frieze’ … became a popular motif from the eighteenth century in Western architecture … The steel entry gates are of relatively recent origin, and are not particularly consistent with this style of house … (Barrett, page 15).
Council’s heritage expert Ms Honman reviewed submission 37 and concluded that the house at 49 Mangarra Road is still intact enough to embody its significance as set out in the Statement of Significance. She did not propose any changes to the Canterbury Heritage Gap Study but she conceded some errors in the place citation and recommended that they be corrected (Ms Louise Homan, Statement of Evidence, 12 April 2018, pages 27-33).

Ms Honman’s recommended changes were:
- note the cast-iron gateposts are modern reproductions
- provide details about the reinstatement of the eastern part of the return verandah in the 1980s
- note in the discussion of the house’s intactness that the verandah roof has been replaced with Colorbond
- add appropriate information about the current (long-term) owner of 49 Mangarra Road to the place citation, should the submitter wish.

On the extent of the overlay being applied to the title boundaries Ms Honman stated:

> It is very rare for mansions and other large houses like ‘Ramornie’ in Melbourne’s suburbs to retain their original extensive grounds due to gradual subdivision over time ... Amongst houses of local significance ... there are many examples that sit on a much smaller allotment, which may no longer retain its original frontage, but they are still considered significant for reasons other than their grounds.

Ms Honman’s statement examined each of the changes to the house raised in submission 37. It stated that she reviewed three sets of building permit records during the initial assessment and in response to the submission. It stated that the bull-nosed verandah is a profile typical of late Victorian architecture. Except for the additions carried out in the 1980s, which is substantially the house as it is today, the house has not been altered further. Ms Honman acknowledged that the gates are clearly modern and not cast iron (see pages 30-31).

Ms Schmeder’s expert statement, which included a peer review of Ms Honman’s evidence, concluded:

> ... the house has a high enough intactness to be of individual significance. As viewed from Mangarra Road (both looking through the gates at the original front (north) façade, and along the east side), the alterations of note are the flat-roofed extension to the Billiard Room (on the rear third of the east side elevation) which appears to date from the interwar era probably part of Mr Sutton’s refurbishment, and the post-1985 garage which sits at the south-east corner of the site and is clearly visible from Mangarra Road (Ms Natica Schmeder, Statement of evidence, 12 April 2018, page 12).

Ms Honman’s evidence on the attribution to Ward and Carleton architects was:

> ... heritage professionals build knowledge of an architect’s oeuvre by matching tender notices to buildings and the reference provided matches the date of 1899 and the street (no street number) with a tender notice for Ward and Carleton (page 31).
Mr Schmeder’s expert statement confirmed this opinion. It stated that the identical patterns of cast-iron frieze and brackets at 49 Mangarra Road and at another house designed by Ward and Carleton (113-115 Millswyn Street, South Yarra) which supports this proposition. It stated that the chimney is similar to St Hilda’s House (1-19 Clarendon Street, East Melbourne), also designed by Ward and Carleton.

On the HERCON criteria Ms Honman’s response to submission 37 was as follows:

- **Criterion A**
  - The heritage assessment acknowledges the property’s former extent and siting, and the current siting still demonstrates its orientation to Mont Albert Road.
  - She acknowledged that the former owners are not known for their importance within Boroondara as much as their business interests more generally.

- **Criterion D**
  - The property is representative of transitional styling between the Victorian and Federation style, and a work of renowned architects Ward and Carleton. Ms Honman agreed that “there are many other examples in Boroondara but the assessment needs to show, largely through comparative analysis whether the place demonstrates, better than other places in its class, the work of architects Ward and Carleton and of a transitional Victorian/Federation style.”

- **Criterion E**
  - The place retains many of the essential features as well as replacement like-for-like of some elements. Many of the stylistic features are still evident. The changes to the appearance of the verandah as presented by submission 37 do not alter its profile.
  - The site “has experienced visible changes to the Mangarra Road elevation whilst retaining a fairly high integrity to the northern (originally principal) façade.”
  - The citation notes where fabric is not original but also notes that the principal façade, after the rebuilding of the front verandah, is of a high integrity (Honman, statement of evidence, pages 31 and 32).

Ms Schmeder’s evidence at the Panel hearings reinforced Ms Honman’s evidence. She stated that the house shows the transition from Victorian Italianate to Federation Queen Anne in the following features: the slate roof, the hipped roof form, the horizontal emphasis of Italianate style, some of the gable details, the return verandah, the diagonal of corner bay window and gablet, with rough cast and timber decoration, red and white banding in brickwork, heavy turned timber posts with cast iron lace rather than timber fretwork (as on later Federation houses).

She stated that she identified the house in her stage 1 survey, as handsome, of accomplished design and sufficiently visible from the public domain, and she was involved in making the attribution to the architects. Ms Schmeder stated that Canterbury is important in the development of Federation architecture.

Ms Schmeder described the history of alterations to the building including the second storey and conversion to two apartments, when part of the verandah was enclosed to be a bathroom and part of it demolished. She stated that as a result, half the original verandah survives.
She supported the current owner’s restoration of the house to a single dwelling being recognised in the citation because they rescued the house from a rather sloppy conversion. In her opinion most of the verandah was reinstated in 1985, though a small room or walk in robe was left to the south, and the box bay window now projects again under it. She stated that there are no images to show the verandah in a concave format, which the owners claim it was originally. In her opinion the restoration work returned most of the integrity of the verandah, with in-kind details. The integrity of house is definitely high enough for the original design to be understood. The major additions are to what was previously the back of the house.

Mr Nick Sutton for submitter 37 asked Ms Schmeder about the intactness of the verandah, asserting that half of the verandah no longer exists. Ms Schmeder’s response was that only a small part of the verandah is missing; probably one third is a reconstruction.

In response to a question from Mr Sutton asserting that the materials and detailing are relatively common on a villa of this era, Ms Schmeder stated that it is one of the transitional houses. It is not unique, but part of a group that expresses the transition.

Submissions to the Panel

Council adopted Ms Honman’s recommended changes to the citation (Council Part A submission). It agreed to change the last two paragraphs of the Statement of Significance to remove reference to ‘ornate brackets’ as part of the fine detail described in the penultimate paragraph and delete the last sentence in the last paragraph, which refers to the cast iron posts at the entry (Council Part B submission, Day 1, pages 10-11).

Council also proposed to remove the fence control from the updated Canterbury Heritage Gap Study and replace ‘Yes’ with ‘No’ in ‘Outbuildings or fences exempt under Clause 43.01-3’ column in the Schedule to Heritage Overlay.

Mr Sutton stated that the analysis underpinning the Amendment is based on flawed analysis and assertions that cannot be demonstrated. It fails to objectively assess the intactness and setting of the place, and overemphasises the significance of the former owners.

Mr Sutton submitted that based on the expert evidence of Mr Barrett, the Statement of Significance for the site fails to adequately justify the asserted significance of the place in respect of criterion A, D or E.

Mr Sutton submitted that the house is not legible as a dwelling addressing the street within the site’s existing altered setting.

He stated that the significance of the house’s former owners John Colclough and William Sedon was “of interest but not of particular significance.”

Mr Sutton submitted that the attribution to Ward and Carleton is an unsubstantiated claim.

Mr Sutton submitted that Council’s concessions to recognise the change to the verandah profile “goes to the diminished integrity of the site.” He concluded that it is quite different from its original form and setting and “cannot be considered a fine example of any particular architect.” (document 37, page 15).
Council submitted that the property retains a level of integrity sufficient to warrant being included in the heritage overlay and graded as individually significant.

Council submitted that its heritage consultants had considered each of the alterations to the house noted in Mr Barrett’s report, and that the experts had formed divergent views about the impact of the changes. Council submitted that the Panel’s inquiry should be whether the place is still legible, having regard to the specific values for which the property is considered significant.

On the HERCON criteria Council referred to Ms Honman’s evidence that Criteria A, D and E are met.

Council stated that a number of places have been afforded heritage protection and recognised as being ‘individually significant’ within the municipality despite the land being partially excised by a subdivision, resulting in property façades being partially or entirely obscured from the streetscape. It gave the following examples:

- 26A Wandsworth Road, Surrey Hills (HO414) which originally fronted Mont Albert Road but now only the original rear elevation remains visible from Wadsworth Road.
- 26-28 Edgecombe Street, Kew (HO297) which originally fronted Studley Park Road but in 1967 the site was subdivided and its frontage obscured by flats but the façade is still visible from Edgecombe Street.

Council submitted that Frognall, which Mr Barrett cited as a comparative place illustrating mansions of Mont Albert Road, is an unequal comparison, as it is recognised as significant at State-level on the Victorian Heritage Register. Council stated that the further examples cited by Mr Barrett (including 62 Wentworth Avenue and 146 Mont Albert Road) illustrate late Victorian houses and not the transitional styling of 49 Mangarra Road.

Council disagreed with Mr Barrett’s assertion that there is no documentary evidence to attribute the property to the architects Ward and Carleton. While Council acknowledged it had not been definitively proven, the tender notice, when read in conjunction with the 1899 rate book and title search strongly supports the association. It submitted that Ms Honman’s process for determining the architects of the property is typical for heritage professionals and the conclusions are compelling.

(iii) Discussion

The Panel had the benefit of a site inspection and considers that the issue of the setting and the impact of alterations are the key factors in assessing this property.

The Panel agrees with Council’s observation that the experts disagreed on the impact of the alterations and extensions to the property on its heritage significance. The Panel needs to consider whether the place is still legible, having regard to the specific values for which the property is considered significant; for historical significance (A), representativeness (D) or for its aesthetic value (E).

The key elements for the property’s historical and aesthetic significance are that it is one of the early substantial estates fronting Mont Albert Road and that it is designed by Ward and Carleton architects. The key elements of its representativeness are the ability of the
property to demonstrate a transition between the Victorian and the Federation styles and being a fine example of a known architect’s work.

In this case the Panel believes the house has lost its visual setting as its main façade and the entrance cannot be readily understood from the public realm on Mangarra Road. The viewed angle is only a secondary one from the original, so the observer does not get a sense of the Mont Albert Road frontage. The Panel adopts the evidence of Mr Barrett that the house is now only a portion of the grand home that was there originally.

The Panel adopts the evidence of Ms Honman and Ms Schmeder that the property was designed by Ward and Carleton architects. The Panel believes however, that the alterations to the property present an insurmountable problem for the property to meet criterion D; representative of transitional styling between the Victorian and Federation style, and a work of renowned architects Ward and Carleton.

The Panel adopts the evidence of Mr Barrett that the extent of alterations means it is not possible to regard it as a fine example of any particular architect’s work. The Panel is also persuaded by the evidence of Mr Barrett that the changes to the property render it unable to demonstrate a transition between the Victorian and the Federation styles in the City of Boroondara.

The Panel considered the submissions and evidence on the aesthetic values and concludes that the property does not meet the threshold because of the extent of alterations and additions. When the Panel viewed the property it was particularly concerned about the alterations to the verandah and the projecting wings to each side, which the owner identified as the result of recent renovations.

The Panel adopts the evidence of Mr Barrett that the remaining original part of the house built in c1900 is not important in exhibiting particular aesthetic characteristics, and the materials and details are representative rather than unique for the period. The house would have to be recognisable as what it was originally and the Panel believes the extent of alterations makes this difficult.

The Panel notes the statement by Ms Honman that the standard in the City of Boroondara for a property to be recognised of heritage significance is very high.

(iv) Conclusion

The Panel concludes:

- The property at 49 Mangarra Road, Canterbury does not meet the criteria for local heritage significance to be included in the Heritage Overlay.

(v) Recommendation

The panel recommends:

k. Amend the Heritage Overlay schedule to delete Ramornie, 49 Mangarra Road, Canterbury (HO687).
5 Individual heritage places – submitters not appearing

5.1 6 Alexandra Avenue, Canterbury (HO677)

(i) The place

![Image of 6 Alexandra Avenue, Canterbury](image)

**Figure 7  6 Alexandra Avenue, Canterbury**

<table>
<thead>
<tr>
<th>Exhibited statement of significance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What is Significant?</strong></td>
</tr>
<tr>
<td>'Braeside' at 6 Alexandra Ave, Canterbury is significant. It was constructed c1890-91 for owner Donald Mackay, a plasterer, who was most likely the designer and builder of the house.</td>
</tr>
<tr>
<td>It is a single-fronted freestanding terrace house. Walls are constructed of Hawthorn brick with red brick dressing and tuck pointing, while the simple hipped roof is covered in slates. Doors and windows have a round-arched form.</td>
</tr>
<tr>
<td>The front façade is highly intact, as are the two original chimneys.</td>
</tr>
<tr>
<td>The rear extension of 1989, the front fence and the carport are not significant.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>How is it significant?</th>
</tr>
</thead>
<tbody>
<tr>
<td>'Braeside' is of local aesthetic and architectural significance and rarity value to the City of Boroondara.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Why is it significant?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The large round chimneys of 'Braeside' with their Greek-inspired ornament are a unique decorative element in Canterbury and the City of Boroondara, and distinguish this Victorian house from others in the municipality. It is also distinguished by the survival of a higher than average level of embellishment, including acanthus-leaf eaves brackets, vineleaf verandah cast iron, and the arched entry that retains an arched highlight and sidelights of ruby-flashed glass and etched glass (Criterion E).</td>
</tr>
</tbody>
</table>
‘Braeside’ is one of a small number of Victorian houses in Boroondara that employs Greek Revival decorative details. Mass-produced cast-ironwork for verandahs in a Greek key, or meander, pattern is the most common. This same motif is also seen on at least one house as a beltcourse executed in cast cement. The use of sheet-metal acroteria at the corners of rainwater gutters survives on a few houses, but no other examples comparable to the multiple acroteria on the chimneys of ‘Braeside’ are known (Criterion B).

‘Braeside’ is a freestanding terrace house, of the type more commonly seen in Boroondara’s suburbs nearest the CBD, Hawthorn and Kew. Its massing and form are typical of the late Victorian period, with a simple hipped roof with bracketed eaves and wing walls around the verandah. It is one of a small number of such houses in Canterbury, which was characterised in the nineteenth century by freestanding villa forms designed for larger suburban blocks (Criterion D).

(ii) The issue

The issue is whether the Heritage Overlay is justified for 6 Alexandra Avenue, Canterbury.

(iii) Evidence and submissions

Council received one submission about 6 Alexandra Avenue. Submission 60 objected to the property being included in the Heritage Overlay as individually significant because it is hard to see it is justified based on what it described as a few specific features of a part of the house. It submitted that only the front façade and the two original chimneys appear to give rise to the grading of significant. It stated that the Statement of Significance notes that “the rear extension of 1989, the front fence and the carport are not significant.”

The submission stated that the house would be the only one in the street that would be subject to heritage controls and would become out of character with the development of multilevel large modern homes around it. It submitted that the Heritage Overlay would have adverse private financial impacts on the owners.

Ms Schmeder stated that because the property is considered individually significant and not part of a precinct, the surrounding streetscape is not a relevant consideration (at page 42).

Ms Schmeder stated that she had tried to make the relative significance of the different parts of the site very clear in the place citation. That is why the Statement of Significance states that “the rear extension of 1989, the front fence and the carport are not significant.”

Her opinion was that:

• the place citation has demonstrated that the house at 6 Alexandra Avenue is of individual heritage significance, independent of its surroundings
• the Heritage Overlay does not prevent all improvements to property, but a planning permit is required for external changes and Council supports works that preserve the significance of the place.

(iv) Discussion

The panel notes that the Canterbury Heritage Gap Study found that Braeside, a single fronted terrace house typical of the 1870s to the 1890s with its two original distinctive chimneys is comparable with three other properties in Boroondara: 69 Melville Street, Hawthorn, 1230133 Wellington Street, Kew and 66-68 Pakington Street, Kew. It states that the large round chimneys with their Greek-inspired ornament are a unique decorative element in
Canterbury which makes this house stand out from other Victorian houses. The Panel finds the property compares well with them, despite the later additions to the building.

The building alterations do not compromise the significance of the building and it is important that the citation accurately documents the changes to the building, and the substantial additions.

The panel agrees with Ms Schmeder that the surrounding streetscape is not a relevant consideration for assessing a property as individually significant.

The submitter’s concerns about private financial impacts have been discussed in chapter 3.

(v) Conclusion

The Panel concludes:
• 6 Alexandra Avenue, Canterbury meets the threshold of local significance to justify the Heritage Overlay.

5.2 Electricity substation, 26A Myrtle Street, Canterbury (HO682 part)

(i) The place

<table>
<thead>
<tr>
<th>Exhibited statement of significance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What is Significant?</strong></td>
</tr>
<tr>
<td>The electrical distribution substation buildings at 190A Canterbury Road, Canterbury of 1911; 26A Myrtle Road (on Canterbury Road), Canterbury of c1911-13; and 6 Harp Road, Kew of c1916 are significant. They were all built by the Melbourne Electricity Supply Company as part of long-term contracts with the municipalities of Camberwell and Kew to supply power to allow the replacement of gas street lighting with electric.</td>
</tr>
</tbody>
</table>

**How is it significant?**

The electrical distribution substation buildings are of local historical and representative significance to the City of Boroondara.

**Why is it significant?**

The electrical substations are historically significant for illustrating the introduction of electricity into Boroondara’s suburbs in the mid-1910s, where they were used to allow the electrification of street lighting, and the infrastructure required for this. They also illustrate the early structure of electricity providers, prior to the establishment of the State Electricity Commission in 1921. In these early decades, after the passing of the Electric Light and Power Act of 1896, local councils could generate their own power or purchase it from one of two major private companies: the Melbourne Electricity Supply Company (MES Co) or the Melbourne City Council Electricity Supply Department. The City of Hawthorn signed a 14-year contract with the MES Co in 1910, as did the City of Camberwell the following year. The City of Kew had electric street lighting since the late 1890s, and it was extended as far as Harp Road in 1916 under a contract with the MES Co (Criterion A).

The substations, individually and as a group, illustrate the range of designs used by the MES Co for its substations in the 1910s. As distinct from the classicising, parapeted substations constructed in the 1920s by the SEC, these early substations take a picturesque form related to prevailing Federation-era domestic design, with projecting eaves and ventilation lanterns adorned with a ball finial (Criterion D).

(ii) The issue

The issue is the extent of land that should be included in the overlay mapping for the electricity substation building at 26A Myrtle Street.
(iii) Submissions and evidence
Submission 39 by Transport for Victoria requested that the Heritage Overlay not include any additional land surrounding the electrical substation to avoid the potential to trigger a planning permit requirement for maintenance works on railway land.

Council accepted the proposed change and agreed to limit the extent of Heritage Overlay mapping from the whole property title at 26A Myrtle Road/2B Warburton Road (the East Camberwell Substation) to a curtilage of five metres around the building. The change formed part of the post exhibition changes approved by Council on 29 January 2018 (see Council Part A submission pages 7-8).

(iv) Discussion
The Panel agrees with the suggestion by Transport for Victoria and accepted by Council.

(v) Conclusion
The Panel concludes:

- The Heritage Overlay mapping should be limited to a five metre curtilage around the building, or the property boundary, whichever is the lesser.

(vi) Recommendation
1. Amend the Heritage Overlay map for 26A Myrtle Road, Canterbury (HO682 to reduce the curtilage to 5 metres around the electricity substation building or the property boundary, whichever is the lesser.

5.3 Sassafrass, 13 Mangarra Road, Canterbury (HO684)

(i) The place

Figure 8       13 Mangarra Road, Canterbury
Exhibited statement of significance

What is significant?

Sassafrass, a Victorian timber house built in 1890 at 13 Mangarra Road for musician Christopher Alger, is significant.

How is it significant?

13 Mangarra Road is of local historic (associational) and aesthetic significance to the City of Boroondara.

Why is it significant?

Sassafrass at 13 Mangarra Road, built in 1890 for musician Christopher Alger is aesthetically significant for its exceptionally fine timber detailing and unusually shaped front bay window applied to a typical Victorian timber block-fronted residence. Particular features of significance include the variation on the shape of the traditional bay window of four facets rather than the more traditional five, and the double row of finely dentillated and scalloped mouldings that decorate the eaves line of the window and match with that of the fascia to the front gable. Despite additions to the house at the side and rear, these particular features are still intact (Criterion E).

Sassafrass at 13 Mangarra Road is historically significant as the home of the acclaimed violinist Gertrude Alger who was brought up in the house belonging to her father musician Christopher Alger, and remained there until 1931. Gertrude’s musical career took her outside Australia and to the UK where she studied and performed from 1906-1910. She performed as a soloist in concerts in Camberwell and elsewhere, as well as providing music lessons from her home (Criterion H).

(ii) The issue

The issue is whether the Heritage Overlay is justified for Sassafrass, 13 Mangarra Road, Canterbury.

(iii) Evidence and submissions

Council received one submission about 13 Mangarra Road, Canterbury. Submission 31 stated that the Canterbury Heritage Gap Study failed to demonstrate that the house should have a heritage grading of significant for several reasons:

- It is a poor example of a timber block fronted property due to substantial alterations and additions.
- Although the façade is broadly representative of the 1890s original the current building is a superficial representation of the original. The period features on the fascia of the house including the wood and metal trim are contemporary reproductions, including the “exceptionally fine timber detailing” noted in the Statement of Significance.
- The importance the heritage study places on the four faceted bay window does not establish the building as being graded significant in isolation from building additions, reproductions and embellishment of period features.
- Substantial later additions to the building include a modern concrete two storey extension with a flat steel roof, an evaporative cooling unit that alters the geometry of the original roof, the addition of an ensuite bathroom and walk in robe that alters the roof form and distorts the geometry of the house, and the addition of a modern carport.
- The house has a contemporary garden and unsympathetic front fence.
The submission expressed concern that the house is assessed as of special historical significance “merely because it was once the home of a musician of modest local repute in the early twentieth century.” It stated that the Canterbury Heritage Gap Study “fails to elaborate on how the presence of the house speaks to the history and legacy of the musician”, and “how this little known historical linkage” has currency.

The submission expressed concern that the streetscape of Mangarra Road is changing and there are no planning restrictions to halt development of land in the street. It stated that the heritage study is a piecemeal and inconsistently applied reaction to a significant planning concern.

Ms Honman’s statement of evidence stated that all of the external alterations and additions mentioned in the submission are noted in the place citation and were considered when assessing the house’s heritage value. Her evidence was that the additions were considered not to substantially detract from the heritage value of the property, and the contemporary garden and front fence do not detract from the heritage value of the house. (Ms Louise Honman, Statement of evidence, 12 April 2018)

Ms Honman stated that the submitter’s comment that the timber ornamentation of the façade is a contemporary reproduction does not state whether it is like for like replacement of deteriorated elements (which is permitted in the Heritage Overlay) or a change to the appearance of the house. She stated that many of the unusual details are also seen on the façade of 23 Mangarra Road, which was built for the brother of the owner of 13 Mangarra Road in 1890, which suggests that they are an original feature of both houses.

Ms Honman’s evidence was that criterion A (historical significance) was not used in the original assessment because the Alger family appeared to be associated with 13, 23 and 9 Mangarra Road. She stated that on review of the evidence she found that the association with the violinist Gertrude Alger and her longer residence at 13 Mangarra Road until 1931 could be considered historically significant. Her statement recommended that historic significance under Criterion A could be attributed to 13 Mangarra Road and the Statement of Significance be amended.

Council’s submission notes that the post exhibition version of the Canterbury Heritage Gap Study, which was approved by Council’s Urban Planning Special Committee on 29 January 2018, includes under criterion A: *Importance to the course or pattern of the City of Boroondara’s cultural or natural history (historical significance).*

(iv) Discussion

The Panel visited the property at 13 Mangarra Road on 18 April 2018 and noted the work on the front of the house that was pointed out by submitter 31.

The Panel considered the issues raised by the submitter about the impact of alterations and additions on the building. The Panel does not agree that the alterations render the building “a superficial representation of the original.” The Panel acknowledges the information provided by the submitter that the wood and metal trim are contemporary reproductions, including the “exceptionally fine timber detailing” noted in the Statement of Significance.
The Panel adopts Ms Honman’s evidence which concludes that the unusual details are an original feature of the house, even if some have been reproduced and replaced.

The Panel adopts Ms Honman’s evidence on Gertrude Alger’s association with the house and accepts that Gertrude Alger was sufficiently important to be worthy of Criterion H. The Panel agrees that Gertrude Alger’s connection to the house is enhanced because she taught music there, as well as living there.

The Panel supports Ms Honman’s recommendation that criterion A be added to the Statement of Significance, which was endorsed by Council in post exhibition.

The Panel discusses in chapter 3 the relevance of the perceived impact of the Heritage Overlay on the market value of property and planning policy considerations.

(v) Conclusion

The Panel concludes:

- The property at 13 Mangarra Road, Canterbury meets the threshold to be included in the Heritage Overlay and graded as significant.
- The Statement of Significance for 13 Mangarra Road, Canterbury should add Criterion A for historic significance based on new information obtained after the public exhibition of the Amendment.
- The citation should be changed to include the new information about the historical significance of the property from its association with prominent musicians.

(vi) Recommendation

The panel recommends:

m. Amend the citation for 13 Mangarra Road, Canterbury to recognise the historical significance of the property under Criterion A based on its association with prominent musicians.
5.4 14 The Ridge, Canterbury (HO694)

(i) The place

![Image of 14 The Ridge, Canterbury]

Figure 9  14 The Ridge, Canterbury

<table>
<thead>
<tr>
<th>Exhibited statement of significance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What is Significant?</strong></td>
</tr>
<tr>
<td>The dwelling, outbuilding and garden setting of 14 The Ridge, Canterbury is significant.</td>
</tr>
<tr>
<td><strong>How is it significant?</strong></td>
</tr>
<tr>
<td>14 The Ridge, Canterbury is of local historical, aesthetic and associational significance to the City of Boroondara.</td>
</tr>
<tr>
<td><strong>Why is it significant?</strong></td>
</tr>
<tr>
<td>14 The Ridge is significant as a fine and highly intact example of a picturesquely composed attic storey brick residence, and for its successful execution of the domestic revival style with American over-tones of the Californian bungalow.</td>
</tr>
<tr>
<td>It is a representative example of a revival style dwelling that was designed and constructed for its location, and for owners that had the means to adopt the emerging styles and create a home that reflected their ideals (Criterion D).</td>
</tr>
<tr>
<td>The detailing seen in the gables, the brickwork and the main entrance collectively contribute to the dwelling’s aesthetic quality (Criterion E).</td>
</tr>
<tr>
<td>Siting the house at 45-degrees to the street is an uncommon characteristic that adds to the picturesque quality of the dwelling and its setting, and increases the aesthetic value of the place. The property demonstrates the on-going development of Canterbury during the interwar period (Criterion D and E).</td>
</tr>
<tr>
<td>The house is an important example of the work of a well-known and regarded Melbourne architect Leslie M Perrott. The residence stands out as one of few double-storeyed houses that Perrott is known to have designed, especially in the City of Boroondara (Criterion H).</td>
</tr>
</tbody>
</table>
(ii) The issue

The issue is whether the Heritage Overlay is justified for 14 The Ridge, Canterbury.

(iii) Evidence and submissions

Council received one submission about this property (submission 65). It submitted that the attribution of the design to architect L M Perrott did not necessarily make the house worthy of heritage listing. It stated that the property (called ‘Russell House’ in the citation) was a copy of the English Tudor style and, while pleasing in appearance, was not of ground breaking architecture or important in Australian architectural history. In addition, the 45 degree angle of the building across the site made it vulnerable to overshadowing if the block next door at 12 The Ridge were to be redeveloped.

Mr Trethowan, in his statement of evidence dated 12 April 2018 on 14 The Ridge, discussed the importance of L M Perrott. He considered that revivalist styles are significant to Australian architectural history, as most residential work in the early 20th century used some form of revivalist architecture. With regard to the orientation of the house on the block he stated that the lack of solar access was not a matter to be taken into account when assessing heritage significance. He acknowledged that The Ridge has seen considerable redevelopment.

As noted above in relation to 10 The Ridge, document 42 (tabled at the hearing) claimed that a renumbering of the allotments on the east side of The Ridge at some time in the mid-1930s meant that the history given for 14 The Ridge was wrong. The house at what is now 14 The Ridge was built in 1923 or 1924, not in 1926 as claimed in the citation. The tender notice placed by architect Leslie M Perrott in 1925 for a large brick residence for Mr Russell referred to 10 The Ridge, rather than 14 The Ridge (as claimed in the Canterbury Heritage Gap Study).

Mr Trethowan, in his written response to the additional information, accepted that he had made an error in not identifying the change in street numbering. As a result, the built date and the architect given for this property were incorrect. He advised that his further research had shown that the house at 14 The Ridge was designed by Carleton and Carleton in 1923, rather than by L M Perrott in 1926. AH Carleton was an important architect active in the municipality who was in partnership with his son CR Carleton from 1921. Carleton and Carleton advertised a tender in 1923 for a house on ‘The Ridge, Camberwell’, as the street was then known. Mr Trethowan considered that the house at number 14 was characteristic of the cross-ridged villas produced by the father and son partnership. In his view, the association with AH Carleton increased the importance of the comparison with 10 Logan Street, Canterbury (HO145), another Carleton design, one of the comparative examples discussed in the citation. He advised that the Statement of Significance should be amended to remove the associative significance (Criterion H) with Leslie M Perrott and the citation should be rewritten to correct the historical errors concerning the built-date and the architect.

Mr Trethowan stated that he believed that the house at 14 The Ridge continued to be aesthetically and representatively significant (Criteria E and D) to the City of Boroondara as a picturesquely composed house in the domestic revival style depicting Californian Bungalow overtones, in a landscaped setting.
(iv) Discussion

As mentioned above in relation to 10 The Ridge, Mr Trethowan’s later research confirmed the accuracy of the details contained in document 42 concerning changes to street numbering, which affect 14 The Ridge.

The Panel notes that the Statement of Significance says the property is of local historical, aesthetic and associational significance to the City of Boroondara, but under ‘Why is it Significant?’ it discusses an additional criterion, architectural significance / representativeness (Criterion D). Criterion A, historical significance, is not addressed, other than to say (against another criterion): ‘The property demonstrates the on-going development of Canterbury during the interwar period’. The associational significance attributed to the house is connected with the architect L M Perrott, which Mr Trethowan agrees no longer applies.

The Panel inspected this property on 18 April and noted its general appearance and the specific features described in the Statement of Significance. On the basis of its observations and Mr Trethowan’s evidence the Panel accepts that the house has architectural significance as a fine and highly intact representative example of a domestic revival style (Criterion D), and aesthetic significance for its design, siting and detailing (Criterion E).

It does not believe that the case for historical significance has been made in the Statement of Significance.

In the Panel’s view, the inaccuracy of the claim for associational significance does not negate the architectural and aesthetic significance of the property.

The Panel notes that Mr Trethowan has now identified Ward and Carleton as the architects and revised the date of construction. These details should be added to the citation, to ensure the information on the property is as complete as possible. However, the Panel does not support its inclusion in the Statement of Significance, because it did not form part of the supporting material for the exhibited Amendment or the factual basis on which the property was originally assessed.

Given that document 42 and Mr Trethowan agree that it was number 10, not number 14, that was built for the Russell family, the reference to the name ‘Russell House’ should be removed from both the citation and the Schedule to Clause 43.01.

The Panel notes that the Statement of Significance, under ‘What is Significant?’ identifies an outbuilding as being part of the significance of the place, but it is not described or discussed in ‘Why is it Significant?’ The outbuilding is not listed in the Schedule to Clause 43.01 in the column concerning outbuildings and fences. The Panel considers that the reference to the outbuilding should be removed from ‘What is significant’. If Council wishes to apply heritage controls to the outbuilding, it should explain its contribution in the Statement of Significance and exhibit a change in the Schedule in a future amendment.

Finally, the Panel concurs with Mr Trethowan that issues such as the potential impact on the house of redevelopment of a neighbouring property or the degree of change to other areas of the street are not relevant considerations in applying a site-specific Heritage Overlay.
(v) Conclusion

The Panel concludes:

• The property at 14 The Ridge, Canterbury is of architectural and aesthetic significance at the local level to the City of Boroondara and meets the threshold to be included in the Heritage Overlay.
• The listing for HO694 in the Schedule to Clause 42.01 should be amended to remove the name ‘Russell House’.
• The Statement of Significance should be amended to:
  - delete reference to the outbuilding in ‘What is Significant?’
  - delete reference to historical and associational significance and insert architectural significance under ‘How is it Significant?’
  - remove the fifth paragraph under ‘Why is it Significant?’, regarding Criterion H.
• The citation should be amended to delete the name ‘Russell House’ and record the correct details of the architect and date of construction.

(vi) Recommendations

The Panel recommends:

n. Amend the Heritage Overlay schedule to change 14 The Ridge, Canterbury (HO694) to remove reference to the name ‘Russell House’.

o. Amend the Statement of Significance to:
  - delete reference to the outbuilding in ‘What is Significant?’
  - delete reference to historical and associational significance and insert architectural significance under ‘How is it Significant?’
  - remove the fifth paragraph under ‘Why is it Significant?’, on Criterion H.
5.5 37 Wentworth Avenue, Canterbury (HO697)

(i) The place

Figure 10 37 Wentworth Avenue, Canterbury

**Exhibited statement of significance**

**What is Significant?**

The property at 37 Wentworth Avenue with timber residence built by 1884 and substantially extended in 1890-91 is significant.

**How is it significant?**

37 Wentworth Avenue is of local historic and aesthetic significance to the City of Boroondara.

**Why is it significant?**

37 Wentworth Avenue is historically significant as the property of Charles Wentworth whose large property was subdivided as the Shenley Estate in 1883. Wentworth, described as a florist, also had an orchard with ‘fruit trees of every description’ and the property enjoyed large frontages to the surrounding streets, indicating that it was amongst the early properties in the locality, another indicator of which is the front elevation facing the side of the current allotment suggesting that the house was built prior to the subdivision. The property is also significant for its later long term owners the Hosken family who owned and occupied the property from 1892 until the 1940s. Harry Hosken, a civil servant rose to become Deputy Auditor-General by 1909 and the property passed to Maude Hosken by the 1940s (Criterion A).

37 Wentworth Avenue is aesthetically significant for its large, simply-designed timber residence set in a substantial garden. Unlike the majority of large Victorian houses in Boroondara, 37 Wentworth Avenue does not adopt the predominant Victorian Italianate stylistic tendencies. Built in the early 1880s the original house has a typical Victorian symmetrical facade facing the side of the allotment and the substantial additions carried out in the early 1890s provide the extensive frontage with elaborate turned timber verandah frieze made from a series of spindles. Aesthetically, 37 Wentworth Avenue retains a large double allotment, complementing the substantial facade with bay window, slate hip and gabled roofs and rendered chimneys (Criterion E).
(ii) The issue

The issue is whether the Heritage Overlay is justified for 37 Wentworth Avenue, Canterbury.

(iii) Evidence and submissions

Council received one submission about 37 Wentworth Avenue, Canterbury (submission 3). It stated that Wentworth Avenue is over-run with demolitions, large replacement homes and loss of canopy trees, so it was too late to apply a Heritage Overlay.

Submission 3 objected to the selection of just one house in the street for heritage protection and pointed to a number of other notable homes that might also have been considered. It recognised that Heritage Overlays on streets or areas gives people certainty and respect but submitted that lone properties surrounded by totally unrelated buildings did not.

Ms Honman’s statement of evidence dated 12 April 2018 (attachment B to Ms Schmeder’s statement of evidence also dated 12 April 2018) responded to the submission. It pointed out that the property was considered to be of individual heritage significance due to its associations with Charles Wentworth and the Hosken family and its aesthetic qualities. No precinct had been identified in Wentworth Avenue. Nevertheless, Ms Honman discussed the houses that the submission had listed as being of potential heritage significance. She stated that several of them were potentially contributory if a precinct were proposed, while others were too altered even for this designation; none was considered to be individually significant.

(iv) Discussion

The Panel notes that submission 3 does not claim that the property has no heritage values, nor does it dispute either the historical significance or the aesthetic significance attributed to it in the Statement of Significance.

The fact that there are other houses in the immediate area that may have some heritage values but have not been proposed for protection does not, in the Panel’s view, invalidate the identification of an individually significant place.

The Panel accepts that the property at 37 Wentworth Avenue is of local historic and aesthetic significance, as set out in the Statement of Significance, supported by Ms Honman’s evidence.

(v) Conclusion

The Panel concludes:

- The property at 37 Wentworth Avenue is of local historic and aesthetic significance and meets the threshold for the Heritage Overlay.
6  Griffin Estate and Environs Precinct

6.1  HO700 Griffin Estate and Environs Precinct

The Amendment proposes to apply a Heritage Overlay HO700 – Griffin Estate and Environs Precinct to numbers 126 to 144 Canterbury Road, 5 to 51 and 2 to 28 Chaucer Crescent, 2 to 44 Dudley Parade, 4 to 6 Keats Street, 4 to 12 Marlowe Street and 9 to 25 Myrtle Road, Canterbury.

Four properties in the proposed precinct are graded Significant (three have individual Heritage Overlays). The newly identified Significant property is at 140 Canterbury Road. Twenty-two individual properties are graded Non-Contributory. The remainder are graded Contributory.

Exhibited statement of significance

What is Significant?

Griffin Estate and Environs Precinct, comprising residential properties at 126-144 Canterbury Road, 5-51 and 2-28 Chaucer Crescent, 2-44 Dudley Parade, 4-6 Keats Street, 4-12 Marlowe Street and 9-25 Myrtle Road, Canterbury, is significant. Griffin Estate was originally subdivided in 1885, but less than half of the blocks sold at that time. The central section, along the south side of Chaucer Crescent and the east/north side of Myrtle Road and Dudley Parade, was marketed for a second time in 1904, marking the beginning of a rapid period of residential development. Original street names honoured English poets: (Geoffrey) Chaucer Crescent, (Christopher) Marlowe Street, and (Edmund) Spencer Crescent (now Myrtle Road).

To the east of Marlowe Street, the precinct extends into part of the Logan Estate, which was subdivided in 1893, then readvertised for sale around 1907. The naming convention of the Griffin Estate was extended into this new area, with the continuation of Chaucer Crescent, and Keats Street (named after Romantic poet John Keats).

There was limited development in the precinct prior to 1901, with a small cluster of houses on Chaucer Crescent. The majority of the houses were constructed during the Edwardian period, between 1906 and 1918, leaving a handful of lots to be developed during the interwar period and just after World War II.

The following properties are Significant to the precinct: 136 Canterbury Road (HO375), 138 Canterbury Road (HO376), 140 Canterbury Road, and 24 Chaucer Crescent (HO380). The following properties are Non-contributory to the precinct: 6, 7, 13, 15-15A, 16-16A, 17, 18, 27, 29 and 31 Chaucer Crescent; 12 Dudley Parade; 6 Keats Street; 4-4A, 8, 10 and 12 Marlowe Street; and 11 Myrtle Road. The remaining properties are Contributory to the precinct.

How is it significant?

Griffin Estate and Environs Precinct is of local historical, architectural and aesthetic significance to the City of Boroondara.

Why is it significant?

Griffin Estate and Environs Precinct is of historical significance for its demonstration of the early suburban development of Canterbury. The opening of Canterbury Railway Station in 1882 spurred the creation of suburban estates from 1885, Griffin Estate being one of the earliest. It was followed by Logan Estate in 1893, on the east side of Marlowe Street. A number of these early houses, built in the late 1880s, survive along Chaucer Crescent. Like Canterbury more generally, the major phase of development in the precinct was the Edwardian period, with the final infill of streetscapes in the interwar period and just following World War II, illustrating the pattern of development characteristic of the suburb (Criterion A).

The Griffin Estate and Environs Precinct is of architectural significance for demonstrating the principal characteristics of early suburban housing in Canterbury. There was little nineteenth-century development in the locality, so the small group of houses built between 1888 and 1901 are significant for illustrating the characteristic features of the Italianate style. All have the low M-profile hipped roof, bracketed eaves,
corniced chimney and verandah set below the eaves with cast-iron detail. All but one are of facebrick (enlivened with polychromy or cement-render detail), and have an asymmetrical façade (with a canted or gabled projecting bay).

The precinct is particularly rich in Edwardian-era architecture, built between 1903 and 1915, ranging from smaller middle-class dwellings to substantial residences. Most are Federation Queen Anne in style, and have diagonal emphasis, expressed in the verandah form or by the presence of a corner bay window or entrance. The pyramidal or gabled-hipped roofs are clad in terracotta tiles, slate or corrugated iron (this last one more common for timber houses). Features include projecting gabled bays, bay windows, hoods over windows, red brick chimneys with decorative details such as corbelling, strapwork, roughcast or terracotta chimney pots, and sash or casement windows often with decorative highlight windows. A variant of this type has a generally symmetrical façade, with two projecting bays around a central porch, often supported on Tuscan-order columns (Criterion D).

The Griffin Estate and Environs Precinct is of aesthetic significance thanks to its picturesque streetscapes of fine suburban houses, many of them architect designed. Appreciation of the dwellings, individually and as a group, is enhanced by the curved plan of Chaucer Crescent and Myrtle Road/Dudley Parade, the elevated siting of houses on the north sides of these streets, the consistent garden setbacks, and the presence of mature street trees (alternating Plane trees and Melaleucas along Chaucer Crescent) (Criterion E).

6.2 The issue

The issue is whether the proposed Griffin Estate and Environs Precinct meets the threshold for identification as a heritage place in the Boroondara Planning Scheme and, if so, whether the gradings applied to individual properties within it are appropriate.

6.3 Evidence and submissions

Council received four submissions about the HO700 Griffin Estate and Environs Precinct. Matters raised in submissions were:

- Submission 4 referred to 8 Chaucer Crescent, graded Contributory. The submission had no objection to the application of a Heritage Overlay to the precinct. However, it put the view, which it said was supported by the Statement of Significance, that the precinct’s focus is on the early suburban housing in Canterbury, particularly from the Edwardian period. The house at 8 Chaucer Crescent, which was built in 1930, may have been one of the few dwellings that filled in gaps after the main period of development, but it did not meet the stated architectural significance of the proposed precinct and should be graded Non-Contributory.

- Submission 5 referred to 22 Dudley Parade. It stated that the area had already been altered so much that it was no longer a heritage precinct and the house required major works and was near the end of its serviceable life. The submission noted that the property to the rear and side appeared to be excluded so 22 Dudley Parade should also be removed from the precinct.

- Submission 14 referred to 22 Chaucer Crescent and stated that the property is of historical interest but changes and modifications over the years have affected its character to the extent that inclusion in a Heritage Overlay is not warranted.

- Submission 66, concerning 134 Canterbury Road, objected to the proposal to place a heritage precinct over 10 to 12 houses along Canterbury Road on the south side only. It supported a precinct for both sides of Chaucer Crescent, but did not think that including a limited extent and a single side of Canterbury Road would achieve anything. With only one side of the road protected, the streetscape and the
character of the area could be changed by new development on the north side. The owners would be disadvantaged through reduced quality of life and loss of property values. The submission sought to have both sides of Canterbury Road included in the precinct, or all of the properties in Canterbury Road excluded.

Ms Schmeder’s statement of evidence dated 12 April 2018 recorded that the Canterbury Heritage Gap Study originally proposed two small Edwardian precincts, one including 9 to 25 Myrtle Road and 2 to 10 Dudley Parade and another at 33 to 51 Chaucer Crescent. During preliminary consultation on the study, a large number of community submissions called attention to individual buildings and rows of properties in the vicinity of the two proposed precincts. As a result, she revisited the area and concluded that there was a much larger potential precinct that contained Victorian through to early post-war houses:

*This enlarged precinct more accurately reflects the entire scope of the original development of the Griffin Estate, from its late Victorian origins until the final lots were filled just after World War II and it also encompasses additional streetscapes of high aesthetic value.*

In response to submissions, Ms Schmeder stated:

- While the earliest houses in the proposed precinct were from the late Victorian period, and the majority of houses were Edwardian in era, interwar houses also contributed to the historical and aesthetic significance. They were generally in keeping with the rest of the precinct in scale, setbacks and roof forms.

  *I agree that the precinct character is dominated by Edwardian-era houses, which are located in rows on many streets, and this character is the focus of the precinct Statement of Significance. This does not mean, however, that the interwar houses do not contribute to the significance of the precinct. As set out in the Statement of Significance, they serve to illustrate part of the main period of development of the suburb of Canterbury … and also contribute to the aesthetically pleasing character of the precinct streetscapes.*

- Interwar houses helped to illustrate the periods of development that characterised the greenfields development of this precinct and of Canterbury more generally.

- The house at 8 Chaucer Crescent, built in 1933-34, was a fine example of a Georgian Revival house, retaining original features such as the front porch and a brick fence with herringbone pattern infill. Its architectural quality and intactness were highlighted as a ‘fine example’ of the Georgian Revival style in citation, in the section of the precinct description that covers interwar and early post-war houses. ‘As a well-designed and highly intact interwar house, which retains a matching front fence, this property is clearly Contributory to the precinct.’

- When determining the boundaries of the proposed Griffin Estate and Environs Precinct, both sides of Canterbury Road were assessed, particularly the area between 1A Monomeath Avenue and 131 Canterbury Road. This streetscape was considered too broken up to warrant inclusion, particularly because of prominent non-contributory houses on three of the corner sites. Further west, there was a cohesive row of Edwardian and interwar houses at 93-113 Canterbury Road, but this faced a continuous row of non-contributory properties on the south side. Including the northern side would make the precinct too disjointed geographically.
• With regard to Dudley Parade (mentioned in submission 5), the most intact part of the area had been delineated as part of the precinct and this part still demonstrated the original settlement and development of the area.
• The precinct had a high level of Significant or Contributory properties (78% by her calculation) compared with Non-Contributory places.
• The property referred to in the submission 5 as apparently being excluded from the precinct was ‘Ospringe’ (HO380) at 24 Chaucer Crescent, which was already in the Heritage Overlay.
• Internal changes and rear extensions that did not overwhelm the original house were considered acceptable for Contributory and Significant properties in a precinct.
• Concerning 22 Chaucer Crescent (submission 14), the house was one of the most substantial homes in the proposed precinct and was a fine and early example of the Arts and Crafts style, built in 1907-08. Its history was described in the precinct citation, which also included two early photos of the house. Alterations in 1970 did not impact upon the principal volume of the house, i.e. the two-storey western section. It still made a very strong contribution to the heritage value of the precinct.

![Figure 11 22 Chaucer Crescent, Canterbury](image)

In response to cross examination, Ms Schmeder stated:
• The western segment of Chaucer Crescent was mixed in terms of development eras but still had very high aesthetic values, notwithstanding a group of Non-Contributory places in the centre of it.
• The three development periods in the precinct were Victorian, Edwardian (the predominant era) and interwar. There were stylistic differences between the eras but also a lot of visual continuity, including setbacks, massing, traditional gabled or hipped roofs, and the relationship between the extent of walls and the size of windows. Properties in the precinct from any of these eras could be of high aesthetic significance.
• She acknowledged the owner’s advice that the render on 8 Chaucer Crescent had been painted and stated that, while unpainted render was quite rare and special, the painting would not change the grading of the property. The painting should be mentioned in the precinct citation.

• She accepted Ms Riddett’s evidence that the roof form of the house at 8 Chaucer Crescent had been changed, although she considered that this was only visible from the plans. This change made her more uncomfortable than the painting of the render, because it could confuse the viewer in terms of understanding the original design. However, this type of alteration was quite typical of 1930s houses and, in this case, had been done very well. Overall, she considered that the intactness of the façade and the documentation of the change to the roof (which ought to be noted in the citation) meant that the property should continue to be graded Contributory.

• The right of way alongside 8 Chaucer Crescent was part of the original subdivision. It allowed a better view of property, but the idea that it separated the house from the precinct was ‘exaggerated’. The Non-Contributory property next door was of relatively low scale and did not have a major impact; and the redeveloped property at 3 Chaucer Crescent (outside the precinct) was not intrusive.

• Number 8 Chaucer Crescent and the other interwar houses in the precinct illustrated the period in which the area was developed. The house contributed to the aesthetic significance of the precinct, had lovely intact details including the porch with its classical columns and was part of a streetscape of good quality houses.

• The comparative example in Northcote, mentioned by Ms Riddett, was very likely to be by the same builder, but it was smaller and less elaborate than number 8 Chaucer Crescent. The fact that there was a similar house in another suburb did not reduce the value of this house in a precinct in Canterbury.

• The house at 22 Chaucer Crescent was very grand and stylistically very advanced for its period, resulting in a lot of newspaper coverage at the time; it was very valuable compared to its neighbours. There had been some alterations to it, which was why it was not graded Significant. The colonnaded front porch had been infilled, though this was reversible, there was a small extension to the east side of the house and a canted bay window and other windows had been added. The overall fine design was still obvious, the original house is not dominated by the alterations, and it made a very strong contribution to the precinct. It was assessed it as Contributory rather than Significant because of changes to what was designed to be the front façade.
Ms Riddett provided a statement of evidence dated April 2018 concerning number 8 Chaucer Crescent. It stated that the precinct citation was generally satisfactory in regard to the Victorian and Edwardian buildings but failed to identify adequately or to substantiate the reasons why the interwar and post-war dwellings made a contribution to the historical and aesthetic significance of the precinct. She stated that there was nothing that indicated why buildings from these eras were significant or set out how they contributed, other than filling out the precinct, which was overwhelmingly of a different era.

Ms Riddett stated that interwar dwellings were not mentioned in the citation in either the comparative assessment or the assessment against criteria. They were also not mentioned in the ‘Why is it significant?’ section of the Statement of Significance, except that (as she pointed out at the hearing) the last sentence of the second paragraph dealing with Criterion D – representativeness – appeared to refer to the design of 8 Chaucer Crescent.

Ms Riddett considered that the property at 8 Chaucer Crescent was located in a part of the street where there was a diminished heritage presence compared with further east, due to the abutting right of way and the newer buildings across the road. These formed part of the viewshed even though they were not in the precinct. She stated that the house was visually and spatially separated from any Contributory building.

Ms Riddett’s opinion was that while the house was quite visible and distinctively different from all of the dwellings in the precinct, it was not a unique example of this type of building and there was no justification for grading it Contributory.

Ms Riddett drew attention to the fact that the ridge of the roof at 8 Chaucer Crescent was not flat, but pointed, because it was raised when a family room was added at the back in 1988. A comparable house in Northcote (of a design described in the statement of evidence as ‘identical’ but later amended to ‘very similar’) had a flat ridge. That property was not in a Heritage Overlay, although it was in an area of more cohesive development.
Ms Riddett’s opinion was that the only other interwar properties in Chaucer Crescent were the block of flats at number 20 and the double-storey dwelling at number 28, which had been over-painted and had a dormer window that might not be original. While visually pleasant, they were completely different from anything else in the streetscape. Apart from existing, there was no indication what their contribution to the precinct was.

Prior to the hearing, Mr Karabatsas provided a supplement to submission 66, referring to 134 Canterbury Road, and later presented it to the Panel. He reiterated points made in the original submission, commented on other planning objectives applying to major arterial roads, and provided information on current redevelopment occurring in Canterbury Road adjacent to the proposed precinct. He also identified a number of Edwardian properties on the north side of the road directly opposite the proposed precinct. He suggested that either the Heritage Overlay should not be applied at all on Canterbury Road (his preferred position) or both sides of the road should be included.

Mr Evans presented a supplement to submission 5 (document 39), concerning 22 Dudley Parade. He submitted that there was no logic in the cut-off date adopted for the grading of properties in the precinct. The post-war flats were graded Contributory but other buildings constructed not much later were excluded.

He pointed out that the photograph of 22 Dudley Parade included in Ms Schmeder’s statement of evidence was taken from the eastern side and did not show the large double garage attached to the western side of the house. Mr Evans stated that the house was built in 1923 and was therefore not Edwardian and was ‘structurally poor’. He requested that the property should be regraded to Non-Contributory to allow it to be demolished and redeveloped.
Mr Evans stated that other properties in the western section of Dudley Parade, are Federation houses that have all been extensively renovated, mainly at the rear. One allotment contained six townhouses, there was a pair of ‘approximately 1950s’ units, one interwar house had been extensively renovated, there were two narrow fronted ‘probably mid 1920s’ cottages and the block on the corner of Marlowe Street was vacant.

Council, in its Part B submission on this precinct (document 33), rejected Ms Riddett’s expert opinion that the precinct citation failed to identify the contribution made by later dwellings. It pointed to the reference in the Statement of Significance, under ‘What is Significant?’ to the history of development of the precinct that started prior to 1900 and was most active during the Edwardian period “leaving a handful of lots to be developed during the interwar period and just after World War II.”

Council stated that the reference in ‘Why is it Significant?’ to the precinct demonstrating “the early suburban development of Canterbury” recognised the “final infill of streetscapes in the interwar period and just following World War II, illustrating the pattern of development characteristic of the suburb (Criterion A).”

Council also submitted that:

... the ensuing comments regarding the precinct’s architectural and aesthetic significance are indiscriminate and relate to properties of all styles, not solely Edwardian or Victorian.

... Council submits the interwar dwellings contribute to the illustration of the development pattern within the precinct, as well as the architectural significance and broader aesthetic significance within the streetscapes.
Council stated that the boundaries of the precinct, as exhibited, appropriately encompassed the most cohesive area of local heritage significance and ought to remain unchanged. It adopted Ms Schmeder’s expert opinions on the grading of the properties that were the subject of submissions.

6.4 Discussion

The Panel inspected the proposed HO700 Griffin Estate and Environs Precinct on 1 May 2018. It focussed on the properties that were the subject of submissions, but it also took time to appreciate the wider streetscapes and observe the era, style and character of the properties encompassed by the precinct. It noted that these included some very substantial recent developments, particularly on the north side of Chaucer Crescent.

The Panel considers that the major issues to be addressed in relation to this precinct are:

- Whether the case for the precinct as a whole has been made out.
- Whether it is appropriate to include properties on one side only of Canterbury Road.
- Whether the contribution of the interwar and post war properties to the significance of the precinct has been substantiated.
- Appropriate gradings of the individual properties that were the subject of submissions, where this was challenged (numbers 8 and 22 Chaucer Crescent and 22 Dudley Parade).

The Panel has taken into account that for a place such as HO700 Griffin Estate and Environs Precinct to be assessed as warranting a Heritage Overlay, it must meet at least one heritage criterion at the threshold of local significance. It does not need to meet more than one, although many precincts in Boroondara – especially those identified as having historical significance – have also been found to be significant against other criteria.

After reviewing the submissions, the Statement of Significance and the supporting material, the Panel accepts the expert evidence of Ms Schmeder that the Griffin Estate and Environs Precinct meets the threshold of local significance on the basis of historical significance, architectural significance/representativeness and aesthetic significance. The Panel notes that Ms Riddett’s evidence did not question the validity of the precinct as a whole, only the contribution made by the interwar and post war properties.

In relation to Canterbury Road, the Panel accepts Ms Schmeder’s evidence that she evaluated the northern side of the road in the area opposite the proposed Griffin Estate and Environs Precinct and decided that it was ‘too broken up’ to warrant a Heritage Overlay. The Panel recognises that there are many examples in Boroondara and other Melbourne municipalities where only one side of a street is included in a Heritage Overlay precinct. In addition, the Panel notes that the north side of Canterbury Road did not form part of the Griffin Estate or the Logan Estate, so it does not share the same historical basis as the areas encompassed in the precinct.

With regard to potentially competing planning objectives applying to main road locations, these are not matters to be considered when assessing heritage significance, though they may be relevant at a later stage of the planning process. In the Panel’s view, inclusion of the southern side of Canterbury Road in a heritage precinct is more likely to protect the quality of life of residents than if it were excluded.
With regard to the contribution of interwar places, the Panel notes Ms Schmeder’s evidence that the history section of the citation identifies three periods of development: the Victorian era, from which relatively few examples remain; the Edwardian era, during which most of the houses were constructed; and the interwar period. It mentions many of the interwar properties in the precinct, including numbers 8 Chaucer Crescent and 22 Dudley Parade.

Part of the citation’s commentary on ‘description and integrity’ refers to the interwar and early post-war period. It says that stylistically, the houses can be usefully grouped into early interwar (1918-27) and late interwar plus early post-war (1933-55). The early houses show a dominant bungalow influence, with some transitional elements from Federation, all are face brick and all but one have a transverse gable roof clad in terracotta tiles. It characterises the 1930s houses as ‘more eclectic’, with a change from red brick to clinker and an absence of decoration. Styles identified include Olde English (or Tudor Revival), Georgian Revival, as at 8 Chaucer Crescent (noted as ‘a fine example’) and Moderne.

The citation continues:

_The majority of the interwar/post-war dwellings are highly intact. Others are slightly altered (overpainted brick at 28 Chaucer Crescent; replacement windows at 14-14A Dudley Parade). A number have undergone more extensive alterations, but are still clearly recognisable as a given style and built-era so are still considered to contribute to the precinct. These include those with upper-level dormer additions (11 Chaucer Crescent, possibly 17 Myrtle Road), one with a reasonably sympathetic addition to the front facade (132 Canterbury Road – this 1994 extension uses the same clinker bricks and vergeless gable, but is much lower, leaving some visibility to the facade), and one whose front porch has been replaced with a larger patio with a garage below (24 Dudley Parade …)._}

The Panel accepts that the interwar houses and the post-war flats have been recognised clearly in the citation and the precinct history. What is less clear is their presence in the comparative analysis, the assessment against criteria and the Statement of Significance.

Ms Riddett’s evidence stated that the comparative analysis, while it included other precincts of mixed eras, did not make any specific comment on how the interwar and later properties in the proposed Griffin Estate and Environs Precinct compared with those elsewhere, and that its focus seemed to be on the Federation houses. The Panel notes that the comparison against HO145 Maling Road Shopping Centre and Residential Environs Precinct states:

_The residential part of this precinct is a highly representative Victorian and Federation-era residential precinct with individually notable houses. The precinct is interspersed with strong and well preserved interwar elements that offer an historic and architectural contrast and create streetscapes of high aesthetic interest._

_In comparison, houses in the Griffin Estate and Environs Precinct are of a similar period and quality, ranging from some simpler timber houses and timber houses with notable fretwork and other details, to quite substantial brick houses made more impressive by their elevated setting._
The Panel considers that the reference to “substantial brick houses made more impressive by their elevated setting” could fairly be read to cover interwar houses as well as those of the Victorian and Federation periods. It also notes the comparison against HO264 Balwyn Road Residential Precinct that states: “the Griffin Estate and Environs Precinct was developed over a somewhat shorter period of time, but is more varied in containing both grand and more modest middle-class dwellings.” This statement, like the comparison against Maling Road, is not limited to buildings of the Federation period.

The Panel notes Ms Riddett’s expert opinion that neither the assessment against criteria nor the Statement of Significance substantiates the contribution of the interwar places to the precinct. The wording of the two is very similar, so the quotations below are taken from Statement of Significance, which forms part of the Amendment. The Statement of Significance states that the proposed precinct is:

... of historical significance for its demonstration of the early suburban development of Canterbury.

After recording the limited very nineteenth century development of the subdivisions, it states:

Like Canterbury more generally, the major phase of development in the precinct was the Edwardian period, with the final infill of streetscapes in the interwar period and just following World War II, illustrating the pattern of development characteristic of the suburb (Criterion A).

Regarding Criterion D – architectural significance / representativeness:

The Griffin Estate and Environs Precinct is of architectural significance for demonstrating the principal characteristics of early suburban development in Canterbury ...

It describes the characteristics of the early Victorian properties, then the Edwardian houses (defined as those built between 1903 and 1915), in which the precinct is particularly rich. Of the latter it says:

Most are Federation Queen Anne in style, and have diagonal emphasis, expressed in the verandah form or by the presence of a corner bay window or entrance. The pyramidal or gabled-hipped roofs are clad in terracotta tiles, slate or corrugated iron ... Features include projecting gabled bays, bay windows, hoods over windows, red brick chimneys with decorative details ... roughcast or terracotta chimney pots, and sash or casement windows often with decorative highlight windows. A variant of this type has a generally symmetrical façade, with two projecting bays around a central porch, often supported on Tuscan-order columns (Criterion D).

Against Criterion E – aesthetic significance – the Statement of Significance says:

The Griffin Estate and Environs Precinct is of aesthetic significance thanks to its picturesque streetscapes of fine suburban houses, many of them architect designed. Appreciation of the dwellings, individually and as a group, is enhanced by the curved plan of Chaucer Crescent and Myrtle Road/Dudley
Parade, the elevated siting of houses on the north sides of these streets, the consistent garden setbacks, and the presence of mature street trees (alternating Plane trees and Melaleucas along Chaucer Crescent) (Criterion E).

With regard to the historical significance of the interwar development, the Panel accepts Ms Schmeder’s evidence that the Statement of Significance clearly describes ‘the pattern of development characteristic of the suburb’ of Canterbury as beginning in the Victoria period, accelerating in the Edwardian and being completed in the interwar and early post-war eras. While one might, as Mr Evans did, question the rationale for extending the time period for nearly two decades to cover a 1940s house and the post-war Moderne flats, the Panel notes that no submission was received from the owners or occupiers of these properties.

The Panel agrees that in relation to architectural significance/representativeness, the role of interwar properties is not articulated except, as Ms Riddett pointed out, in the last sentence of the second paragraph against this criterion, which seems to describe number 8 Chaucer Crescent, rather than an Edwardian house:

A variant of this type has a generally symmetrical façade, with two projecting bays around a central porch, often supported on Tuscan-order columns.

If this is what was intended, it is the only reference to interwar housing under Criterion D and, as far as the Panel has observed, 8 Chaucer Crescent is the only example of this style in the precinct.

It is almost as if a part of a paragraph or paragraphs about interwar designs, similar to those in the ‘description and integrity’ section of the citation, has been accidentally omitted from the assessment against criteria and subsequently from the Statement of Significance. However, the only inference the Panel can draw from the Statement of Significance as it stands is that the interwar properties (other than 8 Chaucer Crescent) are not considered to be representative architectural examples.

With regard to Criterion E (aesthetic significance) the Panel accepts Ms Schmeder’s expert evidence that there is considerable visual continuity between buildings from the three eras, including setbacks, massing, traditional gabled or hipped roofs, and the relationship between the extent of walls and the size of windows; and that properties from throughout the development period can be of high aesthetic value. This accords with Council’s submission that the wording against Criterion E is intended to relate to properties of all styles, not solely Edwardian or Victorian.

Inspection of the proposed precinct confirmed that the majority of the interwar properties do not present as substantially different in form and materials from those of the preceding periods. The ‘picturesque streetscapes of fine suburban houses’ involve a mix of predominantly Edwardian houses with a few Victorian dwellings and a component of interwar properties. The Panel agrees that appreciation of the dwellings is enhanced by the curved plan of the streets and the elevated siting of houses on the northern sides of Chaucer Crescent and Myrtle Road/Dudley Parade, as identified in the Statement of Significance.

With regard to the individual properties that were the subject of submissions the Panel’s conclusions follow.
Number 22 Chaucer Crescent is a very large dwelling, which features prominently in the citation as one of the most substantial and most recognised houses in the precinct, and ‘a fine and early example of the Arts and Crafts style’. The Panel accepts Ms Schmeder’s evidence that alterations to the house have not impacted on the main two-storey section, it makes a very strong contribution to the precinct and should retain its Contributory grading.

Number 22 Dudley Parade is a relatively early interwar dwelling, located on the northern side of the street. The Panel’s inspection showed that it is two-storey, face brick, with a transverse gabled roof with lower projecting gables on each end, a bay window and an apparently original or early fence (which is not listed in the Schedule). There is a low carport at the eastern end and a double garage at the western end, neither of which is intrusive.

The Panel accepts Ms Schmeder’s evidence that this property contributes to the historic and aesthetic significance of the precinct and should remain graded Contributory. It notes that the submitter’s principal reason for requesting a downgrading was to allow for redevelopment, but this is not an appropriate consideration when determining whether a Heritage Overlay should be applied, or when assessing the grading of a property within a heritage precinct. Regarding the comments in document 39 on the other properties in the western section of Dudley Parade, the Panel notes that the citation acknowledges the Non-Contributory places and records the changes to others.

Number 8 Chaucer Crescent, the ‘Georgian Revival’ house at 8 Chaucer Crescent is identified as one of the later interwar properties and, as noted by Ms Riddett, is of a distinctively different appearance to anything else in the precinct. Perhaps ironically, it is the only interwar house type that is mentioned specifically against Criterion D (architectural significance/representativeness) in the Statement of Significance. The Panel does not accept the argument that the house is separated from the precinct by the right-of-way and the adjoining Non-Contributory property, as it notes that houses further west and opposite are graded Contributory. The changes to the roof identified by Ms Riddett and the submitter’s information concerning the painting of the render certainly reduce the intactness of the property, though the Panel prefers Ms Schmeder’s view that they do not impact on its significance to the extent that would justify it being graded as Non-Contributory. The Panel accepts Ms Schmeder’s evidence that 8 Chaucer Crescent contributes to the historical, architectural and aesthetic significance of the precinct. Details of the alterations to the property should be recorded in the Statement of Significance.

### 6.5 Conclusions

The Panel concludes:

- Griffin Estate and Environs Precinct is of historical, architectural and aesthetic significance at the local level and should be included in the Heritage Overlay.
- The citation should be changed to add details of the changes to the roofline and the painting of the render of number 8 Chaucer Crescent, Canterbury.
6.6 Recommendations

The Panel recommends:

p. Amend the citation for HO700 Griffin Estate and Environs Precinct to add details of the changes to the roofline and the painting of the render at number 8 Chaucer Crescent.
7 Matlock Street Precinct

7.1 HO701 Matlock Street Precinct

The Amendment proposes to apply a Heritage Overlay HO701- Matlock Street Precinct to Prospect Hill Road, 39-57 and 36-72 Spencer Road, 1-5 and 2-12 Bow Crescent, 1-43 and 2-30 Matlock Street, 29-37 Myrtle Road, 3-17 and 2-14 Marden Street, 1-87 and 2-42 Warburton Road, 1-11 and 2-18 Carinda Road, 1-17 and 2-16 Maling Road, Canterbury.

Figure 15 129 Prospect Hill Road, Matlock Street Precinct

Exhibited statement of significance

What is Significant?
Matlock Street Precinct incorporating Prospect Hill Road; 39-57 and 36-72 Spencer Road; 1-5 and 2-12 Bow Crescent; 1-43 and 2-30 Matlock Street; 29-37 Myrtle Road; 3-17 and 2-14 Marden Street; 1-87 and 2-42 Warburton Road; 1-11 and 2-18 Carinda Road; 1-17 and 2-16 Maling Road, is Significant.

How is it significant?
Matlock Street Precinct is of local historic, aesthetic and social significance to the City of Boroondara.

Why is it significant?
Matlock Street Precinct is historically significant for its association with the Outer Circle Railway Line originally constructed in sections in the 1890-1 and progressively opened and closed according to demand until the 1920s. The land reserved for the railway line is now part of the Anniversary Trail of linear parkland. Planned near the East Camberwell Station the Prospect Hill Estate were part of the trend to market land in close proximity to the railway.
Matlock Street Precinct is historically significant for its demonstration of a middle ring suburb’s growth adjacent to the railway line with groups of small attached buildings in Bow Crescent and Warburton Street close to the line, the attached groups illustrating the first residential development in the area.

Matlock Street Precinct is historically significant as an area originally subdivided as part of the Prospect Hill Estate in 1885 and as two subsequent extensions. Despite allotments being offered from the late 1880s development in the area was slow as a result of the economic recession and the varied ability of developers and estate agents to promote a suburban lifestyle. Historically Matlock Street Precinct demonstrates; in common with other Estates released during the Boom years, the time taken for development to be fully realised. Matlock Street Precinct, in particular the shop at 35 Matlock Street is associated with the long running television series ‘The Sullivans’.

Matlock Street Precinct represents a large area with predominantly small allotments and modest suburban housing within garden settings. Although mixed in character it does provide a high level of Edwardian residential development with some Interwar examples. Predominantly constructed of timber, there is also some distinctive rows of attached brick residences built as groups at 2-12 Warburton Road and 10-12 Bow Crescent. The type of development (modest scale) and period (predominantly Edwardian) Matlock Street Precinct is comparable to Union Road Residential Precinct (HOS34), Surrey Hills North Residential Precinct (HO535) and Canterbury Hills Estate Surrey Hills (HO536). Matlock Street Precinct is distinguished by its relatively large area and high degree of integrity and a low level of alterations. Carinda Road is a good example with a number of representative weatherboard Federation houses in good condition and with consistency of material, form and detailing. Matlock Street Precinct is distinguished by its relatively large area, high degree of integrity and relatively low levels of alteration to individual places.

Matlock Street Precinct is aesthetically significant for the parkland and recreation area related to the former Outer Circle Railway Line, now the Anniversary Trail; and its associated landscaping including several palm trees along the parkland easement along Myrtle Road.

Matlock Street Precinct is aesthetically significant for the group of attached dwellings at 2-8 Bow Street that are built as two pairs of small brick residences with rendered upper walls and projecting gable fronts with large sash and sidelite window. Small timber porches to each side are well detailed in timber. Another group of brick and render houses at 7-15 Warburton Road are unusual in the precinct and provide a consistent Edwardian streetscape. These houses feature a combination of arch-headed windows in rubbed brickwork, and more conventional square-headed windows with leaded toplights. Timber strapping is applied to the render finish of the upper walls and gable ends. Some small late Victorian houses occupy 6-10 Warburton Road and are distinguished by their consistency and use of large bay windows. Bow Street is also distinguished by some late Victorian di-chrome brick houses with typical cast iron frieze verandahs.

Marden Street is a fine and intact streetscape with small Edwardian houses on the low side of the street and set close to the front boundary and a picturesque juxtaposition of roof forms. Slightly larger residences in timber with ornate verandahs, box windows and timber strapping to gable ends re typical of the period. A particularly unusual house at 41 Matlock Street has a large recessed porch with timber fretwork and balustrade, a diagonal box window and a simplified hip roof form. A late Victorian house at 15 Matlock Street is a fine example of di-chrome (cream and brown) brickwork and with a return verandah with cast iron frieze.

Carinda Road has a consistency of material, form and detailing and is a good example of a number of representative weatherboard Federation houses in good condition.

Matlock Street is aesthetically significant for its modest but intact Interwar houses in timber and red brick. 43 and 57 Spencer Street are intact examples of a timber Californian Bungalow and 149 and 151 Prospect Hill Road are fine and intact examples of the style in brick with timber shingle gable ends. Matlock Street Precinct is aesthetically significant for its centrally located parkland bisecting the area, and providing both open space and views from Marden Street and Myrtle Street. Carinda Road is (sic)

The parkland associated with the Outer Circle Railway may hold social value for the residents of the area, however this has not been addressed in this assessment. The local community and the wider tourist community with connections to ‘The Sullivans’ television series socially value the ‘A and J Sullivan’ store. This series developed a strong following both in Australia and abroad during the 1970s and the 1980s through its depiction of Australian suburban family life during World War II. These communities have continued their connection to the property since this time, evidenced through regular community visits and expressions of connection in the public sphere.
7.2 The issue

The issue is whether the proposed Matlock Street Precinct meets the threshold to be included in the Heritage Overlay and if so, whether the gradings applied to individual properties within it are appropriate.

7.3 Evidence and submissions

Council received a number of submissions on the Matlock Street Precinct. Submission 3 supported the Amendment and commended the Council’s commitment and the professional work undertaken for the Canterbury Heritage Gap Study. It mentioned the Matlock Street Precinct along with the Victoria Street and Rochester Road Precincts, as areas that are relatively intact and include numerous well maintained heritage buildings. It stated that protecting “these buildings is critical for Canterbury to minimise the impact of residential developments which can dominate streetscapes, reduce garden areas and diminish the character that makes Canterbury a special place to live.”

Submission 70 was made on behalf of the owners of 101 Prospect Hill Road. It sought to have the property downgraded from Contributory to Non-Contributory on the basis that it is near the edge of the precinct and the dwelling does not contribute to the precinct in any meaningful way. On 19 April 2017 the owners had applied for a permit to construct two dwellings on the site. The submitter withdrew their request to be heard by the Panel on 10 April 2018 because Council had agreed to downgrade their property in the Matlock Precinct from Contributory to Non-Contributory and granted a permit to demolish.

Submission 35 opposed the Amendment and sought to have 1/151 Prospect Hill Road downgraded from Contributory to Non-Contributory. The submitter’s reasons were that the owner plans to extend the property which they believed would not be possible under a Heritage Overlay.

Submissions 2 and 43 were by the owners of 31 and 33 Myrtle Road, Canterbury respectively. Submitter 2 made a supplementary submission to the Panel as he was not able to attend the Panel hearings which elaborated on the original submission. It largely reproduced the same issues as those raised in submission 43.

Both submitters opposed the Amendment and sought to have their properties downgraded from Contributory to Non-Contributory.

The submissions objected to Myrtle Street between Warburton Road and Marden Street being included in the overlay and sought to have 29-37 Myrtle Road deleted from the Amendment. The submissions stated that the Statement of Significance does not afford Myrtle Street any particular significance.

Submission 43 pointed out that number 29 Myrtle Road is a replica Edwardian townhouse built in 1998. Supplementary submission 2 stated that given that numbers 35 and 37 Myrtle Road are graded Non-Contributory that leaves the two houses at 31 and 33 standing alone.

Both submissions stated that properties have no direct neighbours opposite and the majority of properties located behind Anniversary Trail are predominantly Non-Contributory properties. The submissions stated that there is no strategic basis to identify the properties...
at 31 and 33 Myrtle Road as Contributory. The dwellings are unremarkable 1920s Edwardian bungalows sitting within a diverse streetscape context including modern dwellings.

Submission 44 sought to have 16 Carinda Road downgraded to Non-Contributory on the basis that it would restrict future development and improvements.

Submission 67 objected to the properties at 99-151 Prospect Hill Road, Canterbury being included in the precinct. The submission raised matters of perceived private financial impacts and restrictions on future development as a result of the Heritage Overlay. It also stated that there are properties within the nominated stretch of Prospect Hill Road that could not be considered heritage properties.

Council’s expert Ms Louise Honman responded to submissions 35, 43, 44 and 67 in her statement of evidence 12 April 2018, pages 41-47.

Ms Honman’s response to submission 43 is at pages 42-44. It applies to supplementary submission 2 to the extent that it raised the same issues. Ms Honman stated:

*Matlock Street Precinct is a large area and the boundaries have been drawn to as far as possible follow some natural road boundaries that contain an area of early residential development that has an overall high level of integrity.*

*I agree that the house at 33 Myrtle Street faces the Outer Circle Line reserve (Anniversary Trail), and not other houses. The bisection of the precinct by this short lived railway line is noted in the precinct history and it is considered an important influence on the development of this area, not something that detracts from the heritage value of the street.*

On the strategic basis for the property being identified as Contributory, she stated that:

*33 Myrtle Street is an interwar house that is representative of its kind. It is logical that 1920s California Bungalows would be contributory to a heritage precinct that encompasses the interwar period.*

Ms Honman stated that the Statement of Significance is intended to address the reasons for a precinct’s significance, not to enumerate every street within it. She further stated that Myrtle Road is mentioned as to what makes it unique, which is its relationship to the former rail reserve.

Ms Honman’s statement of evidence stated that Council building permit records confirm that the house at 29 Myrtle Road is a faux Edwardian timber dwelling built c1998. It recommended that the house be downgraded to Non-Contributory (page 43). As noted in chapter 1, Council approved this change.

Finally, Ms Honman’s statement mentioned that Council had considered the suggestion in submission 43 that the owner planned to demolish the building and was willing to design a sensitive building on the land respecting the precinct. Ms Honman stated that she was requested to undertake a site visit on 13 February 2018 with a Council planning officer to discuss options.

In response to submission 44 Ms Honman stated at page 45:
The house at 16 Carinda Road is a single-fronted timber Edwardian cottage, identical to its neighbour at number 14. Both cottages are highly intact ...

In response to submission 67 Ms Honman stated that the matters for consideration are whether an individual property or precinct should be recommended for inclusion in the overlay, rather than impacts on the development potential of the land (at page 46).

Submitter 67 made a late supplementary statement to the Panel on Day 8 of the hearings. He submitted that the Amendment is not justified by the assessment criteria in the Canterbury Heritage Gap Study or by the Statement of Significance.

He submitted that the Statement of Significance only mentions numbers 149 and 151 Prospect Hill Road, which are both brick properties with timber shingle gable ends. Those properties are very different in architectural form to the typical Federation weather board buildings located at numbers 119-129 and 133-137 Prospect Hill Road. He stated that the weatherboard buildings are not unique examples of this style of architecture, and are replicated elsewhere in the proposed precinct and in other similar precincts such as Union Road, Surrey Hills North and Canterbury Estate precincts.

Submitter 67 discussed the proportion of Contributory and Non-Contributory properties from number 99 to number 151 Prospect Hill Road. He based his submission on his understanding of a comment by Council’s expert at the hearings on 18 April 2018 that as a rule of thumb two thirds or 67 per cent Contributory properties overall is “necessary for a streetscape to be considered as contributing to the classification of any precinct.”

He stated that along this section of Prospect Hill Road there are 15 Contributory properties out of a total of 23 properties, which equates to a proportion of Contributory properties of 15/23 or 65.2 per cent. He submitted that on the south side of Prospect Hill Road over the same extent there are an additional 15 properties, none of which he would classify as Contributory. He stated that including these south side properties the overall proportion of Contributory properties in this stretch of Prospect Hill Road, from Milton Street in the east to the rail line in the west is 34.1 per cent.

He contrasted this with the proportion of Contributory properties on the north side of Warburton Road, which he submitted was 75 per cent, and on the south side of Warburton Road at 86.4 per cent.

He submitted that when Prospect Hill Road is considered from Milton Street to the railway line only 34 per cent of the properties are Contributory, “well short of this rule of thumb figure for inclusion in a heritage precinct of 67 per cent.”

The submitter also addressed the assessment of numbers 99-151 Prospect Hill Road against criterion A, D, E and G.

On Criterion A, he stated that because numbers 99-151 Prospect Hill Road are not mentioned in the Statement of Significance and in other descriptive text in the Canterbury Heritage Gap Study the properties are not important to the course of Boroondara’s cultural history.

On Criterion D, he submitted that there are other examples of the buildings in question in more intact streets than Prospect Hill Road.
On Criterion E, he stated that the Canterbury Heritage Gap Study mentions the aesthetic and architectural characteristics of 2-8 Bow Street, 6-10 and 7-15 Warburton Road, Marden Street, 41 Matlock Street, 43 and 57 Spencer Road. It also mentions Carinda Road as having a consistency of form and being a good example of weatherboard Federation houses.

He submitted that the only properties in Prospect Hill Road mentioned are numbers 149 and 151, which are brick buildings with timber shingle gable ends. These bear no resemblance to the Federation weatherboard houses from 119-129 and 133-137 Prospect Hill Road. He stated that there is no mention of these buildings in the study.

On Criterion G, he submitted that the Canterbury Heritage Gap Study mentions the Outer Circle Railway and the Sullivan’s Store in Matlock Street but neither of these locations would be affected by excluding numbers 99-151 Prospect Hill Road from the Matlock Street Precinct.

He submitted that if Council believes the properties at numbers 149-151 are important examples of brick buildings with timber shingle gable ends then these two buildings could be protected with a specific Heritage Overlay.

Council responded to the supplementary statement by submitter 67 in its Submission in Reply on 8 May 2018. It stated that the submitter’s statement about the proportion of contributory properties was misconceived. It explained that while giving evidence on Day 1 of the hearing, Ms Schmeder referenced a rule-of-thumb a two-thirds percentage for the proportion of Contributory and Significant properties within an entire precinct, and not the individual streets within it.

Council submitted that hard and fast rules about percentages for the make-up of a precinct are undesirable and undermine the importance of the coherence of a precinct. Council cited the Advisory Committee’s Review of Heritage Provisions in Planning Schemes (16 August 2007) which stated (at page 2-54):

> Precincts need to be coherent, thematically and/or in terms of design, and need to be justifiable in relation to protection of significant components. It is neither possible nor desirable to set hard and fast rules about percentages.

Council stated that the Canterbury Heritage Gap Study identifies 141 Contributory and Significant graded properties within the Matlock Street Precinct, compared to 52 Non-Contributory graded properties; a total of 73 percent of properties graded as Contributory and Significant.

Council submitted that the Matlock Street Precinct boundaries have been deliberately established, with areas of lesser heritage significance being excluded from the precinct. The north side of Prospect Hill Road was included in the precinct due to the presence of a very large number of Edwardian-era villas, as well as a lesser number of interwar-era houses, both of which are recognised in the Statement of Significance as contributing to the precinct as a whole. It stated:

> Amongst them are some very fine examples, including the Edwardian houses at numbers 143 and 145 and the interwar house at number 149.
Council adopted the evidence of Ms Schmeder that the Contributory graded houses in this part of the precinct are of an equivalent size and architectural quality to the ‘better’ houses on other streets of the precinct, and their intactness also compares well with houses in other streetscapes within the precinct.

Council submitted that the surrounding area was considered as part of the heritage assessment. Specifically, the study considered “whether it illustrates the same themes as the remaining Matlock Street Precinct, and if so, how well (i.e., the architectural quality and intactness of buildings that could contribute to the precinct’s values).”

Council stated that its heritage consultant formed the view neither the south side of Prospect Hill Road nor the north side beyond Dryden Street illustrated these themes.

7.4 Discussion

The Panel notes Council’s decision to downgrade 101 Prospect Hill Road in response to submission 70. It also notes Council’s decision to regrade the property at 29 Myrtle Road from Contributory to Non-Contributory in response to the information provided by submission 43 and advice from Ms Honman. The background to these changes is discussed in chapter 1.

The Panel visited the Matlock Street Precinct on 18 April and 1 May when it viewed each of the properties of the submitters. It observed that the dwellings on the edges of the precinct could be regarded as modest and seemingly unremarkable in themselves.

Submissions 2 and 43 raise some clear objections to 31 and 33 Myrtle Road being included in the precinct and graded as Contributory. However, the Panel adopts the evidence of Ms Honman that:

- The boundaries of the precinct have been drawn to follow some natural road boundaries with early residential development of a high level of integrity.
- The houses at 31 and 33 Myrtle Street face the Outer Circle Line reserve (Anniversary Trail), which is an important aspect in the precinct’s history and not something that detracts from the heritage value of the street.
- The strategic basis for the properties being identified as Contributory is that they are interwar houses that are representative of 1920s California Bungalows and it is logical that they would be contributory to a heritage precinct that encompasses the interwar period.

The Panel acknowledges the submitter’s point that the Statement of Significance makes little mention of Myrtle Road. But the Panel agrees with Ms Honman that the purpose of a Statement of Significance to explain the reasons for a precinct’s significance, and Myrtle Road is mentioned in terms of what makes it unique, which is its relationship to the former rail reserve.

The Panel notes the comment in Ms Honman’s statement that Council had considered the suggestion in submission 43 that the owner wished to replace the existing dwelling with building that is sensitive to the precinct. Permit decisions by Council are not a matter for the Panel, but it serves to demonstrate that it is possible to renovate and redevelop buildings that are under a Heritage Overlay.
Submitter 67 presented a number of grounds in seeking to have numbers 99-151 Prospect Hill Road removed from the precinct and to argue that they do not meet the assessment criteria. The Panel has considered each of them in turn.

- Despite the fact that numbers 99-151 Prospect Hill Road are not mentioned in the Statement of Significance and the Canterbury Heritage Gap Study does not mean that they are not important. As Ms Honman stated in her evidence on 33 Myrtle Road, the boundaries of the precinct have been drawn to follow some natural road boundaries with early residential development of a high level of integrity.

- Despite the fact that there are other examples of the buildings in question in more intact streets than Prospect Hill Road does not mean that the properties between 99-151 Prospect Hill Road do not merit inclusion in the precinct. The Panel agrees with Council that the precinct boundaries have been deliberately established, with areas of lesser heritage significance being excluded from the precinct. The north side of Prospect Hill Road is included due to the presence of a very large number of Edwardian-era villas, and a lesser number of interwar-era houses. The Statement of Significance recognises them as contributing to the precinct as a whole.

- Despite the fact that the Canterbury Heritage Gap Study mentions the aesthetic and architectural characteristics of houses in other streets in the precinct and only mentions numbers 149 and 151, which bear no resemblance to the Federation weatherboard houses from 119-129 and 133-137 Prospect Hill Road does not mean that they have no heritage value.

- Despite the fact that the Canterbury Heritage Gap Study mentions the Outer Circle Railway and the Sullivan’s Store in Matlock Street does not justify excluding numbers 99-151 Prospect Hill Road from the Matlock Street Precinct.

- The Panel adopts the evidence of Ms Schmeder that the Contributory graded houses in this part of the precinct are of an equivalent size and architectural quality to the ‘better’ houses on other streets of the precinct, and their intactness also compares well with houses in other streetscapes within the precinct.

The Panel considered the presentation by submitter 67 on the proportions of Contributory properties in different streets of the precinct. Unfortunately, the submission was based on a misunderstanding of Ms Schmeder’s evidence on Day 1 of the hearing about a rule-of-thumb that a precinct should have two-thirds of Contributory and Significant properties within it. The proportion does not apply to individual streets within a precinct.

The Panel agrees with Council’s submission that hard and fast rules about percentages for the make-up of a precinct are undesirable and undermine the importance of the coherence of a precinct. In the case of the Matlock Street Precinct the Panel notes that the Canterbury Heritage Gap Study identifies 141 Contributory and Significant properties, and 52 Non-Contributory properties, a total of 73 percent.

The Panel discusses in chapter 3 the concerns about perceived personal financial impacts and restrictions on future development raised by submissions 35, 44 and 67.
7.5 Conclusions

The Panel concludes:

- The Matlock Street Precinct is of historical and aesthetic significance at the local level and should be included in the Heritage Overlay.
- No change should be made to the boundaries of the precinct or the grading of properties in the citation, except:
  - the property at 29 Myrtle Road should be downgraded to Non-Contributory
  - the property at 101 Prospect Hill Road should be downgraded to Non-Contributory to reflect Council’s agreement to permit demolition.

7.6 Recommendations

The Panel recommends:

  q. Amend the citation for the Matlock Street Precinct to downgrade 29 Myrtle Road and 101 Prospect Hill Road to Non-Contributory.
8 Parlington Estate Residential Precinct

8.1 HO702 Parlington Estate Residential Precinct

The Amendment proposes to apply HO702 to 2-32 and 1-17 Allenby Road; 3-9 and 8 Gascoyne Street; 1-27 and 2-44 Parlington Street; and 1-31 Torrington Street, Canterbury; 836-876 and 1063-1081 Burke Road, Canterbury and Hawthorn East; 9-17 Canterbury Road, Camberwell.

The majority of the properties in the proposed Parlington Estate Residential Precinct are graded Contributory. There are 12 Non-Contributory properties. A number of street trees and trees in private gardens are also identified as Contributory and tree controls are proposed in the Schedule to Clause 43.01.

Exhibited statement of significance

What is Significant?

Parlington Estate Residential Precinct is significant. It comprises 2-32 and 1-17 Allenby Road; 3-9 and 8 Gascoyne Street; 1-27 and 2-44 Parlington Street; and 1-31 Torrington Street, Canterbury; 836-876 and 1063-1081 Burke Road, Canterbury and Hawthorn East; 9-17 Canterbury Road, Camberwell. The estate was created in 1912 from a subdivision of two Victorian-mansion estates: ‘Parlington’ and ‘Torrington’. Beginning in 1913 the estate developed rapidly, and was almost entirely complete in a single decade. Local builder George Simpson was responsible for three rows of distinctive semi-detached houses, massed as single villas with elaborate Arts and Crafts detail, along Burke Road and Torrington Street.

The properties at 11, 14, 18 and 24 Allenby Road (apart from the mature Algerian Oak tree at no. 11), 19, 30-34 and 42 Parlington Street, and 31 Torrington Street are Non-contributory. The remaining properties are Contributory.

The mature street trees and trees in private gardens planted during the interwar period are also contributory. The street trees include London Plane (Platanus x acerifolia) and Prickly-leaves Paperbark (Melaleuca styphelioides) on Parlington Street; London Plane trees, Pin Oaks (Quercus palustris), and some Oriental Plane trees (Platanus orientalis) on Torrington Street; and Narrow-leaved Paperbark, also known as Snow-in-Summer (Melaleuca linaria) Allenby Road. Contributory trees in private gardens include an Elm (probably Dutch Elm, Ulmus x hollandica), an Atlas Cedar (Cedrus atlantica), a Bhutan Cypress (Cupressus torulosa), and a multi-stemmed native evergreen at 9 Canterbury Road; Sweet Gum trees (Liquidamber styraciflua) at 4, 5, 10, 11, 25, 29, 40 and 44 Parlington Street; and Algerian Oaks (Quercus canariensis) at 5 and 11 Allenby Road.

How is it significant?

Parlington Estate Residential Precinct is of local historical, architectural and aesthetic significance to the City of Boroondara.

Why is it significant?

Parlington Estate Residential Precinct is historically significant for demonstrating the break-up and subdivision of Victorian-era mansion estates during the interwar period, ‘Parlington’ and ‘Torrington’ (both demolished) have lent their names to two streets in the 1912 subdivisions. As the subdivision was in a central area of Camberwell, along a tram line and near the train station, subsequent development was quite rapid, giving the precinct a high degree of visual and stylistic cohesiveness. 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 (Criterion A).

Parlington Estate Residential Precinct comprises the finest concentration of late Edwardian and early interwar residential development in Boroondara which demonstrates the strong influence of the Arts and Crafts movement on Australian architecture in the 1910s and early 1920s, with its emphasis on varied textures and materials, heavy and sculptural verandah timbers, and strong massing of roof forms. The houses also demonstrate the transition from Edwardian Queen Anne to the bungalow styles that so characterise the interwar period. There is also a fine example of a Georgian Revival house at 9 Canterbury Road, a style that
existed concurrently with the bungalow styles, but was usually designed by architects instead of builders, so is less commonly seen (Criterion D).

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. The high level of intact ornament, particularly timber verandah detail, enhances the precinct’s picturesque quality. The street trees and trees in private gardens planted during the interwar period are aesthetically significant for providing an appropriate and attractive setting for the interwar houses in the precinct, and for illustrating both popular species during this period and the informal, picturesque pattern of plantings popular at the time (Criterion E).

8.2 The issue

The issue is whether the proposed Parlington Estate Residential Precinct meets the threshold to be identified as a heritage place in the Boroondara Planning Scheme and, if so, whether the gradings applied to individual properties within it are appropriate.

8.3 Evidence and submissions

Council received five submissions opposed to the Amendment (1, 15, 29, 47 and 57) and seven submissions in support of the Amendment (36, 45, 49, 50, 51, 52, 53 and 58).

Several submissions referred to financial impacts, loss of development potential and perceived extra maintenance expenses. These issues have been addressed in Chapter 3.

Heritage issues raised included:

- Submission 1 referred to 870 Burke Road, Canterbury. It stated that the house was a semi-detached property on small site, with no capacity to extend or redevelop. It submitted that the property had no heritage values alone or as part of a precinct and was located a long way away from the nearest significant building at 902A Burke Road. It stated that the proposed categorisation of 870 Burke Road as a ‘contributory heritage place’ is “wrong, unfair, misguided and factually and aesthetically unfounded.”
- Submission 15 stated that the house at 10 Allenby Road should not be graded Contributory due to changes at the rear in the 1970s and the fact that it was now in disrepair. It submitted that another house of similar age and condition at 22 Allenby Street had been graded as Non-Contributory.
- Submission 29 referred to 864 Burke Road and put the view that only individual places should be listed for heritage protection, rather than precincts.
- Submission 47, concerning 25 Parlington Street, stated that the house had been bought for redevelopment and it was unfair to apply a Heritage Overlay.
- Submission 57 referred to 876 Burke Road and requested that the Burke Road properties be removed from the precinct. It stated that developments on Burke Road had already diminished the heritage values and a lot of non-heritage construction had occurred that would be incongruous in a Heritage Overlay. In addition, the tram and bus infrastructure obscured views of the properties.
- Submissions 36, 45, 49, 50, 51, 52 and 53 all came from residents of Torrington Street, whose properties were graded Contributory in the precinct. They strongly
supported the proposed precinct and hoped that the history and character of the area would be preserved.

- Submission 58, referring to 8 Gascoyne Street, considered that the proposed precinct was ‘too little, too late’ given the extent of demolition and rebuilding that had occurred. However, it supported saving the existing heritage homes.

Ms Schmeder, in her statement of evidence dated 12 April 2018, recorded that the proposed Parlington Street Residential Precinct corresponded to the western half of a precinct recommended in the 1991 Camberwell Conservation Study, but not implemented. During her field survey, she found that this area was still highly intact, but the eastern streets – Torrington Place and The Ridge – had undergone extensive redevelopment. She assessed the proposed precinct as being of local heritage significance for the reasons set out in the Statement of Significance.

![Figure 16](10 Allenby Road, Canterbury)

In response to submissions, Ms Schmeder stated that the house at 870 Burke Road (submission 1) was an intact part of a long row of late Edwardian semi-detached houses at 836-862 Burke Road, that formed an important part of the Parlington Street Residential Precinct. They were completed in 1914 and were the work of designer-builder George Simpson, who was responsible for the many of the houses in the proposed precinct. She considered that 870 Burke Road and the rest of the row contributed to the historical, architectural and aesthetic significance of the precinct. The Contributory value of the house was in no way connected with the Uniting Church complex at 902A Burke Road, also proposed for a Heritage Overlay in the Amendment.
In response to submission 45, Ms Schmeder noted that the proposed redevelopment was not related to the heritage value of the property.

Regarding submission 57, on 876 Burke Road, Ms Schmeder acknowledged the main road location but did not accept that the transport infrastructure obscured the houses to any significant extent. In her opinion, the section of Burke Road nominated for inclusion in the Heritage Overlay was characterised by intact heritage buildings. She noted that none of the properties in this section of Burke Road had been redeveloped.

In response to a question from the Panel regarding the dormer windows on the house at 25 Parlington Street, Ms Schmeder stated that, as far as she could recall, they were not original.
but the details had been copied from the originals on a nearby house. She considered them to be acceptable changes to a property graded Contributory, given that the façade of the ground floor was still very intact. Council later tabled a copy of the building permit plans for the alterations to the house, dating from 1982 (document 8) and advised that the owner had raised the issue of changes to roof in preliminary consultations on the Canterbury Heritage Gap Study. The plans showed that what was previously an open dormer had been demolished and replaced by two enclosed ones. The details were similar to others designed by the same architect in the area.

![Figure 19 25 Parlington Street, Canterbury](image)

8.4 Discussion

The Panel made a site visit to the proposed Parlington Estate Residential Precinct on 18 April 2018. It paid particular attention to those properties on which there were submissions, but also noted the consistency of built form, attractive gardens and very low proportion of Non-Contributory properties within the precinct.

The Panel accepts Ms Schmeder’s evidence that the Parlington Estate Residential Precinct is of local significance to the City of Boroondara against historical, architectural and aesthetic heritage criteria. It also notes her responses to the opposing submissions and the information in the citation and concludes that the gradings applied to the relevant properties are appropriate. In addition, the Panel recognises the strong support for the designation of the precinct from a number of affected residents.

8.5 Conclusion

The Panel concludes:

- The proposed Parlington Estate Residential Precinct (HO702) meets the threshold to be identified as a heritage place in the Boroondara Planning Scheme and the gradings applied to individual properties within it are appropriate.
9  Rochester Road Precinct

9.1  HO703 Rochester Road Precinct

The Amendment proposes to apply a Heritage Overlay to numbers 5-35 Rochester Road, Canterbury on the western side and 10-20 Rochester Road on the east.

Two individually significant places, number 7 Rochester Road (HO184) and number 9 Rochester Road (HO185) are encompassed by the precinct, and are proposed to retain their separate Heritage Overlays. One other property, 21 Rochester Road, has been identified as Significant within the precinct. There are only two properties in the precinct identified as being Non-Contributory, numbers 18 and 19 Rochester Road (although number 18 has been subdivided and now contains two separate dwellings). The other properties in the precinct are graded Contributory.

Exhibited statement of significance

What is Significant?

Rochester Road Precinct at 5-35 and 10-20 Rochester Road, Canterbury is significant as a residential precinct developed primarily in the Interwar period. It comprises a number of residences in English Tudor, Spanish Mission and transitional styles in garden settings, as well as earlier houses from the Victorian and Federation periods on the east side of the street.

How is it significant?

Rochester Road Precinct is of local historic and aesthetic significance to the City of Boroondara.

Why is it significant?

The Rochester Road Precinct is historically significant as once part of the larger Shrublands Estate of Ernest Carter of 18 Balwyn Road (HO258). It was initially subdivided by Carter in the 1880s as part of residential intensification of the area tied to the extension of the railway line to Canterbury which made residential living more accessible in Canterbury. Rochester Road is historically significant as a subdivision from 1923 when smaller allotments were created as a result of the sale of the larger (undeveloped) allotments from the estate of John Hindson and as part of the further intensification of Canterbury following the extension of tram routes in the 1920s and 30s (Criterion A).

Rochester Road is significant as one of a number of residential areas largely developed throughout the 1920s and 30s that demonstrate high quality and fashionable housing of the period. The precinct is characterised by substantial, predominantly brick, detached houses, many of which were designed by architects in a range of fashionable architectural styles including Spanish Mission, English Tudor interspersed with versions of Federation and large Interwar bungalows with a range of transitional features common to both styles. These complement the isolated examples of earlier houses from the Victorian and Federation periods on the east side. Rochester Road Precinct demonstrates a range of residential styles commonly associated with the 1920s and 30s and with a high degree of individual and collective integrity. This is represented to an equivalent degree in other Interwar precincts represented on the HO including those of Lower Burke Road Camberwell (HO154), Prospect Hill Road Camberwell (HO159), Leslie Street Hawthorn (HO164), Howard Street Kew (HO528) and Union Road Surrey Hills (residential area) (HO534). The Rochester Road Precinct is distinguished by its integrity and cohesion.

Rochester Road Precinct is of aesthetic significance primarily as a consistent street of Interwar houses designed and built in a relatively short period and using a similar architectural vocabulary and with high quality design. It also includes some examples of Victorian and Federation era development at 12 and 20. Early development of the period resulted in the transitional styles of 13, 14, 16, 17, 21, 25, 31 and 33 Rochester Road expressed in the use of gable roof forms clad in terracotta tile, red brick masonry with 'hit and miss' or other brickwork patterning to generous porches, the use of gabled roof forms with attics, banks of windows in combinations of box, bay and curved forms chimneys that enhance the roofscapes. A number
of houses including 25 have masonry fences from the 1920s and 30s that complement the streetscape and the houses.

Rochester Road is aesthetically significant for its later development of Interwar Tudor Revival residences including 5, 11, 23, 29 and 35 that demonstrate typical features of the style including steeply pitched roofs in a picturesque composition, the use of clinker brick and render, decorative entry porches, half timbering and often decorative leadlight windows.

7 Rochester Road (HO184) is individually significant though not within the precinct, for its Prairie School design by architect Eric Nicholls and as a rare flat development in the locality of Canterbury, although now converted to a single house. 9 Rochester Road (HO185), designed by architect Arthur W Plaisted, is notable as a good example of the Spanish Mission style. 10 Rochester Road is a more typical version of the Spanish Mission style.

The garden at Number 29 may have been designed by Edna Walling but this has not been confirmed. The London plane trees of the street also contribute to its aesthetic quality (Criterion E).

9.2 The issue

The issue is whether the proposed Rochester Road Precinct meets the threshold to be identified as a heritage place in the Boroondara Planning Scheme and, if so, whether the gradings applied to individual properties within it are appropriate.

9.3 Evidence and submissions

Council received six submissions about the proposed Rochester Road Precinct. Heritage issues raised included:

- Submissions 21 and 33 (duplicates) opposed the inclusion of numbers 10 and 12 Rochester Road in the precinct, on the grounds that they did not justify the application of a Heritage Overlay. The submissions stated that the properties are plain and basic, are on the fringe of the precinct and are similar to many already covered by heritage controls in Boroondara. Concerns were raised about the general approach and methodology of the Canterbury Heritage Gap Study and the comparative analysis for the precinct. The submissions stated that while the west side of Rochester Road might merit consideration for a precinct control, this did not apply to the eastern side.

- Submission 25 questioned the attribution of heritage significance to the area and claimed that it did not meet the thresholds for historic or aesthetic significance or architectural significance/representativeness. It put the view that the properties on the eastern side of Rochester Road are significantly different from those on the west and should be excluded from the precinct. Number 16 Rochester Road should be graded as Non-Contributory because it had been extensively renovated.

- Submission 32 requested that the whole eastern side of Rochester Road be deleted from the precinct, or that the property at 2/18 Rochester Road (a new lot at the rear of 18 Rochester Road), graded Non-Contributory, be excluded.

- Submission 55 was concerned about the loss of older-style houses and believed the heritage listing came too late.

- Late submission 71 opposed the grading of Significant attributed to 21 Rochester Road, on the grounds that the house no longer represented its original design or appearance. Major alterations carried out in 1998 included construction of a new fence, a double garage, an ensuite bathroom and changes to the rear of the house.
Further changes in 2012 included repainting and installation of a skylight and new windows and glass doors at the rear.

- Submission 13 supported the Amendment and made particular mention of the Rochester Road Precinct, which it considered relatively intact. It also noted that heritage protection is consistent with the City of Boroondara’s Community Plan.

Ms Honman’s statement of evidence noted that Ms Schmeder originally identified the western half of the proposed Rochester Road Precinct during her field survey in 2015. (attachment B to Ms Schmeder’s statement of evidence also dated 12 April 2018). Ms Schmeder recommended it for further assessment:

... as a standout row of large interwar houses, with a strong Old English / Tudor Revival character, whose presentation was enhanced by their elevated siting. She noted the presence of dwellings of mixed eras (Victorian through to interwar), some of high quality, but did not recommend their inclusion at this time.

A letter to Boroondara City Council from Context Pty Ltd dated 29 August 2016 (document 7, tabled by Council) confirmed the original concept of the potential precinct. It listed the places proposed for detailed assessment in Stage 2 of the Canterbury Heritage Gap Study, which included the properties at numbers 5-35 Rochester Road but none on the eastern side of the street.

Ms Honman’s statement advised that she and Ms Schmeder visited Rochester Road and discussed the possible extent of a precinct, on both the western and eastern sides, but did not recommend a change to the boundaries originally identified (i.e. the western side only). Following ‘receipt and consideration of submissions’ – presumably on the Canterbury Heritage Gap Study – the precinct was referred back to her by Boroondara City Council to consider potential expansion. Two options were suggested: one including numbers 10-32 on the eastern side; and a reduced extent from numbers 10 to 20. She reviewed the place again and concluded that ‘there were some representative examples of the valued period’ on the eastern side, between numbers 10-20. The precinct was redefined in include these properties and the citation amended accordingly.

In response to submissions on the Amendment concerning the proposed precinct, Ms Honman’s statement stated that the subdivision of the large Victorian estates was an important event in the history of Canterbury and was best illustrated by intact streetscapes. Rochester Road retained more of its early suburban development than other parts of the Shrublands Estate. The precinct boundaries were drawn to include all those properties that related to the period of time considered significant in the precinct. There were always boundaries to a precinct; the properties at the edges were not superfluous to the precinct by virtue of their location.

Comparative analysis was undertaken with other precincts of a similar period, i.e. where the character was mixed between Victorian, Federation and interwar; she considered that the precincts selected provided a benchmark that was appropriate for Rochester Road.
While acknowledging that this precinct, like any other, is ‘a narrow subset’ (as suggested by a submitter), Ms Honman stated that it had been purposely chosen “as one of the best preserved and most interesting streetscapes in Canterbury.”

Regarding a lack of built form consistency, identified by a submitter, she stated that recent developments in the northern end of the street had reduced its heritage value, but this ‘makes the group of places from nos 5-35 on the west side stand out as a highly consistent group built between 1923-37’. The small group between 10-20 Rochester Road (with the exception of number 18) was the most consistent on the east side, although number 12 was from an earlier period.

Ms Honman stated that the east and west parts of the street had a somewhat different character, particularly as a result of the topography, which made the houses on the higher ground to the west more visually dominant and cohesive. However, in her view, the precinct was enhanced by the inclusion of “a select few places on the east side at the south end of the street where the integrity of the precinct is greatest.” She considered that several of the interwar buildings on the east were of equivalent quality to those on the west and that the value of the precinct in an aesthetic sense was not diminished by the inclusion of properties on the east side and the historic value was enhanced.

With only one Non-Contributory property on the west side and one on the east, the precinct had a low proportion of Non-Contributory compared to Significant and Contributory places.

Ms Honman stated that 10 Rochester Road, described as ‘plain and basic’ in submissions 22 and 33, was a fine and intact example of the Spanish Mission Style and thus contributed to the valued period of the precinct.

Ms Honman considered that 12 Rochester Road, described in submissions 22 and 33 as “a late nineteenth Century building, basic in appearance, not intact and bears no resemblance to the line of Interwar residences on the western side of the road” was acknowledged as earlier and of a different style to the houses on the west side. As the oldest house in the proposed precinct, it demonstrated its early history. The level of intactness was fairly typical and acceptable for a Contributory property.
Ms Honman’s assessment was that number 16 Rochester Road was representative of the period of major development in Rochester Road. She regarded the alterations described in submission 25 were relatively minor and acceptable for a Contributory house in a precinct.

Regarding number 21 Rochester Road, the subject of the late submission 71, she stated: “the front fence is new, though sympathetic, and the garage on the south side was also identified
as an alteration, though considered recessive enough.” The alterations to the rear of the property, detailed in the submission, had not been taken into account, as they did not impact on the presentation of the house from the street.

Overall, it is still of a high level of intactness and, as a very prominent house in the precinct, deserves its Significant grading.

Ms Schmeder, in her peer review of Ms Honman’s work noted that Ms Honman had considered all the submissions on the proposed precinct (chapter 3 of her statement of evidence dated 12 April 2018). She had reviewed photographs provided by submitters illustrating alterations to properties, revisited the places where necessary, then evaluated how these changes impacted on the heritage significance and grading recommended for each house.

Ms Schmeder’s opinion was that Ms Honman’s process for reviewing and responding to submissions was comprehensive and her responses to the heritage issues raised were thoughtful. She concluded:

Having visited Rochester Road myself, as part of this peer review, I agree with Ms Honman that there is a strong enough relationship between the two sides of the street to warrant their inclusion in a single precinct. This is particularly visible in the relationship between the early interwar houses on both sides: No. 14 of 1916, No. 16 of 1922, No. 31 of 1923, Nos. 13, 21 and 33 of 1924 and No. 25 of 1926. All of them could be described as transitional as they exhibit details typical of the Federation Queen Anne style but with simpler gabled roof forms typical of interwar bungalows. There is a second relationship visible between the Spanish Mission house of 1937 at No. 10, and an individually significant example on the west side at No. 9, and to a lesser extent the eclectic house at No. 15. While the 1888 Italianate Victorian house at 10 Rochester...
Road is the only one of its kind in the precinct, I agree with Ms Honman that it demonstrates the era of the original suburban subdivision of Rochester Road, so is properly considered a Contributory property due to its contribution to the precinct’s historical significance (Criterion A), as a former part of the Shrublands Estate that was subdivided in the 1880s (east side) and the interwar period (west side).

Ms Schmeder agreed with Ms Honman that no changes should be made to the precinct or the grading of properties within it.

In response to cross-examination, Ms Schmeder stated:

- In her opinion, both Mr Raworth and Mr Bick had assessed 10 and 12 Rochester Road as though they had been proposed for individual listings, rather than as Contributory places in a precinct.
- There were quite a few Spanish Mission houses in Boroondara, but not necessarily in Canterbury. The Golf Links Estate was interwar, but included a range of design styles.
- The Victorian house at 12 Rochester Road had undergone substantial alterations. The verandah and ironwork were new, and it was now sitting on a concrete slab. The rear additions were already recognised and she accepted the evidence of the other experts that there were also additions at the side. These sorts of changes were acceptable for a Contributory house in a precinct.
- Despite the fact that the precinct covered only a small part of the original subdivision, it told the story of the two stages of development. The area had been selected so that the extant fabric represented the appropriate eras and degree of intactness.

Mr Raworth, in his statement of evidence on 10 and 12 Rochester Road dated 11 April 2018, stated that buildings in Rochester Road had been surveyed as part of previous heritage studies undertaken on behalf of Council including the 1991 Camberwell Conservation Study. Only four properties were regarded as having potential heritage significance: numbers 7 and 9 were protected under individual Heritage Overlays; but the other two (numbers 21 and 31) were not. None of the buildings on the eastern side was graded in 1991.

The precincts given as comparative examples in the Statement of Significance, Mr Raworth stated, varied in size but “are generally more intact and more interesting precincts (i.e. in terms of number and consistency of graded properties).”

He stated that the Rochester Road Precinct was identified in the Statement of Significance as meeting the thresholds for Criteria A, D and E, but:

In reality, [it] has only very limited significance to the City of Boroondara in terms of its historical, architectural and aesthetic significance. This is particularly the case in relation to the buildings on the sites at 10 and 12 Rochester Road, and to the east side of the street more generally.

Mr Raworth considered that the association with the Shrublands Estate had some degree of local historical interest but thought it was questionable whether this met a threshold of significance at a local level sufficiently to justify a precinct. He stated that it was not obvious
why this subdivision should be more highly valued than any other estate subdivision of the late nineteenth century, when large farming estates were sold and subdivided to accommodate growing interest in the area for residential use.

With regard to architectural values and representativeness, Mr Raworth stated that interwar dwellings were well represented throughout Boroondara. While some of the houses within the proposed precinct were ‘more interesting’, particularly the two that already had Heritage Overlays:

... they are broadly typical building types that contribute little that is unusual or unknown to an understanding of architectural forms within the area during the interwar period.

Mr Raworth pointed out that Boroondara already had two of the finest interwar heritage precincts in metropolitan area, the Golf Links and Reid Estates, and he considered that the proposed Rochester Road Precinct compared very poorly against them. Only three dwellings (including the two under individual Heritage Overlays) were identified as architect designed, which “is indicative of the fact that most of the buildings are generic building stock, albeit they may appear grander due to their elevated position or generous scale.”

Mr Raworth acknowledged that the streetscape, particularly on the western side, presented a reasonably consistent row of interwar houses, but stated that the dwellings as a whole were generally of modest interest and their aesthetic values were not necessarily to threshold level. The new house at 19 Rochester Road introduced a visually prominent ‘wrong note’. While the streetscape was aesthetically pleasing, with the canopy of plane trees and mix of interwar dwellings, it was not to a threshold level. In addition, he stated:

It can be argued that the aesthetic characteristics of the proposed precinct are not appreciated or valued in the wider community through critical recognition or exceptional merit at a local level.

Mr Raworth described the eastern side of Rochester Road as comprising: number 10, a very modest Spanish Mission design; number 12, an altered, modest, single-storey Victorian villa; two bungalows that would typically be considered contributory elements; a 1970s house; and an altered turn of the century house.

This is a rather motley range of buildings and in my view the east side of the street as a whole should be excluded from consideration under the Heritage Overlay.

He stated that if a precinct were to be implemented, “something that is not encouraged by this analysis”, it would be more appropriate to redefine it to include only the western side of Rochester Road (numbers 5 to 35).

Mr Bick’s view in his expert evidence on 10-12 Rochester Road dated 3 April 2018 differed from Mr Raworth’s to the extent that he considered that:

... the line of mostly reasonably substantial 1920s and 1930s residences on the western side of Rochester Road ... justify the proposed inclusion in a Heritage Overlay area.
He noted that the width of the lots and the rising ground on the western side encouraged the construction of wider dwellings than was the case in other interwar housing areas in Boroondara.

Mr Bick suggested that the full width of the roadway in front of numbers 11–35 should be included in the proposed precinct and tree controls should be applied to the London Plane trees. In addition, the gardens of the houses on the western side should be assessed for their heritage value.

Mr Bick considered that the properties on the eastern side of the street did not justify inclusion in a Heritage Overlay. He characterised the dwellings on the east as:
- Number 10 – a quite basic 1930s house that, despite being three rooms wide, lacks the distinctive, reasonably substantial design qualities of the houses on the western side of the street.
- Number 12 – a quite basic 1888/1890 timber house that is not intact. While it is an example of an uncommon building type in Canterbury, there are better examples nearby.
- Number 14 – a 1916 timber house that has very little in common with the interwar residences on the opposite side.
- Number 16 – the only dwelling on the east side of the street that was constructed in the same period as the residences on the west side and visually has some relationship to them.
- Number 18 – a circa 1960s/1970s house that has no possible Heritage Overlay significance.
- Number 20 – a ‘much altered house from 1889? and 1907/1909?’, which has no relationship to the period of significance of the distinctive line of residences on the west side of the street.

Mr Bick analysed the Statement of Significance for the proposed Rochester Road Precinct and concluded that it confirmed that the ‘high quality and fashionable’ housing of the 1920s and 1930s was what gave it its heritage significance. He pointed out that while it said that the houses on the west “compliment the isolated examples of earlier homes from the Victorian and Edwardian periods on the east side”, it did not explain how this occurred.

In Mr Bick’s opinion the statement that the precinct “is distinguished by its integrity and cohesion” is true for the western side of the street, even though some of the houses have very visible first floor additions. However, he noted that this was also true of many other early twentieth century houses in Canterbury. In his opinion, the dwellings on the eastern side were in marked contrast to the west. They dated from different periods and were very different in appearance; numbers 12 and 20 were substantially altered, while number 14 had a quite visible rear two-storey addition. Mr Bick considered that the removal of numbers 10 and 12 Rochester Road from the precinct would not have any real impact on it.

Mr Bick and Mr Raworth both responded to questions dealing with comparative assessment, but came to rather different conclusions.

Mr Bick pointed out that other precincts in Boroondara, including HO191 Hassets Estate, Camberwell and the proposed HO701 Matlock Street Precinct also had dwellings from the interwar period, but in those cases, in his opinion, the houses were more ordinary than the
ones on the western side of Rochester Road. He described the case for inclusion of the western side in a Heritage Overlay as ‘almost overwhelming’.

Mr Raworth compared the proposed precinct unfavourably with others in Boroondara. He stated that HO528 Howard Street Precinct, Kew was small but its Tudor Revival houses were much better than those in Rochester Road and it had more unity of character. HO1 Golf Links Estate, Camberwell was lower middle class housing, ‘less grand’ than some houses in Rochester Road, but it retained its heritage ambience for the whole estate. HO192 Reid Estate, Balwyn, was close to Rochester Road and of the same era, but demonstrated it better. He considered that the proposed precinct included a group of buildings that were not rare or particularly intact in the local context, many with substantial garage additions, inappropriate fences and changes to facades.

Refuting a suggestion that he had conflated representativeness (Criterion D) and aesthetic significance (Criterion E), Mr Raworth stated that representativeness alone was not enough; places to be included under a Heritage Overlay should be good representative examples, and “be exceptional in some way.” He considered that the degree of representative interest in the precinct, even the western side, was “not of an elevated kind” that met Criterion D.

Both Mr Raworth and Mr Bick both denied that their assessments of 10 and 12 Rochester Road were more appropriate for places proposed as individually significant than for Contributory places under a precinct overlay. Mr Bick stressed that his views were based on an assessment of the relationship of the properties to the Statement of Significance.

Council, in its submission to the hearing on HO703 Rochester Road Precinct, adopted the opinions of Ms Honman and Ms Schmeder. It stated that where submissions identified errors or inconsistencies, these had been corrected (in the track changes version of the citation). Council was otherwise satisfied that no submissions presented information that undermined the heritage significance of the proposed precinct. Council submitted that the precinct comprised the parts of Rochester Road that provided a historical representation of the two eras of subdivision from which it emanated. It considered that the historical value of the precinct was enhanced by including the properties on eastern side of the road, as several buildings were constructed during the 1923-38 period and were of equivalent quality.

Council tabled the citation for Rochester Road, Canterbury from the City of Boroondara Significant Tree Study, 2001 (document 15) and stated that the box indicating ‘historical value’ could also be ticked if the Panel supported the precinct. Ms Schmeder advised that no tree controls had been proposed for the precinct in the Schedule to Clause 43.01, because Council wanted the trees protected under the Significant Tree Register instead.

With regard to individual properties that were the subjects of submissions, Council commented:

- Numbers 10 and 12 Rochester Road are fine and intact examples of the Spanish Mission and Italianate Victorian styles to justify their inclusion as Contributory graded properties within the precinct.
- The Arts and Crafts bungalow at 16 Rochester Road, built in 1922, is representative of the period of major development considered significant in the precinct and has retained sufficient integrity to warrant being graded as a Contributory place.
• Despite the alterations to 21 Rochester Road, the building still has a high level of intactness and is a very prominent house within the precinct, justifying its Significant grading.

Council requested the Panel to be mindful of the fact that, while the interwar period is identified as the era of primary significance in historical and aesthetic terms, the examples of Victorian and Federation era development are explicitly an element (albeit secondary) of the stated significance.

Ms Porritt’s submission on behalf of the owners of 10 and 12 Rochester Road stressed the community benefits that might be foregone if the properties were placed under a Heritage Overlay and were unable to be redeveloped.

She reiterated the point made by Mr Raworth and Mr Bick, that neither of the houses at numbers 10 and 12 would warrant heritage protection in its own right. She submitted that neither property showed any meaningful link with the Shrublands subdivision and that their heritage value, if any, was marginal.

Ms Porritt was critical of the fact that the proposed precinct had been enlarged after its initial identification. She stated that the original precinct was coherent and understandable and that the exhibited precinct – and the Statement of Significance – had been distorted to make the eastern side fit in. Ms Porritt submitted that the Panel should prefer the evidence of Mr Bick and Mr Raworth to that of Council’s experts and suggested that the precinct boundaries be redrawn to exclude 10-12 Rochester Road. She also asked that references in the Statement of Significance to “earlier houses from the Victorian and Federation periods on the east side of the street” and to number 10 Rochester Road should be deleted.

Mr Kerslake presented a supplementary submission to the hearing, on 16 Rochester Road (document 11). It reiterated points made in submission 25 and provided additional information on the degree of demolition, reconstruction and extension that had occurred to houses on the eastern side of Rochester Road. It pointed out that Council’s heritage experts had not assessed the dwellings on the eastern side from the public domain of the Shrublands Reserve to the rear or the adjacent streets. From these viewpoints, the perspective was dominated by large two- and three-storey additions to all but one of the properties. Mr Kerslake submitted that the proposed precinct did not form a clear heritage precinct in the way a lay person would understand it.

The Panel asked whether Council had considered including the places already in the Heritage Overlay (numbers 7 and 9 Rochester Road) in the precinct and removing the individual controls. Ms Schmeder advised that she thought they were to be included, as they had the same basis of significance as the precinct. Council’s representatives undertook to seek advice on why this course had not been adopted, but no further information was presented.

9.4 Discussion

The Panel notes that there is agreement between three of the expert witnesses about the heritage values of the western side of the proposed precinct from number 5 to 35 Rochester Road (although Ms Honman’s evidence was not directly tested by cross-examination). The Statement of Significance also provides strong support for the inclusion of the western side.
Mr Raworth’s analysis, on the other hand, did not encourage the application of a Heritage Overlay to any part of Rochester Road. He described the houses on the western side as a “substantial stretch of buildings that are visually cohesive and speak to each other” and have “a handsome neighbourhood character” able to be appreciated by “the man in the street.” The Panel prefers the evidence of Ms Schmeder and Mr Bick regarding the heritage values of the western side of Rochester Road.

The justification for applying a Heritage Overlay to the properties on eastern side of the proposed precinct is, in the Panel’s view, less convincing. The Panel does not accept Ms Porritt’s implication that there was something improper in the way that numbers 10 to 20 Rochester Road came to be added to the proposed precinct. But the Panel acknowledges that the references in the Statement of Significance to the places on the eastern side appear to be insertions into a text that has a different focus.

The Panel acknowledges Ms Schmeder’s evidence that there is a thematic connection to the two-stage subdivision history of the wider Shrublands Estate. However, it also notes her reference to previous panels, such as Brimbank C125 Part 2, which have suggested limiting precincts to areas where the extant fabric is sufficiently intact to demonstrate the characteristics of the relevant subdivision and its era, rather than attempting to encompass its wider extent.

The Panel inspected the proposed precinct on 1 May 2018 and observed the difference in periods of construction, character and quality of residences on the eastern and western sides of Rochester Road.

The evidence of Mr Bick and Mr Raworth was that the properties on the eastern side are of modest design quality, mixed eras and variable intactness. Submission 25 and document 11 also pointed out the alterations that have occurred to many of the properties in this part of the proposed precinct, including to number 16.

Ms Honman, on the other hand, stated that several of the interwar buildings on the east were of equivalent quality to those on the west. She described number 10 Rochester Road as “a fine and intact example of the Spanish Mission style.” Number 12 was acknowledged to be earlier than the main period of significance for the precinct and altered, but was held to demonstrate the area’s early history and to be sufficiently intact to be graded Contributory. Number 16 was said to be representative of the period of major development of Rochester Road and the alterations described in the submission were relatively minor. Ms Schmeder, in cross-examination, supported these judgements, though she conceded that the verandah was the only Spanish Mission element in the design of number 10.

The Panel prefers the evidence of Mr Bick and Mr Raworth concerning the eastern side of the proposed precinct, even though it does not accept as a general principle that representative Contributory places in a precinct need “to be exceptional in some way” (as suggested by Mr Raworth).

The Panel considers that while there is a degree of historical interest in the range of dwellings represented on the eastern side, as demonstrating the two-stage development of the Shrublands Estate, this is not sufficient to justify extension of the precinct to include these additional properties. It does not accept Ms Honman’s proposition that the value of the
precinct in an aesthetic sense is not diminished by the inclusion of properties on the eastern side. It appears to the Panel that including the smaller, plainer, more altered properties to the east (from various periods) reduces both the integrity and the visual and stylistic cohesion of the precinct. In the Panel’s view, they make only a minor contribution to the historic significance of the precinct, which is not well substantiated by the Statement of Significance.

With regard to the grading of number 21, the Panel accepts the evidence of Ms Honman and Ms Schmeder that the changes to the property described in late submission 71 have either already been recognised and assessed or apply to rear sections of the house that are not visible from the public realm. Inspection of the property from the street indicated to the Panel that the alterations have not significantly changed the appearance of the front façade of the house. The garage is set back and is not out of scale, given the size and prominence of the dwelling. The grading of Significant within the precinct is considered appropriate.

The Panel supports Mr Bick’s suggestion that the whole width of the roadway should be included in the extent of the precinct, notwithstanding the proposed exclusion of the eastern properties. This will ensure the significance of the London Plane trees is recognised and also encompass the bluestone gutters. The Panel does not consider that this would have any significant impact on adjoining owners, so it can be included when the Amendment is considered for adoption. While it would be preferable for tree controls to be applied in the Schedule to Clause 43.01, if Council determines to maintain protection only through the Significant Tree Register, then the box for ‘historic value’ should be ticked.

As far as the Panel can determine, the only difference in the controls applying to the two places already identified under Heritage Overlays (numbers 7 and 9 Rochester Road) and those proposed for the precinct are that the column ‘prohibited uses may be permitted’ is ticked in the Schedule for HO184 and HO185. It is questionable whether this control is still desirable, given the designation of the precinct. Since both properties are interwar houses and appear to share the same basis of significance as the rest of the dwellings on the west side of Rochester Road, it would be preferable to include them in the precinct. Council should consider, in consultation with the owners, whether to remove the individual designations and grade them as Significant within the precinct.

9.5 Conclusions

The Panel concludes:

- HO703 Rochester Road Precinct should be amended to delete the properties on the eastern side of the road, at 10-20 Rochester Road.
- The western side of HO703, 5 to 35 Rochester Road, is of local historic and aesthetic significance to the City of Boroondara and should be added to the Heritage Overlay on a permanent basis.
- HO703 should encompass the full width of the roadway (to the extent of public land) in front of numbers 5-35 to ensure that the street trees and bluestone gutters are recognised as part of the significance of the precinct. Council should consider including the London Plane trees under the ‘tree controls’ column in the Schedule.
- Number 21 Rochester Road should retain its grading of Significant.
• Council should consider whether separate designation of the two existing Heritage Overlay places encompassed by the precinct (HO184 and HO185) is still warranted and in particular, whether the ‘prohibited uses’ provision is appropriate.

• The Statement of Significance for HO703 Rochester Road Precinct should be changed to delete reference to properties on the eastern side.

• The citation for the Rochester Road Precinct should be edited to delete reference to properties on the eastern side.

9.6 Recommendations

The Panel recommends:

r. Amend the Heritage Overlay schedule to change HO703 Rochester Road Precinct to delete 10-20 Rochester Road, Canterbury so the description reads ‘5-35 Rochester Road, Canterbury’.

s. Amend the Heritage Overlay map to exclude 10-20 Rochester Road in the Rochester Road Precinct (HO703) but to cover the full width of the roadway (to the extent of public land) in front of numbers 5-35 Rochester Road.

t. Amend the Statement of Significance for Rochester Road Precinct to delete reference to the properties on the eastern side of the road at 10-20 Rochester Road, Canterbury, as shown in Appendix D.

u. Amend the citation for the Rochester Road Precinct to:

• delete reference to 10-20 Rochester Road, the properties on the eastern side of the road.
10  Victoria Avenue Precinct

10.1  HO704 Victoria Avenue Precinct

The Amendment proposes to apply HO704 Victoria Avenue Precinct to the properties at 7-25 and 4-34 Victoria Avenue, Canterbury.

Numbers 7 (HO411) and 13 (HO412) Victoria Avenue, on the western side of the street, and number 16 (HO614) on the eastern side are already protected under individual Heritage Overlays (and these are intended to remain). Number 12 is graded as Significant within the precinct. Numbers 9, 11,15, 17, 19 and 19A on the western side and numbers 8 and 28 on the east are graded Non-Contributory. The remainder are considered Contributory to the precinct.

Exhibited statement of significance

What is Significant?

Victoria Avenue Precinct between 4-34 and 7-25 Victoria Avenue developed from the 1890s as the part of the Great Railway Station Estate with show houses built by architects and surveyors Beswicke and Hutchins is significant.

How is it significant?

Victoria Avenue is of local historic and aesthetic significance to the City of Boroondara.

Why is it significant?

Victoria Avenue Precinct is historically significant as part of the Great Railway Station Estate with allotments auctioned and purchased in 1898 from the Trustees of James Hutchins. Victoria Avenue, along with View Street and Hopetoun Avenue had previously been subdivided from 28 acres of Elgar’s Crown Special Survey, with the land owned by William Cairncross, James Paterson and Andrew Hansen. Victoria Avenue Precinct is historically significant for the practice of demonstrating suitable buildings to promote the estate and inform prospective purchasers of the quality of residential building expected, thereby setting a standard. The three show houses designed and built by architects and surveyors Beswicke and Hutchins, including numbers 7 and 13 on the west side of Victoria Avenue in 1890, illustrate this practice (Criterion A).

Victoria Avenue is significant as one of a number of residential areas developed throughout the 1890s that demonstrate the high quality and fashionable housing of the period. It is also typical of the development pattern from the 1890s whereby Victorian villas and small mansions are interspersed with some Edwardian era buildings and a few Interwar examples. Victoria Avenue Precinct is somewhat typical in its development pattern of before and after the 1891 economic ‘bust’. Victoria Avenue Precinct is similar to several precincts in Hawthorn already on the HO – Manningtree Road (HO483), Lisson Grove (HO492), Lyndhurst Crescent (HO155) and Glenferrie Hill Precinct (HO149). This pattern is also represented in Kew with Walmer Street (HO158) and Sackville Street (HO162) and in Camberwell with Prospect Hill Road Precinct (HO159). Victoria Avenue is distinguished by a high degree of integrity and through some landmark architectural examples (Criterion D).

Victoria Avenue is aesthetically significant for its Victorian villas of both one and two stores in scale, its Edwardian houses and a few high quality Interwar examples. Victorian era residences include examples of the symmetrical and asymmetrical form. 21 Victoria Avenue is a fine two storey asymmetrical late Victorian residence designed by architects John Edmund Burke and Robert M Schreiber, and although now painted masonry, it is recognisable in form and detail from the 1930s sales brochure. A significant and finely detailed symmetrical villa with polychrome brick detailing and slate roof at 16 Victoria Avenue (HO164) is representative of this type along with 7 Victoria Avenue (HO411) and 13 Victoria Avenue (HO412). Fontenay at 24 Victoria Avenue is a fine example of a late Victorian house with Edwardian transitional elements of the square box window and intersecting roof forms.

Victoria Avenue Precinct is aesthetically significant for several fine examples of Edwardian residences, including Shewalton (Built 1890) at 12 Victoria Avenue with its generous return verandah and expansive box
bay windows, prominent gable end with timber strapping and transitional composition by architect Frederick Williams. Banool at 26 Victoria Avenue addresses its corner site with diagonal placement, also by architects Burke and Schreiber. The steeply pitched, terracotta roofs are arranged as a picturesque composition with dormer window piled upon dormer window creating an impressive composition. Unusual features include an oriel window with leadlight and a jettied gable. With the prominent, finely detailed and proportioned brick chimney, the house is a landmark in the street. Its significance is however compromised by the subdivision of the allotment and a large two storey extension that is highly visible from Victoria Avenue.

Fine examples of the Interwar period are to be found towards the Mont Albert Road end of Victoria Avenue with the solidity of the red brick bungalows at 32 and 34 and the highly intact Interwar Classical Revival of 25 Victoria Avenue with its symmetry and columned porch.

Victoria Avenue is aesthetically significant for the particularly large and well-kept street trees of London planes that form a canopy over the road (Criterion E).

10.2 The issue

The issue is whether the proposed Victoria Avenue Precinct meets the threshold to be identified as a heritage place in the Boroondara Planning Scheme and, if so, whether the gradings applied to individual properties within it are appropriate.

10.3 Evidence and submissions

Council received five submissions on HO704 Victoria Avenue Precinct during the exhibition period. Council accepted one late submission on the precinct and the Panel subsequently accepted information on behalf of another property owner. Heritage issues raised were:

- Submission 6 referred to 12 Victoria Avenue, a property graded Significant within the precinct. It objected to the grading and stated that the house was no more significant than its neighbours, which had been assessed as Contributory, and was equally altered. Recent demolitions and unsympathetic building in the area had altered it so much that it should not be a heritage precinct, although the street trees and gardens deserved protection. Errors in the Canterbury Heritage Gap Study included an ongoing confusion between this house and ‘Shewalton’ at 22 Victoria Avenue and inconsistencies in the built date recorded for it in different parts of the citation. Details of changes to the property that were visible from the street included replacing the iron roof with tiles, plus a large two-storey extension that created new rooflines and a gable and enclosed a chimney.

- Submission 26 referred to 26 Victoria Avenue, graded Contributory. It opposed the application of a Heritage Overlay on the grounds that the proposed precinct was small, varied, did not present as a cohesive group of dwellings of consistent heritage value and had a very high proportion of Non-Contributory properties within it. It stated that 26 Victoria Avenue was substantially altered in 2008, including construction of a large contemporary addition facing directly onto the street, of starkly different appearance to the original 1900 design of the house.

- Submission 27 opposed the precinct approach to heritage protection and suggested that individual houses should be selected instead.

- Submission 40 referred to 30 Victoria Avenue, graded Contributory, an interwar house in a precinct of predominantly Victorian and Federation era housing stock. It submitted that there was no heritage value in the precinct and it did not warrant a Heritage Overlay. The proportion of Non-Contributory places was high and the level
of integrity and intactness of the street was debateable. It sought to have the precinct rejected or restricted on the eastern side to the area south of View Street.

- Submission 48 referred to 20 Victoria Avenue, graded Contributory. It stated that the building was originally a pair of maisonettes (upper and lower), built in the late 1930s but was now a single house that had been extended at the rear. While the submission recognised that some individual houses in Victoria Avenue warranted a Heritage Overlay, number 20 was not amongst them. It considered that the street trees should be protected.

- Submission 56, from the owner of 4 Victoria Avenue, commented on the beautiful tree-lined street and the stunning Victorian style. However, it opposed the precinct Heritage Overlay control and suggested selective protection instead.

- Submission 68 concerned a property that adjoins the proposed Victoria Avenue Precinct and referred to potential impacts on redevelopment.

- Late Submission 72 referred to 25-27 Victoria Avenue, graded as Non-Contributory. It pointed out that the property is on the boundary of the precinct and requested that it be excluded.

- Information received by the Panel for the owner of 19 Victoria Avenue dealt with development issues.

- Submission 13 supported the Amendment in general and made particular mention of the Victoria Avenue Precinct, which it considered relatively intact. It stated that heritage protection is consistent with the City of Boroondara’s Community Plan.

Ms Honman’s statement of evidence dated 12 April 2018 (attachment B to Ms Schmeder’s statement of evidence also dated 12 April 2018) explained that Ms Schmeder identified this potential precinct during her initial site inspections, as an area distinguished by the collection of very high quality homes of multiple periods, Victorian through interwar, that were visually enhanced by mature street trees. The houses to the south on the eastern side (numbers 4 to 8) were later added to the precinct, as they belonged to the same periods.

Ms Honman stated that since the Canterbury Heritage Gap Study was completed, two houses on the western side of the street had been demolished. This reduced the number of Contributory properties on that side to such an extent that:

In my opinion, the west side of Victoria Avenue no longer meets the threshold of local significance as a result of the demolitions of two of the Contributory properties.

She recommended redefining the precinct to include only numbers 4 to 34 Victoria Avenue, while noting that the two individually significant places on the western side (HO411 and HO412 at 7 and 13 Victoria Avenue) would retain their existing Heritage Overlays. The precinct citation should be revised to reflect the removal of the properties at 7-25 Victoria Avenue from the precinct.

Ms Schmeder’s peer review stated that, after a recent inspection, she agreed with Ms Honman that the west side of the street no longer contributed to the precinct. Ms Lane advised the Panel that the officers’ position, which they would recommend to Council, was that the precinct should be reduced to exclude the western side of Victoria Avenue.
In responding to submissions concerning properties on the eastern side of Victoria Avenue, Ms Honman stated that the eastern side of Victoria Avenue (numbers 4 to 34) was above the threshold of local significance for the high quality of residential properties, several of which were designed by prominent architects.

Ms Honman considered that 26 Victoria Avenue met the threshold of significance as a Contributory property to the Victoria Avenue Precinct, despite the addition of a dormer window and a large extension that had further compromised the property:

> The impact of the 2008 extension was carefully considered in my assessment and despite its less than ideal location (from a heritage perspective) and contemporary architecture it was considered that this was not sufficient to further downgrade the property from contributory to non-contributory within the Victoria Avenue Precinct. The fact that the house is otherwise such an unusual and fine design certainly influenced this view. The location of no 26 on the corner of View Street and its angled siting means that it is a landmark property in the street. I agree that when viewed directly east from Victoria Avenue, the extension is somewhat prominent but when viewed from the corner of View Street, the building makes a fine and unique contribution to the street. This view is also enhanced by the lych gate entrance.
12 Victoria Avenue, Ms Honman stated, was singled out as one of the finest examples of the Federation Queen Anne style in the precinct and of a comparable design quality to other individually significant houses of its kind in Canterbury. It should retain its Significant grading.

Whilst Ms Honman acknowledged that the roofing was not original (she believed it was originally slate, at least on the side facing the street), the terracotta tiles were typical of the style and period of the house. She stated that she considered the extensions, involving several elevated rear ridgelines visible from the street, did not dominate the house and had been designed to complement the original appearance.
Changes to the rear of the house were not relevant, Ms Honman considered, as they could not be seen from the public domain. Errors relating to the confusion between 12 Victoria Avenue and ‘Shewalton’ at number 22 had been corrected (post-exhibition) in the citation and Statement of Significance, along with details of the tree in the front garden (a Himalayan rather than an Atlas Cedar). The built date of 1908 had been confirmed by a search of the rate books.

Ms Honman believed that the houses north of View Street on the east side should be retained in the precinct and that number 30 should retain its Contributory grading. Although the foundations of the precinct were from the Victorian and Edwardian periods, the interwar properties contributed to the significance of the precinct, as described in the Statement of Significance.
Number 20 Victoria Avenue, the former pair of maisonettes, should continue to be graded Contributory, Ms Honman stated.

Ms Honman considered that 4 Victoria Avenue, a double-fronted Victorian Italianate house, was largely intact and justified its grading of Contributory and its inclusion in the precinct.

Ms Schmeder’s response to submissions (in her statement of evidence dated 12 April 2018) concerning the houses on the eastern side supported Ms Honman’s views:

- The house at number 12 Victoria Avenue is still largely intact, with its roof form retained, and the terracotta tiles are sympathetic to the period.
• The late interwar Streamlined Moderne house at 30 Victoria Avenue – described as highly intact and “a good fashionable up-to-date representative example of one of the many styles used for domestic architecture during the interwar period” – should remain Contributory to the precinct. The strong interwar component was identified in the Statement of Significance.

• For the same reason, the late interwar Old English former maisonettes at 20 Victoria Avenue should remain Contributory to the precinct.

In response to cross-examination, Ms Schmeder gave some additional information and opinions:

• Three existing precincts in Boroondara cover only one side of a street, including the Walmer Street and Burke Road precincts. The redefined Victoria Avenue Precinct has a very low proportion of Non-Contributory places.

• This precinct stood out because of the very high quality of the houses, rather than as an example of a single period of development.

• “A very important building may be altered to a greater extent.” Number 26 Victoria Avenue would have been graded as Significance before the most recent changes. She regarded this position of greater significance allowing greater change as a standard heritage approach.

• Interwar houses comprised approximately 40 per cent of precinct, on the revised boundaries (east side only). Many of them had hipped roofs and other characteristics also seen in Federation houses, such as asymmetrical facades and brick wall cladding, and a similar relationship between wall area and window size in their facades.

• No building permits for 26 Victoria Avenue showed any work to the attic storey or the creation of the dormer window. It was visible in a photograph taken in 1978, but was assessed by Lovell Chen (in the 2005 review of ‘B’ graded buildings) as new. The new openings and bricking up of entrances shown in document 19a were significant changes and would probably not have been permitted if the house had already been in a Heritage Overlay. They degraded to some extent the contributory value of the place. The garage obscured what Mr Raworth considered was the main entrance, but Ms Schmeder was not convinced it was the only entrance; Victorian houses often had several entrances. The subdivision of the lot and the construction of new houses in close proximity (at 28 Victoria Avenue and 3 View Street) also reduced the visibility of the house. While the extension was very large (about 50 per cent of the floor area of the house) and prominent, there is no requirement for extensions to be in the same style as the original house. Burke and Schreiber, the architects for the original house, had buildings on the Victorian Heritage Register.

• For 12 Victoria Avenue, the main issue was the alterations to the roof. She acknowledged that the rear addition, set back behind the house, was partly visible from across the street, but considered it was relatively recessive and identifiable as an addition. A new gable could be viewed as a significant change to the house, but Ms Honman had decided that the proposed Significant grading should be maintained. No separate Statement of Significance was prepared for the house, even though it was graded Significant. This was in line with the recommendations
of an earlier panel, which suggested that citations were not required provided significant places were dealt with in detail in the precinct citation.

- Number 30 was one of the interwar houses that contributed to the precinct and it and the two to the north of it were all very intact. It should remain Contributory.

Mr Raworth, in his statement of evidence dated 11 April 2018 on 26 Victoria Avenue, discussed the proposed Victoria Avenue Precinct as a whole (as exhibited). He stated that although the precincts listed in the citation as comparators might contain some similar building stock, “they are otherwise not comparable insofar as they are far larger and/or superior and consistent examples of representative precincts.” They were generally more impressive, as a result of the combination of the extent and heritage cohesion. The proposed precinct, in his view, was not of “equal or better quality than the ‘benchmark(s)’, which was the threshold set in the Canterbury Heritage Gap Study. He stated the proposed Victoria Avenue Precinct was a small precinct with relatively numerous ungraded buildings (approximately one third of properties) and some graded buildings of relatively poor interest and heritage quality.

Mr Raworth pointed out that the citation compared the proposed Victoria Avenue Precinct with HO493 Manningtree Road Precinct, Hawthorn, which was said to have a “high level of cohesiveness of scale, architectural style and period of development.” By contrast, he considered that Victoria Avenue was not particularly cohesive in development period and had a higher proportion of Non-Contributory sites. The citation also used HO159 Prospect Hill Road Precinct, Camberwell as a comparative example, but “the comparison with this precinct should be seen to be unfavourable … rather than forming a positive comparison. The Victoria Avenue Precinct pales into insignificance in comparison.”

He believed that this proposed precinct was not worthy of listing under the Heritage Overlay as “it is inferior to precincts that are already identified and protected in character, appearance and significance” and “has only very limited significance to the City of Boroondara in terms of its historical, architectural and aesthetic significance.” In Mr Raworth’s view, it did not contribute anything unusual or unknown to an understanding of Victorian, Edwardian and interwar development in Boroondara. He stated that the ‘landmark architectural examples’ mentioned in the Statement of Significance were most readily identifiable in the three properties already under individual Heritage Overlays. “The street is aesthetically pleasing with the canopy of plane trees and some late nineteenth century and early twentieth century dwellings, [but] it is not to a threshold level” compared with the other precincts discussed in the comparisons.

Mr Raworth considered that there was not a sufficient argument for the precinct to capture the western side of the street, as it had a large number of Non-Contributory properties and the most impressive buildings from an architectural perspective were already under Heritage Overlays. If a precinct were to be implemented, which his analysis did not support, it should be confined to the eastern side of the street between numbers 4 and 24, which contained the most intact and architecturally impressive examples of late nineteenth and twentieth century buildings along Victoria Avenue (other than those on west that already had Heritage Overlays). However, such a small precinct would still compare unfavourably with other precincts of similar building stock in the area and the City of Boroondara.
Focussing on ‘Banool’, the house at 26 Victoria Avenue, Mr Raworth stated that the house was a red brick Queen Anne style building typical of the Federation period, with a large modern two-storey extension to its north. It was originally oriented to the southwest, towards View Street. A garage had now been constructed attached to the south-east corner of the houses, which was originally part of the façade. Other alterations include changes to windows and new doors.

The Camberwell Conservation Study, 1991 identified 26 Victoria Avenue as a ‘B’ graded building (defined as “important compared examples taken from across the Metropolitan Area”). It was downgraded to ‘C’ (said to be equivalent to contributory in precinct) in a review of ‘B’ graded buildings in 2005, because “the later dormer window in the main roof form detracts from the integrity and presentation of the building.” Mr Raworth stated that the Canterbury Heritage Gap Study’s citation for the precinct described this dormer as an element of interest rather than recognising it as an intrusive addition.

The citation described the house as “a landmark in the street” but it did not compare with those properties that already had Heritage Overlays. Mr Raworth pointed out that it was not of great scale and was of relatively low visual impact. The chimneys were characteristic of the period rather than special and the dormers were not all original. He stated that the elements of change and compromise to the building’s fabric, character and street presentation were as prominent or more prominent than the original fabric and undermined its integrity. The lych gate was sympathetic to the style of the house and fence, but appeared to have been constructed in recent decades. Burke and Schreiber, the architects of 26 Victoria Avenue, may have completed a number of buildings in the area, but were not notable architects of their period.

Mr Raworth, in response to cross-examination, stated:

- The buildings north of View Street were generally later in age and modest in size compared with those to the south. The interwar properties made no contribution to the proposed precinct.
- The proposed reduction in size of the precinct presented the Panel with a “problem that is almost insurmountable”, as there was now no relevant Statement of Significance against which to assess the proposal. Two of the ‘show’ houses would now be outside the precinct. He suggested that the Panel should say that there was not enough evidence to support the precinct and it should be reassessed from ‘square one’.

Council adopted the expert opinions of Ms Honman and Ms Schmeder in regard to the submissions on the Victoria Avenue Precinct and stated:

While the revised Victoria Avenue is a relatively small precinct, the individual buildings are of a high quality... above the ‘typical’ examples. Council submits mixed precincts, both in period and style are not unusual within the City...

Council invited the Panel, if it supported the proposed precinct, to recommend that the errors in the citation and Statement of Significance be corrected before the Amendment was adopted (as shown in the track changes version included as Attachment 3 to Council’s Part A submission).
Council tabled the citation for Victoria Avenue from the Significant Tree Study and a copy of Tree Protection Local Law 2016 (document 30).

Mr Anderson, regarding 26 Victoria Avenue, stated that the Panel should reject the proposal to include Victoria Avenue in the Heritage Overlay and prefer the evidence of Mr Raworth. He stated that Ms Schmeder’s evidence lacked independence and failed to repeat the comparative analysis, amongst other things. He submitted that it should not be given much weight. He stated that the photographs of 26 Victoria Street in the citation were not a fair and balanced picture of what existed on the lot and suggested they were deliberately chosen to hide the new extension and the garage. He stated that other significant changes that detracted from the property’s heritage value had not been recognised. He submitted that it did not warrant being graded as Contributory.

Mr Anderson stated that there is no cohesive quality in the street, it was a mixture of eras, and the interwar properties were not significant. He described it as a ‘hotch potch’ and suggested that the precinct should be rejected or, if it was to go ahead, should include only the properties south of View Street.

Mr Harley presented a supplement (document 22) to submission 6, regarding 12 Victoria Avenue. It reiterated points in the original submission and discussed the issue of gradings within precincts. It quoted the Canterbury Heritage Gap Study definition of a Significant place:

A Significant grading was attributed to buildings in a precinct that exhibit particular architectural merit or other distinguishing characteristics, and which have comparatively high level of external intactness.

Mr Harley submitted that the property was not identified in the Explanatory Report or in Council’s Part A submission as individually significant, despite this designation being recommended in the Canterbury Heritage Gap Study. He also suggested that an individual comparative assessment should have been carried out for the property.

Document 22 discussed the intactness of the property at number 12 Victoria Avenue and stated that of the current 15 rooms, only four were original and a major part of the ‘complex roof form’ noted in the citation was due to alterations and additions made in 2004. The document included an architect’s drawing showing the original house and another depicting substantial additions. It also provided additional detail about the metal roof that existed on at least part of the original building.

Mr Harley submitted that the house at 12 Victoria Avenue should not be graded Significant as it had been altered substantially.

Mr O’Connor, for the owner of 30 Victoria Avenue (submission 40 and document 23), raised a number of issues concerning heritage management and development. He pointed out that neither the precinct nor the house was identified in previous studies as having heritage values. It was not mentioned in the Statement of Significance and stood out only for being completely different from others in the street.
Mr O’Connor stated that:

The general impression of Victoria Avenue is a sloping avenue with some substantial residences from the Victorian and Federation era on generously proportioned lots and with many newer, non-contributory buildings interspersed throughout. To the lay observer, it is clear that the few interwar examples do not feature as prominently.

He quoted the Moonee Valley C164 Panel Report, which held that “the layperson should be able to sense that they are in a precinct.” Even with the proposed reduction of the precinct to the eastern side of Victoria Avenue, it still spanned a breadth of eras and lacked the necessary cohesion to qualify for a Heritage Overlay, he submitted. Mr O’Connor concluded:

We respectfully request the Panel to recommend that the Amendment, at least in part, be abandoned. The HO704 lacks the necessary integrity, legibility and heritage value to justify its application. It fails on a comparative analysis with the other precincts identified in the study and is further diluted by the recent ad hoc recommendation to effectively cut it in half, and this without the preparation or submission of a revised precinct citation that can be reviewed and tested. It is submitted that the precinct lacked justification to begin with and is even less justified now.

Mr O’Connor submitted that if the precinct went ahead, Council should not be allowed to revise the Statement of Significance without input from interested parties. In response to a question from the Panel about whether this could be done by circulation of a new draft and written responses, he suggested that the hearing should be reconvened to allow for further cross-examination. Mr Anderson submitted that this was an improper process and the precinct should be abandoned.

10.4 Discussion

The Panel notes the agreement of the expert witnesses that the western side of Victoria Avenue no longer warrants a Heritage Overlay and should be removed from the proposed precinct. The heritage controls on individually significant properties would remain.

The Panel’s inspection of Victoria Avenue on 1 May 2018 confirmed that the extent of Non-Contributory places in the centre of the proposed precinct on the western side is such that (apart from the existing Heritage Overlay properties) the only Contributory places would be numbers 21 and 23, towards the north. Ms Schmeder advised that number 21 should not be considered for individual listing, because of alterations and over-painting. The Panel notes that number 23 has a relatively prominent double garage sited forward of the façade of the house, so it is also not likely to be a candidate for individual listing. Omitting the properties on the western side from the proposed precinct will, therefore, affect two potentially Contributory places, neither of which was the subject of a submission.

Ms Honman and Ms Schmeder both considered that the eastern side of Victoria Avenue was defensible as a precinct in its own right and worthy of a Heritage Overlay. Mr Raworth, on the other hand, thought that the whole precinct compared unfavourably with others in the Heritage Overlay in Boroondara, including those listed as comparators in the Statement of Significance. He also believed that the interwar houses could not be said to contribute to
the significance of the precinct. Mr Raworth suggested abandoning the precinct altogether, or at least omitting the properties north of View Street.

The Panel has given close consideration to the submissions relating to the houses on the eastern side and their relationship to the Statement of Significance for the precinct.

While the eastern properties can still be said to represent the Great Railway Station Estate (Criterion A), at least two and possibly all three of the ‘show homes’ from 1890, which are a key feature of the historical significance identified, will now be located outside the precinct. The Panel notes that the citation suggests that these are numbers 7 and 13 (already under Heritage Overlays) and possibly number 21. Ms Schmeder, however, stated that she had identified number 16 as the third ‘show home’. This does not seem to be consistent with the account of the auction, quoted in the citation, which describes them as ‘three Splendid two-storey brick residences’. The citation for 16 Victoria Avenue describes it as a single storey double-fronted Victorian villa, and this was confirmed by the Panel’s site inspection (while noting the later extension and the sunken garage below it).

In relation to architectural significance/representativeness (Criterion D), the Statement of Significance says:

*Victoria Avenue is significant as one of a number of residential areas developed throughout the 1890s that demonstrate the high quality and fashionable housing of the period. It is also typical of the development pattern from the 1890s whereby Victorian villas and small mansions are interspersed with some Edwardian era buildings and a few Interwar examples. Victoria Avenue Precinct is somewhat typical in its development pattern of before and after the 1891 economic ‘bust’.*

The Panel notes that there are no built dates given for 4 and 6 Victoria Avenue, but that the proposed Significant property (number 12) and the majority of the Contributory places on the eastern side (14, 18, 22, 24 and 26) are late Victorian or Edwardian, so would mostly have been built after the ‘bust’, when development resumed. The interwar properties at numbers 20 and 30 to 34 (and number 6, from its appearance) may represent construction on undeveloped lots or on land that was previously part of the gardens of the earlier homes.

The Panel is not convinced about the contribution of interwar places to the precinct, even though it accepts Ms Schmeder’s evidence that some of them have a stylistic resemblance to the Edwardian dwellings. In particular, the house at number 6, the former maisonettes at number 20 and the Streamlined Moderne house at number 30 appear to be of a significantly later era and different style from the most valued period referenced in the precinct history. If these, and numbers 32 and 34, were downgraded to Non-Contributory, it would significantly reduce the coherence of the precinct.

In relation to aesthetic significance (Criterion E) the Statement of Significance describes numbers 12, 16 (already under a Heritage Overlay), 24 and 26 in some detail and mentions the ‘solidity of the red brick bungalows at 32 and 34’ as fine examples of the interwar period. The Panel notes that number 34 has a prominent dormer window in the middle of the main roof, which appears to be an addition not recognised in the citation.
With reference to number 12, the Statement of Significance states:

*Victoria Avenue Precinct is aesthetically significant for several fine examples of Edwardian residences, including Shewalton (built 1890) at 12 Victoria Avenue with its generous return verandah and expansive box bay windows, prominent gable end with timber strapping and transitional composition by architect Frederick Williams.*

Council proposed to amend this paragraph to delete the name Shewalton and the reference to Frederick Williams as the architect (both of which properly apply to 22 Victoria Avenue) and to insert a built-date of 1908 for 12 Victoria Avenue.

As noted earlier, the citation also describes this house:

*This Federation era house from 1908 is a large and intact building set behind a timber picket fence on a large garden allotment. An established Atlas Cedar is located in the south west corner of the site. A complex roof form is clad in terracotta tiles with tall corbelled brick chimneys. A wide half-timbered gable projects at the front of the house and encloses a pair of boxed bay windows with original leadlight. An awning clad in terracotta runs across the pair of bay windows and is supported by curved timber brackets. The bases of the bays are clad in scalloped timber boards. Similar bay windows are located on the southern façade and across the south west corner of the house. A deep return verandah is supported by simple but solid turned timber verandah posts, with simple timber fretwork all round.*

Council proposes to correct the species of cedar to Himalayan Cedar.

The Panel notes Mr Harley’s advice that only four of the current 15 rooms are original and that the ‘complex roof form’ is due to alterations and additions made in 2004. It also notes the drawing in document 22 that shows the original house, with a main roofline running north-south, a front-facing gable that peaked at the level of the roof and a lower south-facing, secondary gable over a window. After the alterations, a drawing shows three new rooflines behind the ridge of the original one and a new gable to the north, partially enclosing one of the chimneys. A southern elevation demonstrates the size and scale of the addition, which Mr Harley told the hearing extends right to the front of the house, above the old hipped roof.

The diagram from document 22, showing the extent of the changes and the location of the new gable, was unfortunately not shown to Ms Schmeder during cross-examination, so the Panel does not have the benefit of her expert opinion on how this impacts on the integrity of the house. She did say that a new gable could have a significant impact on the grading of a property. However, she also stated that Ms Honman had reviewed all the submissions and had decided that the building should retain its Significant grading. The Panel notes that submission 6 included a similar diagram to the one in the tabled document 22, so this information would have been available to Ms Honman.

The Panel has taken particular note of the effect of the extensions and alterations to the roof and new gable on number 12 Victoria Avenue and acknowledges that they are very noticeable. Since they are clad in the same terracotta tiles as the main roof (even if this was
not its original cladding) they have a tendency to confuse the understanding of the property. The Panel considers that, if a precinct were to be recommended, this property should be downgraded to Contributory and a note made in the citation to record the extent of change.

The Panel notes Mr Harley’s submission that the property was not identified as individually significant in the explanatory report for the Amendment or Council’s Part A submission, despite this designation being recommended by the Canterbury Heritage Gap Study. This is a misunderstanding. The explanatory report and the Council submission list as ‘individually significant’ those places outside precincts that are proposed to have their own Heritage Overlays. Significant properties within precincts are identified in the citation. As a component of a precinct, an individual comparative assessment is not required.

The citation for the proposed Victoria Avenue Precinct describes number 26 Victoria Avenue as follows:

This elaborate Queen Anne style house was built in 1900 to a design by architects Burke and Schreiber. Set high on the block on the corner of Victoria Avenue and View Street, the house is oriented to face the corner of the site. A timber lych gate is located at the street corner of the site and appears to retain some original elements. Steeply pitched terracotta roofs are arranged as a picturesque composition. A tall brick chimney with rendered detailing sits to one side of a central dormer window. A projecting bay has a half jettied gable with curved timber brackets and half-timbering. Curved timber fretwork runs between a series of columns to the verandah. An oriel window with leadlight is located just below the jettied gable. A semi-octagonal window sits above the dormer but appears to be an alteration.

Additions: new garage to View Street, large modern square upper extension facing Victoria Avenue. Highly visible from Victoria Avenue but recessive from the View Street corner.

Number 26 is also mentioned in the Statement of Significance in relation to aesthetic significance (Criterion E):

Banool at 26 Victoria Avenue addresses its corner site with diagonal placement, also by architects Burke and Schreiber. The steeply pitched, terracotta roofs are arranged as a picturesque composition with dormer window piled upon dormer window creating an impressive composition. Unusual features include an oriel window with leadlight and a jettied gable. With the prominent, finely detailed and proportioned brick chimney, the house is a landmark in the street. Its significance is however compromised by the subdivision of the allotment and a large two storey extension that is highly visible from Victoria Avenue.

The Panel notes that major alterations to the property are identified in the citation and that the Statement of Significance recognises that the subdivision of the allotment and the two-storey extension have compromised the significance of the dwelling. Ms Honman, and later Ms Schmeder, would therefore have taken these matters into consideration in recommending that it should be graded Contributory.
The Panel prefers the evidence of Mr Raworth that the changes have had a more substantial impact on the significance of the property than has been acknowledged. Construction of the garage in front of what would have been a major, if not the major, façade and the subdivision of the site and construction of two large modern houses on the adjoining lots have severely compromised the appreciation of the original design of the property. Furthermore, in the Panel’s view, the two-storey northern extension reads from Victoria Avenue as a separate and dissonant element, which sits next to a large Non-Contributory house and interrupts the character of the street. The aerial photographs in Mr Raworth’s statement of evidence appear to confirm that the semi-octagonal window at the peak of the roof above the dormer window is a recent addition, because the shape is visible in the 2014 photo but not in the one from 2006. These changes call into question the aesthetic significance attributed to the property at 26 Victoria Avenue and whether is sufficiently intact to be graded as Contributory.

If the Panel were inclined to recommend that the precinct go forward as part of this Amendment, it would give serious consideration to Mr Raworth’s suggestion of leaving out the properties north of View Street. It might also suggest leaving out the three at the southern end (numbers 4 to 8), altering the grading of number 20 to Non-Contributory and concentrating on the late Victorian and Edwardian properties from numbers 12 to 24.

As it is, the Panel concludes that proposed change to the boundaries to delete the western side of Victoria Avenue has a substantial impact on the historical significance claimed for the precinct. It also impacts on the passage in the Statement of Significance that relates to Criterion D, which contains the comparative analysis with other precincts. While some of the aesthetic significance identified under Criterion E applies to the eastern side of Victoria Avenue, a great deal of it does not. The Statement of Significance would need to be amended substantially. Some of the information is also incorrect, for example the confusion between ‘Shewalton’ and number 12 Victoria Avenue.

The Panel cannot support Council’s proposed reduction of the precinct to the eastern side of Victoria Avenue only, on the basis of a Statement of Significance that gives prominence to ‘show’ houses and others on the western side. It also contains errors or oversights about those on the eastern side, and does not satisfactorily substantiate the contributions of the interwar properties.

If Council considers that the dwellings on the eastern side of Victoria Avenue warrant heritage protection (other than number 16, which already has an overlay), it should commission a review of the precinct and prepare a new Statement of Significance. This could then be progressed through a subsequent Amendment. The interim controls might need to be extended to allow this to happen.

Several submitters referred to the contribution of the London Plane trees to the character of the street. The Panel notes Council’s advice that these are listed on the Significant Tree Register, so the consequences of the Victoria Avenue Precinct not proceeding will have a limited effect on the protection of the trees.
10.5 Conclusions

The Panel concludes:

- The Victoria Avenue Precinct does not meet the threshold to be identified as a heritage place in the Boroondara Planning Scheme.
- The Statement of Significance for HO704 Victoria Avenue Precinct does not support the application of a Heritage Overlay to the reduced precinct proposed by Council.
- HO704 Victoria Avenue Precinct should be deleted from the Amendment.
- If Council wishes to pursue a reduced precinct, a new Statement of Significance should be prepared and the proposed precinct exhibited in a later Amendment.

10.6 Recommendations

The Panel recommends:

v. Amend the Heritage Overlay schedule to delete the Victoria Avenue Precinct (HO704).

w. Amend the Heritage Overlay map to delete the Victoria Avenue Precinct.
11 Canterbury Road Commercial Precinct

11.1 HO699 Canterbury Road Commercial Precinct

The Amendment proposes to apply HO699 to the properties at 84-114A Canterbury Road. There are 10 Contributory graded properties from 84 to 102 Canterbury Road and the properties from 104 to 114A Canterbury Road are graded Significant.

Exhibited statement of significance

<table>
<thead>
<tr>
<th>What is Significant?</th>
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</thead>
<tbody>
<tr>
<td>The Canterbury Road Commercial Precinct, at 84-114A Canterbury Road, Canterbury, is significant. The first row of single-storey shops, at Nos. 84-98, were constructed in 1909 for major Canterbury commercial property owner, James F Wrigley. In the 1920s, the shops at Nos. 92-98 were upgraded with new metal-framed shopfronts, and a single shop was constructed at No. 100. The precinct was completed in the 1930s, with a row of two-storey Spanish Mission shops (and residence) at Nos. 104-114A, built in 1932 and 1937, along with a single-storey shop at No. 102. The Spanish Mission row, including the shops, the shopfronts, the cantilevered verandahs, and the residence with its garage and front fence are Significant. The remaining shops are Contributory, including the intact (or partial) early and original shopfronts at Nos. 86-98, and the posted verandahs at Nos. 86-88 and 96-98.</td>
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<table>
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<tr>
<th>How is it significant?</th>
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<tr>
<td>The Canterbury Road Commercial Precinct is of local historical, architectural and aesthetic significance to the City of Boroondara.</td>
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</table>

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<tr>
<th>Why is it significant?</th>
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<tr>
<td>The row of shops at 84-114A Canterbury Road is of historical significance for demonstrating the development of a secondary commercial hub in Canterbury. Early commercial development was centred around the Canterbury Railway Station, at the intersection of Canterbury and Maling roads, after the station opened in...</td>
</tr>
</tbody>
</table>
Likewise, the reopening in 1900 of Shenley Station - part of the now defunct Outer Circle Line - provided impetus for the development of a small shopping centre here, a few streets to its east (Criterion A).

The shops in the precinct demonstrate the typical form of Edwardian and interwar commercial/retail buildings, built to the front and side boundaries, forming a continuous street wall, with roofs are hidden behind parapets. The high proportion of Edwardian and interwar-era shopfronts demonstrate the typical features such as splayed ingos, timber framed-windows of the Edwardian era, and metal-framed windows of the interwar era, both with highlight windows, as well as posted timber verandahs for the Edwardian shops and cantilevered verandahs with a pressed metal soffit for the 1930s shops (Criterion D).

The Spanish Mission shops (and residence) are aesthetically significant as the most elaborate and successful use of this style for a commercial building in Boroondara. The shops boast a wide range of details and ornament typical of the Spanish Mission style, including stepped and curved Baroque parapets with vigas, Cordoba tiles, Serlian windows with a tiled tympanum, twisted engaged columns, and planter boxes. The row is also distinguished by the survival of its high quality shopfronts (Criterion E).

11.2 The issue

The issue is whether the proposed Canterbury Road Commercial Precinct meets the threshold to be identified as a heritage place in the Boroondara Planning Scheme and, if so, whether the gradings applied to individual properties are appropriate.

11.3 Submissions and evidence

Council received two submissions on the Canterbury Road Commercial Precinct.

Submission 38 strongly endorsed the proposed precinct. The submitter expressed concern that Council had approved a permit for the demolition 86 Canterbury Road. It stated that “destroying one of the shops essentially destroys the integrity of the proposed precinct”.

Council’s Part A submission stated that following exhibition of the Amendment on 29 January 2018 Council’s Urban Planning Special Committee endorsed the Council officers’ report which had recommended regrading number 86 Canterbury Road from Contributory to Non-Contributory. Council officers had consented to the demolition of the property prior to Council’s resolution on 3 July 2017 requesting authorisation to prepare the Amendment (Council Part A submission, page 7).

Submission 62 objected to the properties at 110, 112 and 114 being included in the Heritage Overlay and being graded as Significant. It stated that the properties are not unique and do not contribute to the suburb, which is more widely known for its Victorian and Edwardian buildings. It stated that just because “…a builder liked Spanish architecture does not make this building contribute to the period British inspired architecture that the area is known for.”

It also stated that the building is in a dilapidated state with rising damp, ceiling timbers that creak when the temperature changes and bathrooms that do not meet modern expectations.

Ms Schmeder’s expert statement includes a response to the issues raised in submission 62 (Ms Natica Schmeder, Statement of Evidence, 12 April 2018, pages 43-45). It referred to the Statement of Significance, which states why the Spanish Mission shops are aesthetically significant. It stated that on the basis of the comparative analysis Ms Schmeder concluded that the buildings in the proposed precinct are the best Spanish Mission commercial buildings in Boroondara.
It stated that while the Spanish Mission architectural style has its roots overseas that is the case for much of the architecture that is valued in Australia. She noted the influence from America in the California Bungalow, Spanish Mission and Modern styles. They are major styles recognised in standard texts such as A Pictorial Guide to Identifying Australian Architecture (Apperley et al, 1989). She stated that there are many buildings in Canterbury from the interwar period and a large proportion of the commercial development that has survived is from that period.

Ms Schmeder stated that all properties require on-going maintenance and the structural condition of a property is not directly relevant to whether a recommendation can be made to include it in the Heritage Overlay. She concluded that no change be made to the Amendment.

11.4 Discussion

The Panel viewed the Canterbury Road Commercial Precinct on 18 April and was impressed with the building as an example of Spanish Mission style and interwar commercial development.

The Panel agrees with Ms Schmeder that the condition of the properties is not directly relevant to whether a recommendation can be made to include it in the Heritage Overlay. It adopts the expert evidence of Ms Schmeder that the buildings are in an intact state from a heritage perspective.

The Panel adopts the expert evidence that Spanish Mission style is a recognised style of architecture in Canterbury and the building is a particularly fine example of it in Boroondara and worthy of protection.

The Panel discusses in chapter 3 the issue of the condition of buildings and its relevance to assessing heritage value.

11.5 Conclusion

The Panel concludes:

- The precinct meets the threshold to be identified as a heritage place in the Boroondara Planning Scheme and the gradings of Contributory and Significant applied to individual properties are appropriate, except number 86 Canterbury Road.
- The citation for the Canterbury Road Commercial Precinct should be amended to regrade number 86 Canterbury Road from Contributory to Non-contributory.
- The Statement of Significance should be amended in the ‘What is Significant?’ section to remove reference to number 86 as an “intact (or partial) early and original shopfront.”

11.6 Recommendations

The Panel recommends:

- Amend the citation for the Canterbury Road Commercial Precinct (HO699) to regrade number 86 Canterbury Road from Contributory to Non-Contributory.
y. Amend the Statement of Significance for the Canterbury Road Commercial Precinct (HO699) in the ‘What is Significant?’ section to remove reference to number 86 as an “intact (or partial) early and original shopfront.”
## Appendix A  Submitters to the Amendment

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<tr>
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<tr>
<td>1</td>
<td>Patricia Lancaster</td>
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<td>2</td>
<td>Michael Fieldhouse</td>
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<td>3</td>
<td>Annie James</td>
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<td>Jeanette Findlay</td>
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<td>5</td>
<td>Peter Evans</td>
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<td>Ian and Elizabeth Harley</td>
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<td>7</td>
<td>Zheng Tan</td>
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<td>8</td>
<td>Barry Sweeney</td>
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<td>9</td>
<td>Maria Spizzirri</td>
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<td>10</td>
<td>Kenton Lillecrapp</td>
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<td>11</td>
<td>Canterbury Community Action Group</td>
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<td>Peter Lamont</td>
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<td>Robin Crocker</td>
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<td>Donald Collie</td>
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<td>Judith Parker</td>
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<td>Ian Samson</td>
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<td>Erin Feeney</td>
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<td>Owen Thomas</td>
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<td>Peter Chan</td>
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<td>Canterbury Baptist Church</td>
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<td>Boroondara Aged Care Society</td>
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<td>22</td>
<td>Hong Chen</td>
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<td>Judy Coghill</td>
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<td>Philip and Sally Barnes</td>
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<td>Tim Kerslake</td>
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<td>26</td>
<td>Tracey Kelly</td>
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<td>Xining Gao</td>
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<td>Peter and Christine Hassett</td>
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<td>Kang Wei Jin</td>
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<td>JP Miller</td>
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<td>31</td>
<td>Vincent Joy</td>
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</table>
Bridget Hamilton

BASS Care

Gail Beckett

John Moi

Margaret Green

Michael Neumann

Terry Poulton

Transport for Victoria

Xiaoling Li

Rob Rogers Architects and Planners

Ajay Ajay

Rodney Cox

Joe Nicotera

Patricia and John Hughes

Peter Hill

Tejinder Malic

Kieran and Artika Soma

Martina Jennings

Cecilia Nut

Beryl McKenzie

Joyce Hearn

Margaret Green

Zeno Entity Architects

Heather Penman

Yang Li

Tonnie Madden

Rhonda Wong

Russell Scott

Androula Michaels

Garry Holloway

Paris Zhou

Samantha Beven
Late submissions

71 Wasyl Rosati
72 Cham Saranasuriya
73 Peng Zhu and Hong Chen (submitter no. 22)

Late information for the Panel

Dr Anthony Singh
## Appendix B  Parties to the Panel Hearing

<table>
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<tr>
<th>Submitter</th>
<th>Represented by</th>
</tr>
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</table>
| Boroondara City Council            | Adeline Lane of Maddocks who called the following expert witnesses:  
- Natica Schmeder, Context Pty Ltd on heritage  
- Bruce Trethowan, Trethowan Architecture on heritage |
| Canterbury Baptist Church          | Tania Cincotta, Best Hooper who called the following expert witness:  
- Bryce Raworth, Bryce Raworth Pty Ltd on heritage |
| Timothy Kerslake                   |                                                                                   |
| Boroondara Aged Care               | Sarah Porritt, instructed by Scott Stewart, Ward solicitors who called the following expert witnesses:  
- Bryce Raworth, Bryce Raworth Pty Ltd on heritage  
- David Bick on heritage |
| Tracey and John Kelly              | SM Anderson QC who called the following expert witness:  
- Bryce Raworth, Bryce Raworth Pty Ltd on heritage |
| Ian and Elizabeth Harley          |                                                                                   |
| Xiaoling Li                        | Rory O’Connor of Hall and Wilcox                                                  |
| Phillip Barnes                     | Ian Pitt QC and Teresa Bisucci, Best Hooper who called the following expert witnesses:  
- Bryce Raworth, Bryce Raworth Pty Ltd on heritage  
- Peter Barrett, Peter Barrett and Associates on heritage  
- Michael Cook, John Patrick Landscape on arboriculture  
- Michael Rogers, John Patrick Landscape, on landscape and heritage |
| Michael Neumann                    | Nick Sutton of Planning and Property Partners who called the following expert witness:  
- Peter Barrett, Peter Barrett and Associates on heritage |
| Max Findlay                        | Called the following expert witness:  
- Robyn Riddett, Anthemion Consultancies on heritage |
| Antony Karabatsas                  |                                                                                   |
| Peter Evans                        |                                                                                   |
| Owners of 355-357 and 359 Canterbury Road | Alex Gelber, HWL Ebsworth                                                      |
| Ajay Ajay                          |                                                                                   |
| Peng Zhu and Hong Chen             | Julie Wang                                                                      |
| John de Araugo                     |                                                                                   |
Dr Anthony Singh       Alex Gelber, HWL Ebsworth
## Appendix C  Document list

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<th>Description</th>
<th>Presented by</th>
</tr>
</thead>
<tbody>
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<td>1</td>
<td>18/04/18</td>
<td>Part B submission (Overview) and attachments</td>
<td>Council</td>
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<td>2</td>
<td>18/04/18</td>
<td>Documents referred to in evidence (folder)</td>
<td>Council</td>
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<td>3</td>
<td>18/04/18</td>
<td>Photos of Parlington Estate to illustrate assessment of significance</td>
<td>Ms Schmeder</td>
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<td>Ms Cincotta</td>
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<td>Extent of HO prior to the Interim controls (C264)</td>
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<td>Plans of 25 Parlington Street showing 1st floor changes</td>
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<td>14</td>
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<td>Statement of Significance for HO703 – Rochester Road Precinct, amended to remove reference to earlier houses on the east side of the street.</td>
<td>Ms Porritt</td>
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<td>Significant Tree Study (updated 2015) extract for Rochester Road, Canterbury</td>
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<td>Part B submission on HO704 – Victoria Avenue Precinct</td>
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<td>Supplement to expert evidence on late submission for 25-27 Victoria Avenue, Canterbury</td>
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<td>Citation for 26 Victoria Avenue (Lovell Chen, 2005)</td>
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<td>Photos of 26 Victoria Avenue showing changes to entrance after 2008</td>
<td>Mr Anderson QC</td>
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<td>Photos of interwar house, 30 Victoria Avenue, Canterbury</td>
<td>Mr O’Connor</td>
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<td>Council Part B submission and attachments re HO692 - 2 Snowden Place, Canterbury</td>
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<td>Entries from Encyclopaedia of Australian Architects and Simon Reeves’ Dictionary of Unsung Architects</td>
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**Post hearing**

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<td>Council response to material presented by Mr Ajay (by email)</td>
<td>Council</td>
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<td>48</td>
<td>23/5/18</td>
<td>Addendum statement by Bruce Trethowan on behalf of Council in response to information provided to the Panel on 10 The Ridge, Canterbury (by email)</td>
<td>Council</td>
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Appendix D  HO703  Rochester Road Precinct

Statement of Significance – Panel preferred version

What is Significant?

Rochester Road Precinct at 5-35 and 10-20 Rochester Road, Canterbury is significant as a residential precinct developed primarily in the Interwar period. It comprises a number of residences in English Tudor, Spanish Mission and transitional styles in garden settings, as well as earlier houses from the Victorian and Federation periods on the east side of the street.

How is it significant?

Rochester Road Precinct is of local historic and aesthetic significance to the City of Boroondara.

Why is it significant?

The Rochester Road Precinct is historically significant as once part of the larger Shrublands Estate of Ernest Carter of 18 Balwyn Road (HO258). It was initially subdivided by Carter in the 1880s as part of residential intensification of the area tied to the extension of the railway line to Canterbury which made residential living more accessible in Canterbury. Rochester Road is historically significant as a subdivision from 1923 when smaller allotments were created as a result of the sale of the larger (undeveloped) allotments from the estate of John Hindson and as part of the further intensification of Canterbury following the extension of tram routes in the 1920s and 30s. (Criterion A).

Rochester Road is significant as one of a number of residential areas largely developed throughout the 1920s and 30s that demonstrate high quality and fashionable housing of the period. The precinct is characterised by substantial, predominantly brick, detached houses, many of which were designed by architects in a range of fashionable architectural styles including Spanish Mission, English Tudor interspersed with versions of Federation and large Interwar bungalows with a range of transitional features common to both styles. These complement the isolated examples of earlier houses from the Victorian and Federation periods on the east side. Rochester Road Precinct demonstrates a range of residential styles commonly associated with the 1920s and 30s and with a high degree of individual and collective integrity. This is represented to an equivalent degree in other Interwar precincts represented on the HO including those of Lower Burke Road Camberwell (HO154), Prospect Hill Road Camberwell (HO159), Leslie Street Hawthorn (HO164), Howard Street Kew (HO528) and Union Road Surrey Hills (residential area) (HO534). The Rochester Road Precinct is distinguished by its integrity and cohesion.
Rochester Road Precinct is of aesthetic significance primarily as a consistent street of Interwar houses designed and built in a relatively short period and using a similar architectural vocabulary and with high quality design. It also includes some examples of Victorian and Federation era development at 12 and 20. Early development of the period resulted in the transitional styles of 13, 14, 16, 17, 21, 25, 31 and 33 Rochester Road expressed in the use of gable roof forms clad in terracotta tile, red brick masonry with ‘hit and miss’ or other brickwork patterning to generous porches, the use of gabled roof forms with attics, banks of windows in combinations of box, bay and curved forms chimneys that enhance the roofscape. A number of houses including 25 have masonry fences from the 1920s and 30s that complement the streetscape and the houses.

Rochester Road is aesthetically significant for its later development of Interwar Tudor Revival residences including 5, 11, 23, 29 and 35 that demonstrate typical features of the style including steeply pitched roofs in a picturesque composition, the use of clinker brick and render, decorative entry porches, half timbering and often decorative leadlight windows.

7 Rochester Road (HO184) is individually significant though not within the precinct, for its Prairie School design by architect Eric Nicholls and as a rare flat development in the locality of Canterbury, although now converted to a single house. 9 Rochester Road (HO185), designed by architect Arthur W Plaisted, is notable as a good example of the Spanish Mission style. 10 Rochester Road is a more typical version of the Spanish Mission style.

The garden at Number 29 may have been designed by Edna Walling but this has not been confirmed.

The London plane trees of the street also contribute to its aesthetic quality. (Criterion E).