



Planning Panel Hearing Banyule Heritage Review 2020

Amendment C165bany Expert Witness Statement – Heritage

July 2022

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EXPERIENCE, OPINION AND DECLARATION

Authorship

My full name is Anthony Scott Hemingway and I am Senior Associate and Architectural Historian of RBA Architects + Conservation Consultants, 4C/171 Fitzroy Street, St Kilda. The views outlined in this expert witness statement are my own though I have been assisted by Patrick Wilson, a senior historian and heritage consultant at RBA, in its preparation.

Qualifications/Experience/Expertise

I have a Master of Planning & Design (Architectural History and Conservation) and a Master of Arts (Fine Arts), both from the University of Melbourne. For the former, I primarily studied under Professors Miles Lewis and Philip Goad. For my Master of Arts, I undertook a thesis on early Medieval (Pre-Romanesque) churches in northern Spain, in the province of Asturias.

Since 2000, I have worked at RBA and amassed extensive experience in all aspects of heritage conservation and management, especially in assessing heritage significance. I undertook much of the work for the shire-wide heritage studies for the Strathbogie and Towong municipalities (both stages 1 and 2). In addition, I completed the City North Heritage Review for the City of Melbourne, which included parts of Carlton, Melbourne, North Melbourne in the vicinity of Queen Victoria Market (Amendment C198melb); French Island Heritage Review (Amendment C004), and a peer review for Boroondara Council (Amendment C64boro). Subsequently, I have led the team for the heritage review/study for the City Fringe Heritage Area for Greater Geelong (part of Amendment C359pt1), Structure Plan Areas in Bentleigh and Carnegie (Amendment C190glen), Structure Plan Area in Elsternwick (Amendment C204glen), Montague Commercial Precinct (Amendment C186port), Melton Heritage Assessments Project 2018 (Amendment C198melt), and Thornbury Park Estate Precinct (c191dare). In addition, I am currently overseeing heritage studies in the municipalities of Greater Bendigo, Mornington, and Port Phillip.

Previously I have given evidence at several panels relating to some of the aforementioned heritage studies undertaken by RBA, including C64boro, C198melb, C186port, C198melt, C190glen, C204glen, and C191dare. I also gave evidence on behalf of Geelong City Council in relation to the Newtown West Heritage Review (Amendment C365geel) though I was not involved in the preparation of that study.

During my time at RBA, I have worked on a wide variety of sites, from humble dwellings to major public buildings throughout Victoria, ranging in origin from the mid-Victorian period through to the later 20th century. As such, I have assessed many places of cultural heritage significance and developed expertise in managing change at heritage places, where there is a need to balance the retention of heritage values with an awareness that often-substantial change can be accomplished if handled sympathetically.

I have also completed many conservation management plans (CMPs), condition surveys and materials and finishes investigations, including carrying out forensic paint-scrape analyses. I have investigated the original colour scheme and prepared a specification for contemporary equivalents for the Maryborough Railway Station Conservation Works, which was recognised with shortlisting in the 2013 Dulux Colour Awards. I have also prepared schemes at Footscray, Kaniva and Wycheproof railway stations. At Footscray Railway Station, I was also involved in overseeing the Heritage Victoria permit conditions for the Regional Rail Link project.

Instructions

The preparation of this statement has been undertaken at the instruction of Banyule City Council. Specifically, these instructions include:

- consider and assess strategic basis of the Amendment, including the methodology employed having regard to *Planning Practice Note 1: Applying the Heritage Overlay*;
- respond to all submissions received;
- respond to any particular matters raised by the Panel at the directions hearing; and
- preparation of an expert statement in accordance with Planning Panels Victoria's *Guide to Expert Evidence*.

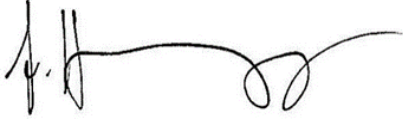
Prior Involvement

I was responsible for overseeing the preparation of the Banyule Heritage Study 2020, Stage 2 Report at RBA Architects and Conservation Consultants. In addition, I provided responses to Council relating to the heritage issues raised in the various submissions.

Declaration

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

July 2022

A handwritten signature in black ink, consisting of a stylized 'H' followed by a long horizontal line and a loop at the end.

INTRODUCTION

Purpose

1. This expert witness statement has been prepared for the Planning Panel appointed to consider submissions relating to Amendment C165 to the Banyule Planning Scheme.
2. Amendment C165 proposes to give statutory effect to the findings of the *Banyule Heritage Study 2020*, prepared by RBA. The amendment seeks to amend the Banyule Planning Scheme by applying heritage overlays to 21 individual places, include their Statements of Significance as incorporated documents, introduce the aforementioned heritage study as a background document, and reduce the extent of the existing Heritage Overlay (HO) for *Taruna House* (HO82).
3. Amendment C165 predominantly relates to the recommendations outlined in the *Banyule Heritage Study 2020: Stage 2 Report*, prepared by RBA Architects and Conservation Consultants, dated June 2021.
4. The proposal to reduce the extent of the heritage overlay relating to *Taruna House* is a result of a planning permit (P492/2014). RBA has not been involved or instructed by the council to comment on this matter.

Background of the Study

Banyule Heritage Study 2020 – Stage 1 and 2

5. The Banyule Heritage Study 2020 was undertaken in two stages as follows.
6. In Stage 1 of the *Banyule Heritage Study*, RBA was engaged by the City of Banyule (Council) to undertake a preliminary heritage significance assessment of a wide array of properties across the municipality to determine whether or not they were likely to meet the threshold for local significance.
7. The places reviewed were largely nominated by members of the public in February and March 2020 or provided by the council, with a smaller number identified by RBA during Stage 1.
8. Stage 1 commenced in February 2020, with the majority of work undertaken by early July.
9. A priority scale was employed (high, medium, low) and recommendations were made accordingly as to whether further study/review during Stage 2 was warranted as a basis for seeking the application of a HO. The assessments for individual sites were provided in a schedule format and for potential precincts in a datasheet.
10. The schedule consisted of 200 entries divided by typology and, in the case of residences and commercial buildings, period.
11. Thirteen datasheets for potential precincts were also prepared.
12. Subsequently, a Master List of 22 prioritised places – all individual properties – was developed in conjunction with the council's strategic planning team.
13. In Stage 2, detailed assessments of the 22 places were undertaken, resulting in the preparation of 21 citations, including a Statement of Significance.
14. While undertaking further research and analysis during Stage 2, one of the properties included on the Master List – the *Pretty House* at 318 The Boulevard, Ivanhoe East (a cream-brick Functionalist-style constructed 1940-42 by the architect Arthur E. Pretty) – was not pursued to a full citation as it was realised that it had undergone more modification than initially thought. As such, it was unlikely to meet the threshold for local significance.

METHODOLOGY

15. The key tasks that underpin the Stage 2 findings of the *Banyule Heritage Study* included:
 - An inspection of the potential individual places from the public domain,
 - Review of relevant, chiefly local, heritage studies,
 - Contextual, thematic, and place-specific historical research, particularly an analysis of the existing fabric in relation to documentary evidence,
 - Examining the intactness of the extant fabric on the basis of available evidence as part of preparing a physical description,
 - Undertaking a comparative analysis, with comparators primarily selected from the municipality,
 - Preparation of citations, including the composition of a Statement of Significance, and
 - The provision of recommendations for the application of any specific controls under the Banyule Planning Scheme and the extent of the proposed heritage curtilage/polygon.
16. I led a team of up to three members working on this *Study*. I had responsibility for the strategic oversight of the project at Stages 1 and 2 and took part in the development of all expert content, including inspecting all of the places, citation preparation, and ultimately reviewed and endorsed all of the findings.

Inspections

17. During Stage 1 fieldwork in June 2020, the majority of the places that would be recommended for Stage 2 were inspected from the public realm (footpath/ perimeter).
18. Nearly all of the Master List places were again inspected in January 2021 as part of Stage 2.
19. An on-site inspection was made possible for two places – *Green Mount Court* and *St George Peace Memorial Church*.

Research

20. A number of primary and secondary sources were consulted in Stage 2, including the following:

Primary

- Aerial photographs held by Landata and The University of Melbourne,
- Historical photographs – mainly held by the State Library of Victoria (SLV), such as the collections of Peter Wille and Wolfgang Sievers,
- Melbourne Metropolitan Board of Works (MMBW) Plans held by the SLV,
- Various digitised newspapers via Trove, especially the major metropolitan newspapers such as the *Argus*, *Age*, and *Herald*,
- Hardcopy and digitised copies of the *Australian Home Beautiful* journal,
- Digitised copies of *Cross-Sections*,
- Hardcopy copies of *Architecture in Australia*,
- *Sands & McDougall's* street directories,
- Parish plans,
- Certificates of Title,
- Subdivision plans,
- Auction Notices,
- Property files held by the Banyule Council,
- Building files – Public Record Office Victoria (PROV),

- Alistair Knox Foundation, *Alistair Knox: Designer, Environmentalist, Builder, Landscape Architect*, available online at alistairknox.org,
- Grounds, Romberg and Boyd archive, held at the SLV, and
- Australian Architectural Index (Miles Lewis, available online).

Secondary

- Context Pty Ltd, *Banyule Thematic History*, October 2018
- Edwards, Dianne H, *The Diamond Valley Story*, Shire of Diamond Valley, 1979
- Heidelberg Historical Society, *A pictorial history of Heidelberg since 1836*, Heidelberg Historical Society, 2nd edition, 1982
- Heritage Council Victoria, Victorian Heritage Database, available online
- Garden, Donald S., *Heidelberg: The Land and Its People 1838-1900*, Melbourne University Press, 1972
- Goad, Philip J, *The modern house in Melbourne, 1945-75*, PhD, The University of Melbourne, 1992
- Jones, Maureen, *Montmorency: the farm on the Plenty*, 2015
- Plant, Simon, *Heidelberg Rambles: 12 Walks in the City of Heidelberg*, City of Heidelberg, 1985.
- Various articles/authors, *eMelbourne: the city past & present*, School of Historical & Philosophical Studies, The University of Melbourne, July 2008, available online

Assessment

21. The approach to the assessment of cultural heritage significance was in keeping with good heritage practice as outlined in *The Australia ICOMOS Charter for Places of Cultural Significance*, rev. 2013, also known as *The Burra Charter*, which is widely accepted as the guiding document for professionals dealing with post-contact cultural heritage in Australia
22. The approach outlined in the *Applying the Heritage Overlay: Planning Practice Note 1* (DELWP, August 2018) (PPN1), particularly regarding the format of the Statement of Significance, was also adopted.
23. The recommendation of Heritage Victoria – that following the ‘creation’ of a place, a generation (approximately 25-30 years) should be allowed to pass before a heritage listing is considered – has been adopted when pursuing places of potential significance.
24. A prerequisite for understanding a place's potential significance is the analysis of extant fabric. Such an investigation requires understanding a place's development, the intactness and/or integrity of the remaining building and landscape elements, and a comparison with other similar sites (if they exist).
25. Regarding intactness and integrity, the definitions provided by *The Victorian Heritage Register Criteria and Threshold Guidelines* (Heritage Council of Victoria, April 2019) were broadly adopted:
 - Intactness: refers to the degree to which a place or object retains its significant fabric. Intactness should not be confused with condition – a place may be highly intact but the fabric may be in a fragile condition.
 - Integrity: refers to the degree to which the heritage values of the place or object are still evident and can be understood and appreciated (for example, the degree to which the original design or use of a place or object can still be discerned). If considerable change to a place or object has occurred (through encroaching development, changes to the fabric, physical deterioration of the fabric etc.) the values may not be readily identifiable and the place or object may have low-level integrity.
26. Typically, the form and envelope of places determined as individually significant are largely intact to their period/s of significance, including their original material palette and detailing, such as chimneys, verandah/porch, fenestration, and any decorative/ornamental elements.
27. An essential consideration in assessing potential individual heritage places is whether later intervention/s or incremental change has critically compromised the significance of a place. Generally, alterations and/or additions to significant fabric, including partial demolition, which is not readily visible from the public realm, have been determined as not unduly diminishing the significance or interpretation of a place.

28. A detailed understanding of local significance thresholds, including intactness/integrity, was established during the Study from a broad review of existing HOs in Banyule and the relatively recent *Banyule Thematic History* (October 2018), as well as my experience of similar building types and knowledge of a designer's oeuvre.

Citations

29. Each citation includes:

- Name and address,
- Level of significance (local/state),
- Construction date/s and period/s,
- Images,
- A Statement of Significance,
- A physical description, including, where applicable, the architectural style as well as details of what elements are original or not and any distinguishing features,
- Contextual and place-specific historical outline, including any relevant maps or images,
- A comparative analysis to substantiate the significance of each place, generally drawing on comparators already included in the Schedule of the Heritage Overlay,
- Comment on integrity/intactness,
- Relevant information about the place from previous heritage studies,
- Recommendations relating to the application of controls in the Schedule to the Heritage Overlay, and
- Recommended extent of the Heritage Overlay.

30. In keeping with the PPN1, the HERCON criteria were employed in assessing cultural heritage significance/value. These widely used criteria were adopted at the 1998 Conference on Heritage (HERCON) and are based on the earlier and much used Australian Heritage Commission (now Australian Heritage Council, AHC) criteria for the Register of the National Estate (RNE).

- 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).

Recommendations of the Study

31. The key recommendations of the *Banyule Heritage Study 2020* were that:

- 21 individual places warranted the application of a heritage overlay under the Banyule Planning Scheme, and
- *St George Peace Memorial Church* at 47 Warnclyffe Road, Ivanhoe East, is likely worthy of inclusion in the Victorian Heritage Register as a State-level significant place.

AMENDMENT C165

32. Council adopted the recommendations of the *Banyule Heritage Study 2020* at an Ordinary Meeting held on 20 September 2021 to seek heritage overlays for 21 properties. This involved seeking authorisation from the Minister or Planning (Minister) and requesting interim heritage controls for 20 places (excluding 56 Wilfred Road, Ivanhoe East).
33. Amendment C165bany seeks to apply the following 21 heritage overlays:

HO	Name	Address
HO199	<i>Mother of God Catholic Church</i>	56 Wilfred Road, Ivanhoe East
HO200	<i>Green Mount Court</i> (block of 16 flats)	110 Maltravers Road, Eaglemont
HO201	<i>Royd</i>	61-63 Mount Street Eaglemont
HO202	<i>Lobbs' Tearooms (former) and Diamond Valley Learning Centre</i>	1 Diamond Creek Road, Greensborough
HO203	<i>Stubley's Hay and Grain Store (former)</i>	96-104 Main Street, Greensborough
HO204	<i>Collins House</i>	45 Bronte Street, Heidelberg
HO205	<i>Welsh House</i>	4 Eton Court, Heidelberg
HO206	<i>Graceburn</i>	38 Quinn Street, Heidelberg
HO207	<i>Beddison/Swift House</i>	5 Crown Road, Ivanhoe
HO208	<i>Ivanhoe Scout Hall</i>	8A Wallace Street, Ivanhoe
HO209	<i>Willis House</i>	10 Gruyere Crescent, Ivanhoe East
HO210	<i>Purcell House</i>	17 Hartlands Road, Ivanhoe East
HO211	<i>Yann House</i>	21 Keam Street, Ivanhoe East
HO212	<i>Crittenden House</i>	30 Longstaff Street, Ivanhoe East
HO213	<i>Hilliard House</i>	6 Quandolan Close, Ivanhoe East
HO214	<i>St George Peace Memorial Church</i>	47 Warncliffe Road, Ivanhoe East
HO215	<i>Okalyi House</i>	66 Old Eltham Road, Lower Plenty
HO216	<i>Lindsay Edward House</i>	149 Old Eltham Road, Lower Plenty
HO217	<i>Vera Knox House</i>	46 Panorama Street, Lower Plenty
HO218	<i>English House</i>	50-52 Philip Street, Lower Plenty
HO219	<i>Uglow House</i>	79 Buena Vista Drive, Montmorency

34. In response to an application for the full demolition of the *Mother of God Church* at 56 Wilfred Road, Ivanhoe East, an interim heritage overlay had previously been sought from the Minister on 10 June 2021, with additional information being provided on 16 August (Amendment C163bany). This application was granted on 11 November 2021 and is due to expire on 1 December 2022.
35. On 19 October 2021, Council sought authorisation for Amendment C165bany from the Minister and received it on 1 November 2021.
36. On the same day, Council sought interim heritage overlay controls from the Minister for the remaining 20 recommended places (Amendment C164bany). This was granted on 7 April 2022. These controls are also due to expire on 1 December 2022.

37. Prior to exhibition, consultations were held with the owners/managers of two sites by teleconference:
 - *St George Peace Memorial Church* – 47 Warndcliffe Road, Ivanhoe East – on 11 November 2021,
 - *Willis House* – 10 Gruyere Crescent, Ivanhoe East – on 17 November 2021.
38. In order to avoid exhibition during the Christmas holiday period, the Amendment was exhibited from 7 February to 18 March 2022.
39. As a result of the consultation regarding *St George Peace Memorial Church*, the citation for that site was corrected/amended prior to exhibition in response to the additional information that was provided.
40. In response to the exhibition, Council received 8 submissions, including four objections, three partial objections or requests for change, and one in support. I provided comments to the Council officers regarding seven submissions (nos 1 to 7).
41. Before interim heritage overlay controls were introduced, building works to the front of the house at 38 Quinn Street, Heidelberg, had commenced as a result of a building permit having been issued by a private building surveyor. However, the necessary approval from the Council for demolition (under section 29A) was not obtained. These works have resulted in various changes, some of which are readily reversible while others are not.
42. Council considered the matters at an Ordinary Meeting held on 9 May 2022, seeking for a Planning Panel to be appointed to consider the unresolved submissions. Two submissions were able to be resolved (nos 3 and 5), with the remaining five submissions referred to the panel. Two submitters had requested to appear at the panel representing submissions nos 4 and 6.
43. Site inspections were organised for these five submitters (nos 1, 2, 4, 6, 7), which were conducted over three days – 7, 15 and 21 June.
44. A directions hearing was held on 22 June 2022.
45. Subsequently, the concerns of three submitters have been resolved (nos 2, 4, and 6) and two remain unresolved (nos 1 and 7).

RESPONSE TO SUBMISSIONS

Submission No. 1: 5 Crown Road, Ivanhoe (HO207)

46. Submitter no. 1 supported the introduction of the individual heritage overlay (HO207) if some changes were made to the citation.
47. The submission was summarised as follows:
 - The current external paint colour is not original.
 - A range of internal alterations have been made to the property. These alterations have changed the internal layout, impacting both plaster and timber panelled walls.
 - A range of external alterations have been made to the rear external aspect of the building, including a deck.
 - Suggests tree controls be excluded from the HO for the property and its management instead fall under Banyule's existing vegetation controls. The large gum tree that is included overhangs the building and has caused very extensive cracking to the façade.

Response for 9 May 2022 Council Meeting

48. I provided the following response.
 - The paint control is not proposed to facilitate the retention of the existing paint colour but rather promote a sympathetic approach in keeping with the original colour/finish. Recommended retaining paint controls to facilitate a sympathetic approach to the timberwork in keeping with original design.
 - On further review of the extensive recent internal changes, the need for internal controls would be limited to the staircase and associated timber panelling (if it survives) which are not distinctive enough in themselves to warrant controls. Recommended removal of all internal controls.
 - Dependent upon further clarification, the citation Statement of Significance/description can be amended to clarify original/modified fabric at the rear. Description already notes changes has occurred at the rear. Nonetheless, extent of heritage overlay is recommended to remain unchanged.
 - Considering existing environmental controls, it may not be necessary for the application of heritage tree controls.

Additional Response

49. An additional site inspection was undertaken on 9 June 2022. I was unable to attend due to COVID-19 protocols. My colleague, Patrick Wilson, who assisted in preparing the citations, undertook the inspection.
50. I subsequently reviewed the photographs taken to come to a more detailed understanding of the site.
51. The site inspection confirmed the high level of intactness of the exterior of the building and allowed for an appreciation of the refined detailing (use of Roman brickwork, recessed fascia below the roof ['shadow-line'], continuity of roof structure of the single storey section and the carport) than had been possible from the public realm and available photographs.
52. It confirmed the assessment that the design was highly resolved, specific to the requirements of the original occupants, and elegant. The latter aspect – derives from an abstracted classicism, which is a hallmark of one of the architect's works, Guilford Bell. Other elements are, however, more indicative of Neil Clerehan's work, such as the prominence, stripped-back detailing and aesthetic (creating a permeable screen) of the carport.
53. A revised citation was prepared.
54. The Statement of Significance was revised to remove reference to two trees and the interior as significant items. Further clarity about non-original items was also provided.
55. The description was updated to more accurately reflect the current circumstances and revisions related to the roof, brickwork, doors, and carport.
56. Given the degree of changes that had occurred to the interior, reference to the interior was truncated.
57. The previously recommended internal and tree controls were removed.
58. In summary, the subject building at 5 Crown Road, Ivanhoe, is of a high level of significance and warrants the application of a HO.

59. The revised citation was provided to the owners; however, their objection was not withdrawn.

Images



Front elevation, from north



Front elevation, from south



Carport, highlighting the roof framing



Rear of two storey section

Submission No. 2: Lindsay Edward House, 149 Old Eltham Road, Lower Plenty (HO216)

60. Submitter no. 2 objected to the individual heritage overlay (HO216).

61. The submission was summarised as follows:

- Concerned the HO will restrict future plans to alter the addition to the north-west side of the house in a manner sympathetic to Knox's original design.
- Notes there have been many alterations to the property since it was originally built, including:
 - Master Bedroom

- Floor to ceiling windows in the lounge and kitchen
- The north-west side of the property including a study, bedroom, bathroom and lounge, this section is also water damaged and requires repair.
- Exterior paint colour
- Object to the proposed internal alteration controls over the exposed timber ceiling beams in these sections of the house as they are not original.
- Contend that unsavoury add-ons/alterations made to the original house compromise its heritage potential.
- Concerned the Heritage review was in the process whilst the property was for sale in 2021.

Response for 9 May 2022 Council Meeting

62. I provided the following response.

- No substantial new information/assessment was provided to recommend not seeking a HO.
- The north-west part of the residence has been modified and could be further changed.
- Internal controls can be further clarified – only the ground-floor exposed timber ceiling beams are noted in the citation (not the upstairs master bedroom as suggested).
- The paint control is not proposed to facilitate the retention of the existing paint colour but rather promote a sympathetic approach in keeping with the original colour/finish. Recommended that this control is retained.

Additional Response

63. I undertook a site inspection on 15 June 2022 with a Council officer.
64. With the advantage of the site inspection, it was evident that the additions lacked the refinement of the original section and had evolved in an ad hoc manner. Whilst the first phase of additions may initially have been more sympathetic, these had been extensively modified during the subsequent phase/s, such that their integrity was limited.
65. Also, the original storey wing to the west side had been subsumed by poorly executed changes such that it was no longer intact.
66. Overall, it was clear that all the additions and heavily altered original single-storey section should not be considered as significant fabric.
67. In light of the inspection, the citation was revised.
68. The 'What is Significant' part of the Statement of Significance was amended to redefine the later additions as not being significant, as well as the much-altered single-storey laundry wing. Minor adjustments were also made to the significant elements considering the additional information gained from the site inspection.
69. Reference to the topography and landscape setting was removed.
70. A plan was prepared that clearly outlined the phases of development of the house.
71. The description was revised to more accurately reflect the development phases and their varying detailing.
72. Some of the photographs were updated.
73. The recommended internal controls were retained.
74. The owners accepted the revised citation and their objection was withdrawn.

Images



South-west part



North-west end



East side

Submission No. 3: Willis House, 10 Gruyere Crescent, Ivanhoe East (HO209)

75. Submitter no. 3 supported the introduction of the individual heritage overlay (HO209) if some changes were made to the citation.
76. The submission was summarised as follows:
 - The home was designed by Robin Boyd in 1952 and agree it is worth preserving. The owners working to preserve and restore the home to its original state with any maintenance undertaken.
 - The citation includes items that are not original to the house and suggest should not be listed in the HO including:
 - Rear garage – is not original to the property
 - Rear skillion-roofed carport - no longer exists
 - Rear fence – the citation mentions a section of metal sheeting (fence) to the east of the rear garage. This is a Colourbond fence that was built circa 1980.
 - Scoria (lava) rocks – were added to the front garden of the home in the late 1970s and are not original.
 - Front garden – the Agapanthus were added by Albert Wills' grand-daughter, after his death around 2010.
 - Front door – The door has been rebuilt in the original ship-lap timber to match the overhanging roof/canopy.
 - Side fences and gate – the side gates of the home are not original
 - Rooftop air conditioning units – not mentioned in the citation, however note that these are not original and are actually faulty.
 - Request clarification that the overlay only pertains to the exterior of the house & laundry and that the interior (mentioned in the citation) is not covered in the overlay.

Response for 9 May 2022 Council Meeting

77. I provided the following response.
 - Within additional information provided, the citation can be amended accordingly to exclude these items as being significant.
 - Confirm no internal controls proposed.

Additional Response

78. The citation has subsequently been revised to remove the garage and the landscaping and/or trees from the Statement of Significance as contributing to the significance of the place.
79. Tree controls had not been recommended.
80. At no stage had internal controls been proposed.
81. Outbuilding and/or fence controls have been recommended, with the laundry block identified.

Submission No. 4: Royd, 61-63 Mount Street, Eaglemont (HO201)

82. Submitter no. 4 objected to the individual heritage overlay (HO201).

83. The submission was summarised as follows:

- The property was substantially renovated in 1999 to an extent that little of the rear footprint remains.
- The front door, front steps and verandah are new, the side verandah is an addition. These alterations together have altered the street perspective.
- The house structure is not a good example of Queen Anne style
- Previous assessments noted there were several other weatherboard properties in the area that were better examples. At the time of this earlier assessment the house structure was run down and in disrepair having been divided into two “flats” and then re combined. There were no records of the existing structure and the renovation regarded amenity over any historical structure.
- No conclusive evidence that the house was designed by its original resident Henry Champion or his architect brother Alfred Champion.
- The continued reference and reliance in the assessment upon its original inhabitants fail to adequately demonstrate any meaningful connection with the community of Banyule. Henry Champion is a person of interest at best and should not overly influence the heritage decision.
- The areas of Ivanhoe and Eaglemont are markedly different in their architectural style and age by comparison to the vast bulk of Banyule. There should be reference to the multiple architectural examples of similar age and structure in the adjoining suburbs of Northcote, Darebin, Kew and Camberwell, which are closer to the subject structure than the Council offices of Banyule.
- There is no evidence that the trees presently on the block were planted by Champion which is admitted. Fails to adequately explain why the trees cannot be managed under the existing extensive tree controls.
- Fails to consider the loss of amenity that would accompany a heritage listing of the specified trees. It is a very large area with a significant slope on which water retention is not possible, this is aggravated by the numerous trees and results in zero undergrowth during times of dry.
- Fails to adequately demonstrate any heritage value in the rock wall at the front of the property.
- Fails to adequately justify extending the heritage overlay to the rear curtilage of the house i.e. the backyard
Fails to adequately justify the need for external paint controls.
- The consultants and Banyule have acted in bad faith by conducting the assessment during a period of worldwide pandemic. The initial notice of consideration was during a period of strict lockdown (Sept 2021) This prevented any meaningful consultation with third parties and prevented any submission to Council prior to its decision and therefore constituted a denial of adequate process.
- The Amendment re 61-63 Mount Street should not proceed or if it does, should do so in a manner that encompasses some or all of the objections made above.

Response for 9 May 2022 Council Meeting

84. I provided the following response:

- No substantial new information/assessment was provided to recommend not seeking a HO. Given the information provided by the submitter, the citation could be further clarified concerning modifications (which are already discussed).
- Change to the rear parts of buildings is a reality of most heritage places, especially the local level. It is widely accepted that this can occur and not impact on significance if they are not visible or largely concealed from the public realm.
- It is appreciated that some of the fabric of the front verandah may have been renewed but matches the original detailing. Whilst it has been extended (forwards and to the side), the character of the verandah has not been altered as it had been unusually long.
- The house is a good example of the Queen Anne idiom. It is an early example that is distinguished by its restrained detailing before the style subsequently became more elaborate and codified as it was more widely employed.

- The house has been long recognised for its potential heritage value. It was first assessed as being of local significance in the Graeme Butler *City of Heidelberg Conservation Study* of 1985, along with two adjacent houses of a similar period at no. 65-67 (HO131) and no. 69-71 (HO132), both of which gained heritage protection. In Butler's assessment, there was no suggestion that the subject site was of any lesser significance than the other two aforementioned houses. The house was again assessed in 1999 by Allom Lovell & Associates as being of local significance. This assessment was confirmed yet gain in 2008 by another heritage consultancy, Context Pty Ltd.
- Whilst no documentation has come to light that it was actually designed by the Champions, it was owned and occupied by one of the brothers and some detailing is consistent with other examples of their work. Comparison with another fine example of their work in Spotswood (City of Hobsons Bay) of 1908 shows a similar use of smaller gablets/gablets and lower pitched roofs than was the contemporary preference and a similar verandah that extends the full width of the front façade when typically, they were offset and located to only part of the façade, albeit returning along a side elevation. Also their preference for only using brackets as decorative elements rather than either, or in addition to, a fretwork frieze.
- Henry Champion has associations with the municipality as his advice was sought as an engineer in the Eaglemont Estate (of which the subject site was part). He was also responsible for the survey of the Hillsley Estate, Ivanhoe in 1908.
- Local significance is assessed on a municipal basis, hence it is limited to Banyule.
- Considering existing environmental controls, it may not be necessary for the application of heritage tree controls. Directions from Council indicates the existing local tree controls are sufficient.
- The retaining rock wall is an intact dry-stone wall which has been well executed. Given only a small section at the southern end has not been cemented, it is remarkably intact and likely to be original (though not confirmed). As such, it has been assessed as a significant element at the site.
- It is standard practice for the whole site in a suburban context to be included in the extent of the heritage overlay, though this is not the case with large rural properties. The 'What is Significant' section identifies what elements at the site are significant such that proposing change to other elements/parts of the site can usually be relatively straightforward (if they do not negatively impact on the significant elements/parts).
- It is standard practice to apply external paint controls to buildings of individual significance if they are timber-framed or (largely) rendered so that sympathetic paint schemes are applied.

Additional Response

85. I undertook a site inspection on 21 June 2022 with a Council officer.
86. A revised citation was prepared.
87. The Statement of Significance was revised to remove reference to three trees as significant items.
88. Further clarity about non-original items was also provided, including details of the rear sections, parts of the front, and the retaining wall to the front boundary.
89. The description was updated to more accurately reflect the current circumstances and revisions relating to the windows and doors.
90. Details of another similar project by the Champion brothers, which has since come to light although outside the municipality, were included in the Comparative Analysis section.
91. The previously recommended tree controls were removed.
92. Some of the photographs were updated.
93. The revised citation was provided to the submitter, who has formally acknowledged that their concerns have been addressed and so withdrawn their submission.

Images



Façade/east elevation



Lava rock retaining wall to front boundary

Submission No. 5: Mother of God Catholic Church, 56 Wilfred Road, Ivanhoe East (HO199)

94. Submitter no. 5 supported the introduction of the individual heritage overlay (HO199) if some changes were made to the citation.
95. The submission was summarised as follows:

- The proposed Heritage Overlay (H0199) to the property is not supported, however a formal objection to the proposed HO will not be raised, providing that the internal alteration controls are not applied to the property.
- The application of the internal alteration controls is not supported by the citation and is inconsistent with *Practice Note 1 – Applying the Heritage Overlay*.
- The exhibited statement of significance does not explain why the exposed black-matt painted steel beams and timber-lined ceiling are important to the historical and aesthetic values identified for the property.
- The application of internal controls to select internal features and finishes is atypical of the way that the HO is applied across the state, and is not a recommendation of the current Practice Note.
- Suggests the tree controls should not be applied to the property, considers that the importance of most of the landscape elements is overstated and does not warrant protection by the HO. A rationale for the heritage significance of the Atlas Cedar has not been directly articulated.

Response for 9 May 2022 Council Meeting

96. I provided the following response:

- As the extent of the proposed internal controls was limited (exposed black-matt painted steel beams and timber-lined ceilings, because the interior was altered), it is recommended that they could be removed accordingly to the submitter's request.

Additional Response

97. The citation has subsequently been revised.
98. Reference to the two elements of the interior relating to the ceiling framing and lining in the Statement of Significance was removed, as were the previously recommended internal controls.
99. References to the contribution of some aspects of the landscaping (front, rear/side sunken area, and an Atlas Cedar) in the Statement of Significance were removed, as were the previously recommended tree controls.

Submission No. 6: Vera Knox House, 46 Panorama Avenue, Lower Plenty (HO217)

100. Submitter no. 6 objected to the individual heritage overlay (HO217).

101. The submission was summarised as follows:

- Will restrict future alterations and owner's opportunity to capitalise on their residence.
- With the extensive structural inclusions, alterations, and renovations over the years there is very little "original" left.
- Challenges significance of features mentioned in Statement of Significance
- Challenges explanation for 'Why is it significant'
- Suggests house is not special or significant enough to warrant HO
- Queries whether there are other/better examples of Knox houses.
- Would like an independent second opinion, paid for by Council, chosen by owner.

Response for 9 May 2022 Council Meeting

102. I provided the following response.

- No substantial new information/assessment was provided to recommend not seeking a HO. The citation could be further clarified in parts concerning modifications (already discussed) in the 'what is significant' section and 'history'.
- The heritage controls would largely apply to the significant fabric and there is considerable scope for change at the rear of the site.
- The 'What is significant' section highlights that the original section – footprint and associated fabric – is what is significant. The other parts are not significant.
- Several other houses and one church designed by Knox were included in the lists provided by Council during Stage 1. What were assessed as the three most distinctive examples, have progressed to Stage 2. The three Knox houses recommended are all different reflecting varying aspects of his practice over the years.

- The *Vera Knox House* reflects a carefully considered integration of the house into the terrain of the site whilst being demonstrative of an unusual approach to the façade for him – being remarkably open (suggesting the influence of the famous Modernist architect, Mies van de Rohe), when often (especially his earlier examples) had typically relatively solid/opaque frontages. This openness was made possible by nonetheless providing privacy by nestling the house into the terrain.
- The house is distinguished by a rare use of limestone, which is possibly without comparison in the Municipality in the domestic sphere on this scale.

Additional Response

103. I undertook a site inspection on 21 June 2022 with a Council officer.

104. With the advantage of a closer inspection of the original front section of the house, which from the public realm can only be glimpsed, it was immediately apparent that it had been more extensively modified than realised from the earlier site inspection from the perimeter and evident in the photographs available online.

105. The original window framing configuration had remained in place until late 2012, according to images available online <https://www.realestate.com.au/property/46-panorama-ave-lower-plenty-vic-3093>. The following image of the front window wall from the interior indicates this.

106. In this image, and some others, the original configuration of the windows to the front wall with narrow highlight and two larger units below (some openable). Furthermore, its transparent character had largely survived, which was integral to the design aesthetic.



107. Whilst it had been known that the original windows and glazed sliding entry door had been removed from the side/north elevation and replaced with a solid timber door and sections of corrugated sheeting to render it impermeable, it had been thought that the windows to the front/living room survived.

108. The site inspection revealed, however, that a larger near full-height fixed panes had replaced the front windows. It had different detailing and was aluminium-framed with a reflective film or the like.

109. As a result of these further changes, the original transparent, Miesian character had been completely eradicated and much of the original detailing removed. The only original aspects that remained were the general footprint/massing, the roof with its exposed rafter ends, and the section of limestone wall towards the southern end of the front elevation.

110. As such, I recommended that an individual heritage overlay no longer be pursued as the *Vera Knox House* had been greatly modified and its integrity compromised to an extent so that it would no longer reach the threshold of local significance.

Images



Entry (north elevation)



Façade/west elevation, from north



Façade, from south

Submission No. 7: Graceburn, 38 Quinn Street, Heidelberg (HO206)

111. Submitter no. 7 objected to the individual heritage overlay (HO206).

112. The submission was summarised as follows:

- The property is not within a streetscape or an area that has any cohesive heritage significance, including the property in a site-specific HO would have limited effect in terms of preserving local heritage character.
- The dwelling is not of sufficient local heritage significance as to warrant an individual HO control. The citation is out of date and does not consider the current state of the dwelling inclusive of recent alterations and additions made to the building.
- The dwelling is not associated with any particularly prominent owners, builders or architects and cannot reasonably be considered to be of particular social, architectural or historic significance.
- There are other comparable examples of Federation style dwellings in Banyule already protected by the HO as well as comparable and/or better examples of this style in nearby Melbourne suburbs that are protected by HO's and located in heritage precincts.
- The HO would create an unreasonable impediment to the on-going enjoyment of the home and the ability to modify it to meet the family's changing needs and aspirations over time.

Response for 9 May 2022 Council Meeting

113. I provided the following response.

- No substantial new information/assessment was provided to recommend not seeking a HO.
- It is not suggested that the place is part of a precinct. *Graceburn* was built some 50 years before more intensive suburban development occurred in the area (for instance, its holdings were subdivided in 1956). As highlighted in the citation, *Graceburn* is a rare and largely intact surviving example of an early phase of development in this part of the municipality. It is in stark contrast to its neighbours – both immediate and more broadly in the area.
- The house has been comprehensively researched, its fabric assessed, and a comparative analysis undertaken which outlines its significance. It is understood that the recent works were not undertaken with the appropriate consents and original fabric to the front of the house has been removed and/or altered before a stop work order was enforced. It is critical for the heritage significance of the place that the pre-existing/original elements to the front of

the house are accurately reinstated. This includes the decorative frieze (a part of which survives) and the original window and door detailing (architraves, frames, leafs, etc.).

- A place does not need to be associated with prominent people – either owners, architects or builders – for it to be of heritage significance. The site has associations with the Rouch family – for whom it was built, likely by the original occupant's father, a local timber merchant.
- *Graceburn* is distinguished from much of the mainstay of Federation period housing. The comparative analysis outlines how there is no ready comparison for this place in the municipality.
- The introduction of a heritage overlay does not preclude change being undertaken, especially to the rear parts, if they are sympathetic – that is, largely concealed from the public domain and do not dominate the original/significant fabric. Internal controls are not proposed so change to the interior is not affected by heritage considerations. Only external paint controls are proposed, which is standard practice for a timber building of individual significance.

Additional Response

114. I undertook a site inspection on 11 May 2022 with Council officers.
115. Extensive discussions were held with the owners and their architect about the works which the building surveyor had approved prior to the interim heritage controls being gazetted.
116. I discussed options and provided guidance on a heritage-sensitive approach to their proposal and encouraged reinstatement of the original verandah detailing at the site meeting. I also provided these comments and recommendations formally to Council.
117. Only the description section of the citation has subsequently been revised. A paragraph was inserted to outline the works that had been undertaken to the time of my inspection.
118. Whilst the window configuration to the room at the northwest corner of the front verandah has been modified, these overall do not compromise the integrity of the place, although this change is not readily reversible. Similarly, the replacement of the original upper single pane sashes with two windows (one to the north and another to the front/west elevation) does not reduce the integrity of the place, in part as this change is readily reversible.
119. Whilst the intactness of *Graceburn* has been reduced slightly by these changes, they have not diminished its heritage value to a significant degree.
120. The issue of the removal of most of the frieze and associated timber detailing between the posts to the front verandah remains in abeyance. It is not clear if it is possible to force the reinstatement of these items or if the owners will voluntarily do so. An accurate reconstruction would be possible based on photographs and the template that provided the remaining original section to the southern return so that there would not be any negative effect on the heritage significance.
121. The original detailing of the verandah is distinctive and is integral to the attributed heritage significance of the place. Without it being reinstated, there would be some diminution of *Graceburn*'s heritage significance.

Images



Façade/west elevation, frieze mostly removed (a section on the south side survives in situ)



North-west corner, showing where window has been removed and (blue sheeting) and replaced multi-paned upper sashes to northern bay of façade. Not the frieze and other decorative elements between the posts to the verandah have been removed.



North elevation – altered window at west end and new multi-paned upper sashes below gable end



Verandah, with remnant section of frieze highlighted on southern return

OTHER MINOR UPDATES to the CITATIONS and SCHEDULE

122. A few minor updates have been undertaken to several of the other citations in the Amendment separate from the responses of submitters.

123. The updates relate to tree controls, further clarity about where the proposed internal controls are to apply, missed outbuilding and/or fence controls, and a minor spelling error.

124. At the Council meeting held on 9 May 2022, the Council resolved to remove tree controls from the places to which they were proposed in the Amendment based on the reporting by the officer as follows:

Tree controls were proposed to be applied to nine properties included in the amendment. Further review after considering submissions has revealed that while the tree controls were supportable, in light of Banyule's comprehensive vegetation controls they may not be necessary for all nine properties and would result in a duplication of controls in many instances. Council's Significant Tree Amendment C119 for example, itself the subject of a recent Planning Panel, had a focused discussion about the need to avoid multiple controls/ permit triggers on any property where they have the same purpose/ outcome.

125. At the time, removal of the tree controls was recommended for eight of the nine places for which they were proposed, that is all except for HO215 (66 Old Eltham Road, Lower Plenty) on the basis of its associations with notable landscape designer Gordon Ford.

126. On further review, it has also been proposed to remove the tree controls for HO215, though reference to the garden design complementing that of the house in the 'What is Significant' section of the Statement of Significance has been retained as reproduced below with a reference Gordon Ford to be included (which was an oversight):

The 'bushland' character of the garden, conceived by Gordon Ford, including the raised earth bank immediately east of the house, complements the overall aesthetic of *Okalyi House*

127. As neither any documentation of Gordon Ford's design nor early images of the garden have come to light, it is difficult to determine what precisely survives of the original landscaping concept, especially from the perimeter. It is, however, apparent that elements of the extant landscaping are consistent with Ford's predilections and so it is likely that at least some fabric/elements of his design do survive. As such, the approach was taken to note the contribution of the landscaping in the Statement of Significance without recommending specific tree controls.

128. As such, it is now proposed to remove the proposed tree controls from all of the nine places listed in the following table:

HO	Name	Address
HO199	<i>Mother of God Catholic Church</i>	56 Wilfred Road, Ivanhoe East
HO201	<i>Royd</i>	61-63 Mount Street Eaglemont
HO202	<i>Lobbs' Tearooms (former) and Diamond Valley Learning Centre</i>	1 Diamond Creek Road, Greensborough
HO205	<i>Welsh House</i>	4 Eton Court, Heidelberg
HO207	<i>Beddison/Swift House</i>	5 Crown Road, Ivanhoe
HO210	<i>Purcell House</i>	17 Hartlands Road, Ivanhoe East
HO212	<i>Crittenden House</i>	30 Longstaff Street, Ivanhoe East
HO214	<i>St George Peace Memorial Church</i>	47 Warncliffe Road, Ivanhoe East
HO215	<i>Okalyi House</i>	66 Old Eltham Road, Lower Plenty

129. Clarification regarding the internal controls was made to the Statements of Significance and the extent of the controls in the citations for the following four places:

HO	Name	Address
HO205	<i>Welsh House</i>	4 Eton Court, Heidelberg
HO210	<i>Purcell House</i>	17 Hartlands Road, Ivanhoe East
HO215	<i>Okalyi House</i>	66 Old Eltham Road, Lower Plenty
HO218	<i>English House</i>	50-52 Philip Street, Lower Plenty

130. The necessary outbuilding and/or fence control had not been included for the two sites as follows, although an element had been noted in the Statement of Significance as being significant:

HO	Name	Address	Outbuildings and/or fences
HO209	<i>Willis House</i>	10 Gruyere Crescent, Ivanhoe East	Laundry Block
HO212	<i>Crittenden House</i>	30 Longstaff Street, Ivanhoe East	Basalt retaining wall, Streeton Crescent

131. A minor spelling error in the Statement of Significance was rectified for HO200: Lobbs' Tearooms (former) and Diamond Valley Learning Centre, 1 Diamond Creek Road, Greensborough.

CONCLUSION

132. I support the proposed Amendment C165bany to apply 20 of the 21 proposed heritage overlays outlined above on a permanent basis.
133. Following a site inspection for HO217 – *Vera Knox House* at 46 Panorama Street, Lower Plenty – it was evident that more modifications than were apparent from the perimeter (and recorded on images from 2012) had occurred such that the place would no longer reach the threshold for local heritage significance. As such, I recommend that HO217 be removed from the Amendment.
134. I recommend that the following two proposed individual heritage overlays be retained within Amendment C165bany and that the revised version of the citation and/or Statement of Significance, following the on-site inspections, be adopted:
 - HO206: Graceburn, 38 Quinn Street, Heidelberg,
 - HO207: Beddison/Swift House, 5 Crown Road, Ivanhoe.
135. I recommend the revised Statements of Significance and citations resulting from the recent on-site inspections for the following two places, and which the owners have accepted, be adopted for Amendment C165bany:
 - HO201: Royd, 61-63 Mount Street Eaglemont,
 - HO216: Lindsay Edward House, 149 Old Eltham Road, Lower Plenty.
136. I recommend that tree controls be removed from nine of the proposed heritage overlays - HO199, HO201, HO202, HO205, HO207, HO210, HO212, HO214 and HO215 – given there are appropriate pre-existing tree controls in the planning scheme.
137. I recommend that internal controls be removed from two of the proposed heritage overlays: HO199 and HO207.
138. I recommend that clarifications for the internal controls relating to four of the proposed heritage overlays be adopted: HO205, HO210, HO215 and HO218.
139. I recommend that the appropriate outbuilding and/or fence control be included for two sites so as to be consistent with the relevant significant element identified in the Statement of Significance for HO209 and HO212.
140. I recommend the spelling error in the Statement of Significance for HO200 be accepted.
141. I have no further changes to recommend to the amendment in response to the submissions or other inconsistencies or minor errors that have come to light regarding Amendment C165bany.