

**Maroondah Planning Scheme Amendment C148maro  
Maroondah Heritage Study Review 2023**

**Panel Report**

*Planning and Environment Act 1987*

**7 February 2024**

**How will this report be used?**

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

The planning authority must consider this report before deciding whether to adopt the Amendment.  
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

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

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

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

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

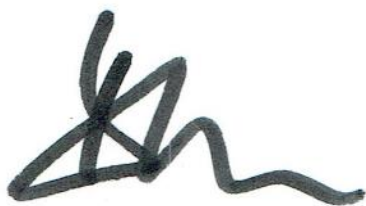
*Planning and Environment Act 1987*

Panel Report pursuant to section 25 of the PE Act

Maroondah Planning Scheme Amendment C148maro

Maroondah Heritage Study Review

**7 February 2024**



David Merrett, Chair



Shannon Davies, Member

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## Glossary and abbreviations

|                       |  |
|-----------------------|--|
| 2003 Heritage Study   | Maroondah Heritage Study Stage Two November 2003   |
| the Amendment         | Maroondah Planning Scheme Amendment C148maro   |
| Council               | Maroondah City Council   |
| Heritage Study Review | Maroondah Heritage Study Review Volume 2: Citations for Individual Heritage Places and Heritage Precincts 2023 |
| PE Act                | <i>Planning and Environment Act 1987</i>   |
| Planning Scheme       | Maroondah Planning Scheme  |
| PPN01                 | Planning Practice Note No 1 - <i>Applying the Heritage Overlay</i> August 2018                                 |
| TEH 2003              | Maroondah Thematic and Environmental History 2003  |
| TEH 2022              | Maroondah Thematic and Environmental History 2022  |
| VHR Guidelines        | Victorian Heritage Register Criteria and Thresholds 2020   |

## Overview

| Amendment summary  |   |
|--------------------|---|
| The Amendment      | Maroondah Planning Scheme Amendment C148maro  |
| Common name        | Maroondah Heritage Study Review 2023  |
| Brief description  | The Amendment implements the recommendations of the Maroondah Heritage Study Review, Post World War 2 by applying the Heritage Overlay to 36 individual places, three precincts and one serial group listing on a permanent basis, and removes the Heritage Overlay from one individual place . The Amendment introduces as incorporated documents statements of significance for all places and heritage design guidelines for two individual places, one precinct and one group listing, and two background documents |
| Subject land       | Refer to Table 1  |
| Planning Authority | Maroondah City Council  |
| Authorisation      | 27 February 2023  |
| Exhibition         | 24 May and 14 July 2023   |
| Submissions        | Number of Submissions: 51 Opposed: 40   |

| Panel process          |   |
|------------------------|---|
| The Panel              | David Merrett (Chair) and Shannon Davies  |
| Directions Hearing     | 25 October 2023, by video conference  |
| Panel Hearing          | In person at Maroondah City Council and by video conference, 27, 28, 29, 30 November and 5 and 6 December 2023    |
| Site inspections       | Accompanied (254 Canterbury Road Bayswater North) and unaccompanied (other sites), 9 November and 5 December 2023 |
| Parties to the Hearing | Refer to Appendix B   |
| Citation               | Maroondah Planning Scheme PSA C148maro [2024] PPV   |
| Date of this report    | 7 February 2024   |

## Executive summary

The most significant era of growth for the City of Maroondah was the postwar (World War 2). During this period residential, commercial and industrial expansion transformed the municipality from a series of villages interspersed with orchards and farming on the outer edge of Melbourne into a series of connected suburbs of Melbourne. This generally occurred between from 1945 and into the 1970s and brought with it new approaches to housing, design and Modernist architecture, and with the increased population there was an expansion in commercial and industrial activity to provide jobs and employment for new residents.

There is limited Victorian-era and interwar heritage in the municipality. Mid century and Modernist architecture is now seen as an important part of the municipality's significant growth period. It has however been a form of heritage that is more understated and less appreciated, even though it represents an important phase of Maroondah's cultural heritage.

The *Maroondah Thematic and Environmental History 2022* (TEH 2022) focussed on the post-war period and established the significance of this period in the municipality's development. The *Maroondah Heritage Study Review Volume 2: Citations for Individual Heritage Places and Heritage Precincts 2023* (Heritage Study Review) included:

- a review of sites from the 2003 heritage study that were not implemented by Planning Scheme Amendment C42
- the post-war TEH 2022 as Volume 1
- citations, including a Statement of Significance, for 36 individual places and three precincts and one group listing as Volume 2.

Maroondah Planning Scheme Amendment C148maro (the Amendment) seeks to implement the recommendations of the Heritage Study Review. The Amendment proposes to:

- apply the Heritage Overlay to 36 individual places, three precincts and one group listing
- introduce separate Statements of Significance for all places and precincts
- introduce Heritage Design Guidelines for two places, one precinct and one group listing.

The Amendment was exhibited from 24 May to 14 July 2023 and received 50 submissions, 40 of which opposed the Amendment. Key issues raised in submissions included:

- insufficient justification for heritage controls
- heritage controls should be applied voluntarily
- post war buildings do not have heritage significance and lack integrity
- personal economic and social impacts
- maintenance and environmental improvements to dwellings will be impeded and lead to increased costs
- impact on development opportunities
- housing opportunities and heritage controls
- heritage significance was determined by street views of the dwellings and not detailed inspections.

The five heritage experts the Panel heard from all considered the methodology adopted for the Heritage Study Review was robust and led to a thorough piece of work. All experts agreed the post-war era was a legitimate part of the Maroondah's growth to consider heritage controls.

The Panel is satisfied that the methodology adopted by Council and Built Heritage meets the guidance provided by Planning Practice Note 1 *Applying the Heritage Overlay* (PPN01).

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

#### **(i) Common issues**

Many submitters raised issues that were not relevant to whether a place had heritage significance. The Panel concluded:

- building alterations, maintenance and repair and impacts on development opportunities are not relevant when assessing the heritage significance of a place
- impact on property values and other financial implications are not relevant when assessing the heritage significance of a place.

#### **(ii) Applying thresholds**

Some submitters referred to the exclusion guidelines of the Victorian Heritage Register Criteria and Thresholds 2020 (VHR Guidelines) to conclude the Heritage Overlay was not justified. The VHR Guidelines are relevant for determination of State heritage significance, not local significance. The Panel concludes the primary consideration is Planning Practice Note 1 *Applying the Heritage Overlay* (PPN01) and the comparative analysis.

Of the HERCON criteria considered in this Amendment, the critical issues for the Panel were whether:

- a level of importance must be established for Criteria A (historic significance), D (representativeness), E (aesthetic significance) and F (technical significance)
- invoking uncommon or rarity (Criterion B) has to be established to a high level and relate to Maroondah's growth
- there must be a strong or special association established for the threshold for Criterion G to be met
- there must be a special association established for the threshold for Criterion H to be met. An architect's own home is not sufficient to establish this threshold and other associative issues must be established to meet this threshold.

#### **(iii) Places not the subject of submissions**

The Panel's role is to consider submissions made to an Amendment. Eighteen properties were not subject to any specific submissions and the Panel does not consider these further in this Report.

#### **(iv) Precincts**

The Amendment proposed three precinct listings:

- Ringwood Drive-In Shopping Centre Precinct (Ringwood Shopping Centre) 1-4/86 Maroondah Highway and 1-10 Murray Place, Ringwood (HO172)



- War Service Homes Precinct, 1/110, 116, 120, 122 & 124 Bedford Road, Heathmont (HO186)
- Sunbower Display Village Precinct, 20, 22 & 24 Rawson Court, Ringwood East (HO187).

The Panel accepts that the Sunbower Display Village precinct has met the threshold required for local heritage significance.

The Panel does not consider the threshold has been met for local heritage significance for the Ringwood Drive-In Shopping Centre precinct because the integrity of the precinct or its ability to interpret what the heritage values are is unclear.

#### **(v) Group listing**

The Contemporary Homes group listing (HO188) attracted the most submissions. Significance was attributed to the builder being the first project home builder in Maroondah at the *Roslyn* estate and dwellings that were based upon, but different from, a design of the architect Robin Boyd.

The exhibited group list contained 15 dwellings, and at the end of the Hearing Council proposed 5 dwellings be listed due to post exhibition changes that had impacted intactness of the buildings.

The Panel finds that:

- the use of group listing is appropriate
- there is no minimum number required (apart from one) to constitute a group, and it recommends the inclusion of four of the proposed dwellings in the group listing
- the threshold for Criterion A has not been met
- the threshold for Criterion D, proposed during the Hearing as a replacement for Criterion F, has not been met.

The Panel appreciates Council's attempts to approach this listing fairly, however, this has resulted in a confused approach to significance where there are more dwellings outside of the Heritage Overlay in the *Roslyn* estate that have built form heritage values than those within it.

#### **(vi) Individual places**

The Panel supports the application of the Heritage Overlay to 10 of the 20 places that received submissions. The Panel supports six places with changes to the Statement of Significance and four as exhibited.

#### **Recommendations**

Based on the reasons set out in this Report, the Panel recommends that Maroondah Planning Scheme Amendment C148maro be adopted as exhibited subject to the following:

##### **1 Delete the application of the Heritage Overlay to the following places:**

- **Ringwood Drive-In Shopping Centre at 1-4/86 Maroondah Highway and 1-10 Murray Place, Ringwood (HO172)**
- **Contemporary Homes group listing (HO188)**
- **Humphrey Law and Co. building at 22-26 Armstrong Road, Heathmont (HO148)**
- **former Bennett Residence at 52 Loughnan Road, Ringwood North (HO156)**
- **52 Loughnan Road, Ringwood (HO156)**
- **6 The Outlook, Heathmont (HO164)**

- 9-11 Wonga Road, Ringwood North (HO177)
  - 2A Dirkala Avenue, Heathmont (HO179)
  - 22 Lucille Avenue, Croydon South (HO181)
  - 4 Wendy Court, Heathmont (HO182)
  - 3 The Boulevard, Heathmont (HO183).
- 2 Amend the following Statements of Significance for:**
- Sunbower Display Village Precinct Statement of Significance at 20, 22 and 24 Rawson Court, Ringwood East (HO187) to delete reference to Criterion H.
  - 254 Canterbury Road, Bayswater (HO152) Statement of Significance as shown in the Panel preferred version in Appendix E.
  - 129 and 131-133 Dorset Road, Croydon (HO153) Statement of Significance to delete reference to Criteria F and H.
  - 67 Loughnan Road, Ringwood (HO157) Statement of Significance to delete reference to Criterion F.
  - 17 Malcolm Court, Ringwood East (HO160) Statement of Significance to delete reference to Criterion H.
  - 25-27 Exeter Road, Croydon (HO168) Statement of Significance to delete reference to Criterion B.
  - 4 Swain Court, Heathmont (HO174) Statement of Significance to delete reference to Criteria F and H.
  - 30-32 Station Street, Ringwood (HO184) Statement of Significance to identify the Sunday School Hall as a non-contributory building.
- 3 Amend the Heritage Design Guidelines for 254 Canterbury Road, Bayswater (HO152) as shown in the Panel preferred version in Appendix F.**
- 4 Amend the extent of the Heritage Overlay for 254 Canterbury Road, Bayswater (HO152) to reflect Mr Reeves 'barest minimum' Option 2.**

# 1 Introduction

## 1.1 The Amendment

### (i) Amendment description

The purpose of Maroondah Planning Scheme Amendment C148maro (the Amendment) is to implement the findings of the Maroondah Heritage Study Review, including the Maroondah Thematic Environmental History 2022 (TEH 2022) prepared by Built Heritage.

Specifically, the Amendment proposes to:

- amend the Heritage Overlay to:
  - apply the Heritage Overlay to 36 individual places, three precincts and one group listing
  - apply external paint controls for 50 Maroondah Highway, Ringwood and 6 The Outlook, Heathmont
  - apply internal controls for 39-41 Viviani Crescent, Heathmont and 265 Canterbury Road, Bayswater North
  - allow prohibited uses at 254 Canterbury Road, Bayswater North
  - delete 130 Croydon Road, Croydon (HO93)
- amend the Schedule to Clause 72.04 (Incorporated Documents) to introduce Statements of Significance for the 36 individual places, three precincts and one serial group listing, and Heritage Design Guidelines to two individual places, one precinct and one group listing
- amend the Schedule to Clause 72.08 (Background Documents) to introduce the following background documents:
  - TEH 2022
  - *Maroondah Heritage Study Review Volume 2: Citations for Individual Heritage Places and Heritage Precincts 2023* (Heritage Study Review)
- amend the Maroondah Planning Scheme (Planning Scheme) Maps 1HO, 2HO, 3HO, 4HO, and 5HO.

### (ii) The subject land and specific changes

The Heritage Study Review was a municipality-wide heritage review. Most of the heritage places are in Heathmont, Bayswater North, Ringwood, Ringwood East, Croydon and Croydon North.

The Amendment applies to land shown in Table 1.

**Table 1** Places in the Heritage Overlay

| Place name                              | Address                               | Place identifier |
|---|---------------------------------------|------------------|
| <b>Individual places</b>                |                                       |                  |
| Humphrey Law & Company Pty Ltd Factory  | 22-26 Armstrong Road, Heathmont       | HO148            |
| Jope residence (former)                 | 1/30 and 2/30 Bayswater Road, Croydon | HO149            |
| Hume-Cook residence (former)            | 3-5 Braemar Street, Croydon           | HO150            |
| State Savings Bank of Victoria (former) | 196 Canterbury Road, Heathmont        | HO151            |
| Fibremakers Business Park (former)      | 154 Canterbury Road, Bayswater North  | HO152            |

|  |                                      |       |
|--|--------------------------------------|-------|
| Romyn residence and studio (former)  | 129 and 131-133 Dorset Road, Croydon | HO153 |
| Alsop residence (former)   | 161 Dorset Road, Croydon             | HO154 |
| Pethebridge residence (former)   | 82 Hull Road, Croydon                | HO155 |
| Bennett residence (former)   | 52 Loughnan Road, Ringwood           | HO156 |
| Dioguardi residence (former)   | 67 Loughnan Road, Ringwood           | HO157 |
| Lawson and Carrington (former) and Waltons (former)  | 141-145 Main Street, Croydon         | HO158 |
| Burns residence and clinic (former)  | 4 Mount View Street, Croydon         | HO159 |
| Kotzman residence (former)   | 17 Malcolm Court, Ringwood East      | HO160 |
| Neon signage (Beaurepaires) Yarra Valley Tyre Company Ltd (former)                               | 50 Maroondah Highway, Ringwood       | HO161 |
| Fitzpatrick residence (former)   | 3 Parsons Street, Croydon            | HO162 |
| Lovig residence (former)   | 90 Richardson Road, Croydon North    | HO163 |
| Caldwell residence   | 6 The Outlook, Heathmont             | HO164 |
| Heathmont Pre-School and Kindergarten; Heathmont Community Centre (former)                       | 39-41 Viviani Crescent, Heathmont    | HO165 |
| Heathmont Methodist Church (former)  | 89 Canterbury Road, Heathmont        | HO166 |
| TLC (Truth and Liberation Concern Church) Jesus Light and Power House (part)                     | 265 Canterbury Road, Bayswater North | HO167 |
| Melba Hall; Melba Recreation Hal (former)  | 25-27 Exeter Road, Croydon North     | HO168 |
| Myers residence (former)   | 114-116 Exeter Road, Croydon North   | HO169 |
| Church of Jesus Christ of Latter-Day Saints, Croydon Ward Chapel                                 | 58-64 Hewish Road, Croydon           | HO170 |
| Croydon Central Scout Hall; First Croydon Scout Hall (former)                                    | 33 Kent Avenue, Croydon              | HO171 |
| FLER House (Type 17) Finch residence (former)  | 8 Possum Lane, Heathmont             | HO173 |
| Smith residence (former)   | 4 Swain Court, Heathmont             | HO174 |
| Calmora; Doctor's residence and clinic (former)  | 61 Wicklow Avenue, Croydon           | HO175 |
| Our Lady of Perpetual Help Church/School, Our Lady of Perpetual Succour, St Mary's church/school | 8-16 Bedford Road, Ringwood          | HO176 |
| Salter residence (former); Winter Hill   | 9-11 Wonga Road, Ringwood North      | HO177 |
| Gill residence; Rosedale; Three Gates; The Farmhouse   | 89-91 Yarra Road, Croydon            | HO178 |
| Hayne residence (former)   | 2A Dirkala Avenue, Heathmont         | HO179 |
| Secomb residence   | 122-124 Heathmont Road, Heathmont    | HO180 |
| Stielow residence  | 22 Lucille Avenue, Croydon North     | HO181 |
| De Schrynmakers residence (former)   | 4 Wendy Court, Heathmont             | HO182 |
| McGinley residence (former)  | 3 The Boulevard, Heathmont           | HO183 |
| Ringwood Uniting Church; Ringwood Methodist Church (former)                                      | 30-32 Station Street, Ringwood       | HO184 |

| <b>Precincts</b>  |  |       |
|---|--|-------|
| Ringwood Drive-In Shopping Centre Precinct (Ringwood Shopping Centre) | 1-4/86 Maroondah Highway; and 1-10 Murray Place Ringwood   | HO172 |
| War Service Homes Precinct; Soldiers Houses                           | 1/110, 116, 120, 122 & 124 Bedford Road, Heathmont   | HO186 |
| Sunbower Display Village Precinct                                     | 20, 22 & 24 Rawson Court, Ringwood East  | HO187 |
| <b>Group listing</b>  |  |       |
| Contemporary Homes Group Listing                                      | 31, 37 & 42 Daisy Street and 12, 14 & 1/16 Joel Court and 42 Reilly Street and 9, 13, 18, 21, 23 & 25 Ross Crescent and 1/16 & 18 Valerie Court, Heathmont | HO188 |

The following Heritage Overlay schedule options are proposed to be applied:

- HO152 (Fibremakers business park) – prohibited use (administration building)
- HO161 (Neon Sign) – external paint controls
- HO164 (Caldwell residence) – external paint controls
- HO165 (Heathmont Pre-School and Kindergarten) – internal alteration controls
- HO167 (TLC Church) – internal alteration controls.

Heritage Design Guidelines are proposed to be incorporated into the Planning Scheme for:

- HO148 (Humphrey Law and Company factory)
- HO152 (Fibremakers business park)
- HO172 (Ringwood Drive-In Shopping Centre)
- HO188 (Contemporary Homes group listing).

The Amendment replaces interim heritage controls for 61 Wicklow Avenue, Croydon (HO175) with permanent controls. Apart from this there are no other interim heritage controls in place.

## 1.2 Background

### (i) Interim controls

Council requested interim heritage controls in 2021 but these were never pursued by Council or approved by the Minister for Planning. Council referred to a letter from the Minister for Planning dated 4 September 2019 that was addressed to all Councils, which stated interim heritage controls are generally limited to proposed demolition of a building. It stated blanket interim heritage controls are usually only considered if:

Robust justification for the blanket control, supported by strong, evidence-based arguments and explaining how the request meets the tests of section 20(4) of the Planning and Environment Act 1987.

Evidence to show that the area is experiencing development pressure, resulting in the loss of buildings and degrading the heritage significance of the area.

A request for an equivalent permanent Heritage Overlay and details of the proposed timing for exhibition of the amendment so that the need for heritage protection can be balanced with the requirement to afford natural justice to the landowners of affected properties.

**(ii) Maroondah heritage studies**

Council has actively reviewed places of potential heritage significance since the late 1990s.

In 1998 Council commissioned its first heritage study; *The Maroondah Heritage Identification Study*. This was confined to “historic places of well recognised heritage significance” and identified 52 heritage places but did not progress to an amendment.

Council has prepared two thematic environmental histories.

The *Maroondah Thematic and Environmental History 2003* (TEH 2003) focussed on pre and interwar eras. The *Maroondah Heritage Study Stage Two November 2003* (2003 Heritage Study) was then prepared which informed Amendment C42 (approved on 10 November 2011).

Amendment C42 applied the Heritage Overlay to 37 individual places, 10 precincts and the Neighbourhood Character Overlay for two precincts. The Panel for Amendment C42maro noted:

... the importance of the interwar period to the development of the former municipalities of Ringwood and Croydon, as described in the thematic environmental history. We do not deny the importance of later development periods in the history of Maroondah but believe that as places from these eras are progressively recognised as having heritage value, the HO listing can be expanded to encompass them.<sup>1</sup>

Some places considered in this Amendment draw from citations drafted for the 2003 Heritage Study but were not implemented at the time.

The Maroondah Heritage Action Plan 2021 was adopted by Council on 18 October 2021. Council advised:

..... that despite the fact that Council has successfully achieved the heritage protection of an ad hoc number of individual places this approach is not resource efficient and does not facilitate the orderly management of the municipality’s heritage assets. It identified a priority action was to undertake a municipal wide heritage review.<sup>2</sup>

The TEH 2022 addressed post-war (after 1945) environmental history themes for the municipality. Those relevant to this Amendment include:

- Theme 2.5 - Migrating and making a home
- Theme 3.3 – Linking Victorians by rail
- Theme 5.2 – Developing a manufacturing capacity
- Theme 5.3 – Marketing and retailing (upgrading existing shopping strips after 1945)
- Theme 5.5 – Banking and finance
- Theme 6.7 – Making homes for Victorians (project housing and architects making homes for themselves)
- Theme 7.5 – Protecting Victoria’s heritage
- Theme 8.1 – Maintaining spiritual life.

Council advised:

The TEH 2022 outlines that sparse suburb development in Maroondah began at the coming of the railway line in the 1880’s and later intensified during the 1920’s with the electrification of the railway line. Some parts of Maroondah, therefore, have physical evidence dating back to the 1870’s. The majority of suburban development, however, took place after World War 2. It is this post war period that most strongly characterises Maroondah’s residential areas

<sup>1</sup> Maroondah C42 (PSA) [2010] PPV 27, page 100

<sup>2</sup> Council Part A submission, paragraph 43

and activity centres, in particular areas such as Heathmont, Bayswater North, Warranwood and Croydon Hills.<sup>3</sup>

The TEH 2022 contained a short list of places of potential local heritage significance and was adopted by Council on 13 December 2022.

The Heritage Study Review process commenced in 2018. Council advised the methodology it used was consistent with the Australia ICOMOS Burra Charter and its Guidelines.

Data was gathered from the TEH 2022, desk top identification of places, feedback from community groups, historical society and individuals and fieldwork surveying from the public realm.

The short-listed places were reviewed which informed a draft master list with places that were likely to meet the threshold of local significance graded with a high, medium or low priority<sup>4</sup>. The Amendment focusses primarily on the high priority list with the following two medium-priority places considered:

- 9-11 Wonga Road, Ringwood North
- 4 Wendy Court, Heathmont.

Prior to the preparation of the Amendment preliminary consultation was undertaken with all affected landowners. Information sessions were held between 30 May and 14 June 2022. The Wicklow Hills Estate Precinct, War Service Homes Precinct and Contemporary Homes Precinct were reviewed following landowner discussions. This resulted in the:

- removal of some properties and the addition of four new places
- Contemporary Homes Precinct being converted to a group listing.

The Wicklow Hills Estate Precinct was removed from the Amendment to comply with a Ministerial authorisation condition. The reason for its removal was to review the use of the proposed Heritage Overlay and the existing Neighbourhood Character Overlay. This precinct will be addressed under a separate amendment.

### **(iii) Other heritage amendments**

Other recent heritage amendments include:

- Amendment C116maro implemented the Jubilee Park Heritage and Neighbourhood Character Study dated February 2018.
- Amendment C128maro applied HO146 to 3-5 Wonga Road, Ringwood North including additional controls for specific heritage trees.
- Amendment C151maro applied the Heritage Overlay to 61 Wicklow Avenue, Croydon (HO175) on an interim basis until 12 April 2024.

## **1.3 Procedural issues**

Mr Will Fowles MP and Member for Ringwood in the Victorian parliament requested an opportunity to be heard by the Panel shortly before the start of the Hearing. Council accepted the submission and referred it to the Panel as a late submission (Submission 51). Time was allocated in the timetable for Mr Fowles presentation.

<sup>3</sup> Council Part A, paragraph 54

<sup>4</sup> This list consisted of over 600 individual properties and 17 precincts or groups

## 1.4 Post exhibition changes

In September 2023 Council resolved to:

- Contemporary Home group listing (HO188)
  - Following a review of submissions by the Heritage Study Review author, Mr Reeves of Built Heritage, remove 14 Joel Court, 37 Daisy Street, 18 Ross Crescent and 18 Valerie Court, Heathmont from HO188.
  - Following a peer review of this listing from heritage expert Jim Gard'ner of GJM Heritage, remove 42 Daisy Street, 1/16 Joel Court and 1/16 Valerie Court, Heathmont from HO188. Council also supported the removal of 'after Robin Boyd' in the citation header.
- Stielow Residence at 22 Lucille Avenue, Croydon South (HO181)
  - Update the citation and Statement of Significance in response to landowner submission.
- 130 Croydon Road, Croydon (HO93)
  - Update the Heritage Overlay schedule to delete HO93.
- Ringwood Drive-In Shopping Centre (HO172)
  - Make minor edits.
- Further strategic work
  - Note further strategic work is required for specific exemptions to planning permits for roof top solar panels.

At the conclusion of the Hearing Council submitted that due to recent works to the following properties they could be removed from the Amendment:

- 4 Wendy Court, Heathmont (HO182)
- 21 and 23 Ross Crescent and 31 Daisy Crescent, Heathmont (HO188).

These changes are addressed in more detail in the relevant chapters of this Report.

## 1.5 The Panel's approach

Key issues raised in submissions were:

- insufficient justification for heritage controls
- heritage controls should be applied voluntarily
- postwar buildings do not have heritage significance and lack integrity
- personal economic and social impacts should be considered
- maintenance and environmental improvements to dwellings will be impeded and lead to increased costs
- impact on development opportunities
- housing opportunities and heritage controls
- heritage significance was determined by street views of the dwellings and not detailed inspections.

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

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



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

The Panel notes the National Trust of Australia (Victoria) lodged a submission in support of the Amendment but this was not specific to any particular property. The Panel does not refer to this submission further in the Report and notes the Trusts position on the Amendment.

This Report deals with the issues under the following headings:

- Introduction
- Strategic issues
- General issues
- Threshold issues
- Heritage Precincts
  - Ringwood Drive-In Shopping Centre Precinct (Ringwood Shopping Centre) 1-4/86 Maroondah Highway and 1-10 Murray Place, Ringwood (HO172)
  - Sunbower Display Village Precinct, 20, 22 & 24 Rawson Court, Ringwood East (HO187)
- Contemporary Homes Group, Heathmont (HO188)
- Individual heritage places
  - 254 Canterbury Road, Bayswater North (HO152)
  - 129 and 131-133 Dorset Road, Croydon (HO153)
  - 161 Dorset Road, Croydon (HO154)
  - 52 Loughnan Road, Ringwood (HO156)
  - 67 Loughnan Road, Ringwood (HO157)
  - 17 Malcolm Court, Ringwood East (HO160)
  - 50 Maroondah Highway, Ringwood (HO161)
  - 6 The Outlook, Heathmont (HO164)
  - 25-27 Exeter Road, Croydon North (HO168)
  - 4 Swain Court, Heathmont (HO174)
  - 61 Wicklow Avenue, Croydon (HO175)
  - 9-11 Wonga Road, Ringwood North (HO177)
  - 2A Dirkala Avenue, Heathmont (HO179)
  - 122-124 Heathmont Road, Heathmont (HO180)
  - 22 Lucille Avenue, Croydon South (HO181)
  - 4 Wendy Court, Heathmont (HO182)
  - 3 The Boulevard, Heathmont (HO183)
  - 30-32 Station Street, Ringwood (HO184).

The Panel's role is to consider all submissions made to the Amendment. The following properties were not subject to any specific submissions and the Panel does not consider these further in this Report:

- War Service Homes Precinct, 1/110, 116, 120, 122 & 124 Bedford Road, Heathmont (HO186)
- 1/30 and 2/30 Bayswater Road, Croydon (HO149)
- 3-5 Braemar Street, Croydon (HO150)
- 196 Canterbury Road, Heathmont (HO151)
- 82 Hull Road, Croydon (HO155)

- 141-145 Main Street, Croydon (HO158)
- 4 Mount View Street, Croydon (HO159)
- 3 Parsons Street, Croydon (HO162)
- 90 Richardson Road, Croydon North (HO163)
- 39-41 Viviani Crescent, Heathmont (HO165)
- 89 Canterbury Road, Heathmont (HO166)
- 265 Canterbury Road, Bayswater North (HO167)
- 114-116 Exeter Road, Croydon North (HO169)
- 58-64 Hewish Road, Croydon (HO170)
- 33 Kent Avenue, Croydon (HO171)
- 8 Possum Lane, Heathmont (HO173)
- 8-16 Bedford Road, Croydon (HO176)
- 89-91 Yarra Road, Croydon Hills (HO178)
- 122-124 Heathmont Road, Croydon (HO180).

Where the Panel recommends the abandonment of a Heritage Overlay from a property this includes the Statement of Significance and, if relevant, the Heritage Design Guidelines.

## **1.6 Limitations**

Some submitters, particularly the Heathmont History Group and Ringwood and District Historical Society recommended that additional properties be included in the Amendment. The Panel does not have the ability to consider additional properties as these are beyond the scope of the Amendment.

## 2 Strategic issues

### 2.1 Planning context

This chapter identifies the planning context relevant to the Amendment. Table 2 identifies key relevant references and Appendix D highlights key imperatives of relevant provisions and policies.

Table 2 Planning context

|   | Relevant references  |
|---|--|
| <b>Victorian planning objectives</b>          | - section 4(1)(d) of the <i>Planning and Environment Act 1987</i> (PE Act)   |
| <b>Municipal Planning Strategy</b>            | - Clauses 02.01 (Context), 02.03-5 (Built Environment and Heritage)  |
| <b>Planning Policy Framework</b>              | - Clauses 15.01-5S (Neighbourhood character), 15.03-1S (Heritage conservation)   |
| <b>Other planning strategies and policies</b> | - Plan Melbourne Outcome 4, Direction 4.4, Policies 4.4.1 and 4.4.4<br>- Maroondah 2040: Our Future Together 2021 and Council Plan 2021-2025<br>- Maroondah Heritage Action Plan 2021<br>- Maroondah Housing Strategy 2016 and Housing Strategy 2022 Refresh |
| <b>Planning scheme provisions</b>             | - Heritage Overlay   |
| <b>Planning scheme amendments</b>             | - Amendment VC148<br>- Amendment C144maro<br>- Amendment VC226   |
| <b>Ministerial directions</b>                 | - Ministerial Direction 11 (Strategic Assessment of Amendments)  |
| <b>Planning practice notes</b>                | - Planning Practice Note 1 (Applying the Heritage Overlay), August 2018 (PPN01)  |

### 2.2 Strategic justification and methodology

#### (i) Submissions

Council submitted that application of the Heritage Overlay, where a local significance threshold has been met, will ensure it is “*delivering on its vision in the Maroondah Heritage Action Plan 2021 to protect and value our cultural heritage.*” It referred to one of the objectives for planning in Victoria is “*to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural value*”<sup>5</sup>

Council referred to PPN01 that explains how the Heritage Overlay should be applied:

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

Council referred to Clause 02.03-5 of the Planning Scheme which provides:

<sup>5</sup> Section 1(1)(d) of the Planning and Environment Act 1987

Maroondah has a diverse range of heritage places which date from both the indigenous and post contact settlement periods. Protection of Maroondah's heritage is crucial to the development of a vibrant and confident community. Places may have a range of values for different individuals or groups and assist with creating this sense of community. Heritage places have been identified on scattered sites throughout the municipality.

Council's strategic direction for heritage is to:

- Plan for the protection, enhancement and complementary use of heritage places.

The most significant period for the municipality's development was post-war which *"transformed much of Maroondah from a cluster of country communities to a suburb of Melbourne, and a major employment centre and retail hub of its eastern suburbs"*.

The Amendment C42maro Panel Report acknowledged the changing nature of heritage values where it stated:

We do not deny the importance of later development periods in the history of the Maroondah but believe that as places from these eras are progressively recognised as having heritage value, the HO listing can be expanded to encompass them.

Some submitters questioned the heritage significance of post-war buildings. Council referred to various Panel Reports that establish the validity of reviewing the heritage significance of post-war buildings.<sup>6</sup>

Some submitters critiqued the Heritage Conservation (HERCON) criteria that had been assigned for the place in meeting the threshold of significance. These matters are considered in the relevant chapters.

Council submitted the methodology adopted by Built Heritage was consistent with PPN01, stating:

The methodology involved in the Heritage Study Review was rigorous..... It included fieldwork (including windscreen surveys), historical research, assessment and comparative analysis.

Built Heritage then prepared a citation for each individual place and precinct recommended for inclusion in the HO, comprising a history, physical description, comparative analysis, and statement of significance in accordance with PPN01.<sup>7</sup>

## **(ii) Discussion**

The Amendment represents a continued Council commitment to protecting local heritage places that started in 1998 with the Maroondah Heritage Identification Study, the TEH 2003, the 2003 Heritage Study and its implementation through Amendment C42. The next major phase was the Heritage Study Review, the TEH 2022 and its implementation via this Amendment.

Statements of Significance were developed out of detailed citations for each place and a comparative analysis undertaken. Council provided several opportunities for community input and the COVID-19 pandemic did not have a significant impact on the process.

Out of an extensive short-list of places from the TEH 2022 a draft master list was generated that informed the Heritage Study Review. Mostly high priority places were advanced, and the number of places further refined to the confined set of places which are subject of this Amendment.

The review of postwar heritage is appropriate as this represents the municipality's most significant era of development and change.

<sup>6</sup> Cardinia Amendment C242card, Melbourne Amendment C387melb, Maribyrnong Amendment C172maro

<sup>7</sup> Council Part B submission, page 10, paragraphs 51 and 52

The Panel is satisfied that the methodology adopted by Council and Built Heritage meets the guidance provided by PPN01.

**(iii) Conclusions**

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

### 3 Common issues

This chapter refers to issues which apply across more than one individual place or precinct. Where a submission raised only general issues, it is not referred to in subsequent chapters.

#### 3.1 Impact on State and local housing policy and affordability

**(i) The issue**

The issue is whether heritage controls will have an unreasonable impact on housing policy and affordability.

**(ii) Submissions**

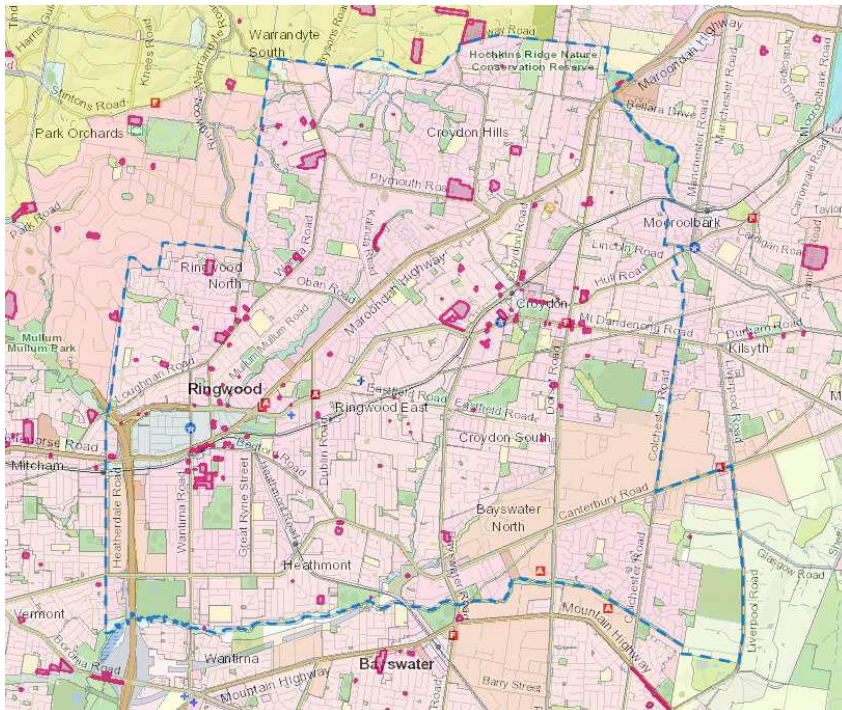
Some submitters considered the Amendment was inconsistent with State and local housing policies and would impact on housing supply and affordability.

Council did not agree with this and submitted:

There is no doubt that objectives exist under the P & E Act and in State and local policy in relation to urban consolidation, housing diversity and housing affordability. However, these are not in conflict with heritage protection. Rather, these are all matters which much be given weight at various stages of the planning process.<sup>8</sup>

Council referred to Figure 1 to indicate the limited extent of the Heritage Overlay in Maroondah and demonstrate the majority of residential areas and activity centres are not impacted by heritage issues.

**Figure 1 Existing Heritage Overlay in Maroondah**



Source: Council Part A submission, page 6

<sup>8</sup> Council Part B submission, page 11, paragraph 61

Council submitted that Maroondah has 45 years of residential land supply and referred to the Ringwood Activity Centre Zone which extends well beyond the commercial core to incorporate surrounding residential areas where high density and more affordable housing is expected.

### **(iii) Discussion**

The Panel does not consider heritage controls will impact housing policy or affordability.

The *Planning and Environment Act 1987* contains a comprehensive set of objectives that seek to facilitate development in Victoria. These objectives include the conservation of places which are of historical interest but also to facilitate the provision of affordable housing. Similarly, the Planning Policy Framework and Municipal Planning Strategy contain the following strategic directions:

- Planning Policy Framework:
  - Clause 15.03-1S (Heritage conservation) - To ensure the conservation of places of heritage significance.
- Clause 16.01-2S (Housing affordability) - To deliver more affordable housing closer to jobs, transport and services.
- Municipal Planning Strategy:
  - Clause 02.03-5 (Built Environment and Heritage) - Plan for the protection, enhancement and complementary use of heritage places.
  - Clause 02.03-6 (Housing) - The three key future housing challenges in Maroondah are affordability of housing, diversity (a need for greater housing choice) and infrastructure.

In isolation these directions may seem to be in conflict however, when considered as a broad policy platform, a balance is required to ensure the objectives for planning in Victoria are met in favour of net community benefit. This is outlined in Clause 71.02-3 (Integrated decision making) that applies to all planning schemes which states:

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The Panel agrees with Council that the vast majority of residential areas in Maroondah are unaffected by heritage controls and are potentially available to provide more affordable housing solutions.

### **(iv) Conclusion**

The Panel concludes heritage controls are not inconsistent with State and local housing policy and will not impact housing affordability.

## **3.2 Building condition**

### **(i) The issue**

The issue is whether building condition is relevant when assessing the heritage significance of an individual place or a precinct.

**(ii) Submissions**

Some submitters considered the poor state of buildings did not justify application of the Heritage Overlay.

Council acknowledged that not all buildings impacted by the Amendment are in perfect condition but submitted building intactness should be considered at the planning permit stage and is not a relevant consideration for the application of the Heritage Overlay.

Council referred to various panel and advisory committee reports<sup>9</sup> that take a consistent approach to this issue. Council was concerned if this was a legitimate issue to be considered at this stage then it may motivate some landowners to neglect properties and allow them to fall into disrepair.

**(iii) Discussion**

The Panel agrees with Council that building condition is not a relevant consideration to determine the heritage significance of a property.

The eight criteria are used for assessing the heritage value of a place. These do not address the building condition of a place. These are matters that can be considered at the planning permit stage for renovations, additions or other improvements to a heritage place.

Planning panels have taken a consistent approach to this issue and in this Amendment the Panel confirms building condition is not a relevant consideration at the Amendment stage but can be considered at the planning permit stage.

**(iv) Conclusion**

The Panel concludes that building condition is not relevant when assessing the heritage significance of an individual place or a precinct.

**3.3 Development opportunity, building alterations and maintenance****(i) The issue**

The issue is whether development opportunity, building alterations and maintenance are relevant when assessing the heritage significance of an individual place or a precinct.

**(ii) Submissions**

Council acknowledged that the Heritage Overlay introduces an additional layer of control for property owners by imposing a planning permit trigger for future works. Council stated *“this is necessary to ensure those places with the requisite level of heritage significance are recognised and appropriately managed”*.

Council referred to various panel reports to confirm these matters are relevant to the planning permit stage.<sup>10</sup>

<sup>9</sup> Moreland C129 page 13, Mornington Peninsula C262morn page 26 and the Advisory Committee Report on the Review of Heritage Provisions in Planning Schemes (August 2007) paragraph 2.2.2

<sup>10</sup> Latrobe C14 page 53, Boroondara C266 page 26, Boroondara C274 page 85, Melbourne C387melb page 25 and Maribyrnong C172mari page 38



Council referred to Clause 62.02-2 (Buildings and works not requiring a permit unless specifically required by the planning scheme) which states a permit is not required for *“repairs and routine maintenance to an existing building or works.”* It cautioned though that the Heritage Overlay requires a permit to *“carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.”* An example referred to that would trigger a permit was the rendering of external brickwork in the Contemporary Homes group listing.

The Amendment utilises Heritage Design Guidelines for the Contemporary Homes Group listing (HO188), the Humphrey and Law Co. building (HO148), Fibremakers (HO152) and the Ringwood Drive-In Shopping Centre (HO172) to guide future development. Council considered these *“allow proposals to be considered on a case-by-case basis, against the relevant provisions of the Scheme.”*

### **(iii) Discussion**

The Panel acknowledges the Heritage Overlay imposes an additional level of control on landowners. This ensures changes proposed to a building with heritage significance can be considered at the planning permit stage.

The Heritage Overlay does not prohibit change. There are many examples across Victoria where planning permits have been granted to change or add to heritage places. It puts in place a mechanism to consider whether and how much change is reasonable to a heritage place.

The use of Heritage Design Guidelines to four heritage places or precincts provides additional guidance which the Panel considers is an important initiative.

### **(iv) Conclusion**

The Panel concludes that development opportunity, building alterations and maintenance are not relevant when assessing the heritage significance of an individual place or a precinct.

## **3.4 Property value and financial implications**

### **(i) The issue**

The issue is whether property value and financial implications are relevant when assessing heritage significance or when deciding to apply the Heritage Overlay.

### **(ii) Submissions**

Some submitters considered the Amendment would impose undue economic costs and result in decreased property values.

Council acknowledged *“the economic concerns of submitters are genuinely held by them”* but they appear to be of a personal or property specific nature. Council submitted these personal costs cannot be considered within the ambit of the social and economic cost of the Amendment as these are determined at the broader community level. Clause 71.02-3 of the Planning Scheme refers to net community benefit as a basis for decision making, not private economic impacts.

Council concluded *“it is considered that the broader net community benefit of the proposed amendment will outweigh any likely economic effect of a personal kind, and these will be likely offset by the contribution that the heritage places offer to the wider community.”*

**(iii) Discussion**

Many submitters referred to the personal economic costs of the Heritage Overlay either in terms of decreased property values or increased costs for development.

This matter has been addressed by many planning panels, particularly in amendments that propose to introduce the Heritage Overlay. The response has been consistent and unless it can be demonstrated that the economic costs of the Amendment are at the broader community level, then personal economic costs are not relevant at the Amendment stage.

As discussed in Chapter 3.1 the focus of policy or development economic impact is on net community benefit, not personal impacts. They may be relevant at the planning permit stage, and this will vary between sites and proposals. As stated in the explanatory report:

The amendment is not expected to have any adverse economic effects. Some additional costs are likely to be incurred on some owners of affected residential properties, since the amendment will necessitate a planning permit for most buildings and works. In addition, it is likely that the amendment will have some impact on the redevelopment of some sites. The overall economic impact of these additional restrictions is unlikely to have a negative economic impact on the wider community.

The Panel supports the Council submissions in this regard.

**(iv) Conclusion**

The Panel concludes that that property value and financial implications are not relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay.

**3.5 Sustainability and energy efficiency****(i) The issue**

The issue is whether the Amendment will impact the ability to install solar panels or replace housing with more efficient and sustainable forms of housing and materials.

**(ii) Submissions**

Some submitters were concerned the heritage Overlay would restrict modifications to improve the environmental performance of a dwelling and that roof top solar systems would not be possible.

Council did not consider the energy efficiency improvements or potential demolition to allow for a more efficient building were a relevant consideration for this Amendment. Council referred to the lack of internal controls in the Amendment for many places which meant upgraded insulation or plaster, or energy efficient lighting could be installed without the need for a permit.

Council submitted this issue has been considered by many planning panels<sup>11</sup> in a consistent manner. These are matters that can be considered at the planning permit stage and should not be seen as an impediment to environmental improvements.

Regarding solar panels, Council referred to Amendment VC226 which was approved on 4 November 2022. This resulted in changes to the Heritage Overlay such that a permit is only required for visible solar energy systems from the street or public park and solar energy controls can be applied in the schedule. In its Part A submission Council noted it had received advice from

<sup>11</sup> Darebin C203dare page 21 and Darebin C191dare page 15

its heritage adviser for properties in the Amendment where it may be appropriate to not apply the solar energy system control. This advice was, however, received after Council considered submissions and has not been considered by Council and is not part of this Amendment.

**(iii) Discussion**

The Panel agrees with Council that impacts upon energy efficiency improvements to properties are only relevant at the planning permit stage. The Panel acknowledges that external improvements may trigger the need for a planning permit, but these are likely to be in conjunction with other changes that would require a permit also such as an extension or the like.

The Planning Scheme changes introduced by Amendment VC226 has restricted the permit trigger for solar energy systems to those visible from public land and with the future consideration of the heritage advice Council may be able to streamline the approval process further. The Panel encourages Council to promptly consider this advice.

**(iv) Conclusions**

The Panel concludes:

- the use of more efficient building materials and improved environmental performance of buildings are matters for the planning permit stage
- with further strategic work Council may have the ability to further streamline the approval process for solar energy systems.

## 4 Threshold issues

This chapter refers to issues that need to be considered in establishing a threshold for local heritage significance.

### 4.1 Intactness and integrity

#### (i) The issue

The issue is whether the level of intactness and integrity are relevant considerations for heritage significance.

#### (ii) Evidence and submissions

Many submitters considered changes to their buildings (intactness) had resulted in substantial change to the place to a degree where its integrity (or ability to be understood as a heritage place) was compromised. Some submitters (265 Canterbury Road, Baywater North and 39-41 Viviani Crescent, Heathmont) referred to the impact of internal changes. Council noted internal controls were not applied for these places.

In its Part B submission Council referred to “structural integrity” as one of the issues raised in submissions. Council referred to the Moreland C129 Panel Report where the Panel considered *“structural integrity and intactness of heritage places are important considerations in heritage places but are quite separate concepts and need to be considered at different stages.”*

Council referred to the Contemporary Homes group list as an example where it took a specific approach in defining whether a building was substantially intact or not. The filtering criteria used are discussed in Chapter 6.

#### (iii) Discussion

Council seems to have used ‘intactness’ and ‘structural integrity’ as a means of describing the buildings condition. The Panel considers that integrity is a different concept to intactness. Intactness can be described as the degree to which a place retains significant fabric and integrity is whether the heritage values of place can be appreciated or understood. The CHR Guidelines define integrity as:

**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 significant values may not be readily identifiable and the place or object may have low-level integrity.

The level of intactness is a significant part of establishing whether a place has heritage significance or not. Similarly, whether a place can be appreciated or understood for its heritage values is also an important and relevant consideration. Judgement will need to be made on a case-by-case basis or guided by, as is the case with the Contemporary Homes group listing, the filtering criteria to determine whether a building is substantially intact or has a requisite level of integrity.

**(iv) Conclusions**

The Panel concludes that:

- intactness and integrity are two different considerations
- the level of intactness of a place is an important threshold consideration for heritage significance
- whether a place can still be appreciated for its heritage values (integrity) is an important threshold consideration for heritage significance.

**4.2 Comparative analysis****(i) The issue**

The issue is whether the comparative analysis is adequate for each place.

**(ii) Evidence and submissions**

Council, heritage experts and other parties disagreed on whether the comparative analysis was adequate.

Council and Mr Reeves agreed that the comparative analysis should refer to examples within the municipality as there were no places of State significance proposed. Council referred on a number of occasions to the first-in-line approach with postwar heritage and said it was not surprising that at times comparators could not be provided for places currently within the Heritage Overlay.

Submitter 36 considered *“the lack of comparative analysis highlights that the heritage significance of the group listing is questionable and is not strategically justified.”* He clarified that this meant there was a lack of comparators referred to in the comparative analysis for the Contemporary Homes group listing. Mr Gard’ner agreed that this was unusual.

**(iii) Discussion**

The Panel notes that each citation contained a comparative analysis for each place. PPN01 considers the comparative analysis is the key tool in determining whether a threshold has been met for the heritage criteria.

The Panel understands that this is the first time postwar heritage has been considered by Council and it is not surprising that for some places comparators could not be found that had met the test of significance and were within the Heritage Overlay. Other factors such as intactness and integrity have been used by the Panel to assist in this assessment.

**(iv) Conclusions**

The Panel concludes that the:

- citation for each place contains a comparative analysis
- that, in some cases, comparators could not be found within the Heritage Overlay in the municipality as this is the first time postwar heritage has been comprehensively reviewed.

## 4.3 Threshold levels

### (i) The issues

The issues are:

- what are the appropriate threshold levels
- whether the threshold levels been set too low
- what is the role of the VHR Guidelines.

### (ii) Evidence and submissions

Some submitters considered their places were just examples of a particular form of architecture or heritage and that, for Criteria A, D, E and F, the level of importance had not been demonstrated. Some considered the bar had been set too low for the threshold to be met.

Some submitters referred to the exclusion guidelines of the VHR Guidelines to conclude the Heritage Overlay was not justified. The landowner of 3 The Boulevard, Heathmont referred to the exclusion guidelines for Criterion E.

### (iii) Discussion

The critical issue for Council and submitters was whether a threshold had been met for local heritage significance. Previous planning panels have commented extensively on this. The Panel adopts a consistent approach and notes Criteria A (historical significance), D (representative significance), E (aesthetic significance) and F (technical significance) all require that 'importance' is demonstrated. Mr Gard'ner agreed that examples of these criteria would not meet the threshold and their importance must be demonstrated.

Whether the thresholds have been set too low are considered in the place specific chapters of this Report.

The VHR Guidelines are relevant for determination of State heritage significance, not local significance. The Panel concluded the primary consideration is the comparative analysis and PPN01 and references to the VHR Guidelines to reach conclusions for whether local heritage significance has been established should be avoided. The Panel gives greater weight to the level of intactness and the integrity of a building than the use of the exclusion guidelines in the VHR Guidelines.

### (iv) Conclusions

The Panel concludes:

- PPN01 is the primary tool for the consideration of local heritage thresholds
- the use of the VHR Guidelines is not to be the primary assessment tool for local heritage significance should be avoided.

## 5 Heritage precincts

### 5.1 Ringwood Drive-In Shopping Centre Precinct (Ringwood Shopping Centre) 1-4/86 Maroondah Highway and 1-10 Murray Place, Ringwood (HO172)

#### Exhibited Statement of Significance



#### What is significant?

The Ringwood Drive-in Shopping Centre Precinct, off Maroondah Highway, Ringwood, is a retail development comprising two single-storey blocks of seven shops flanking a central private roadway, Murray Place, that leads to a rear carpark. The shops are consistently expressed with plain brick parapets, cantilevered awnings and shopfronts with large metal-framed sloping windows, highlights, glazed doors and tiled spandrels. Conceived (and constructed) by local builder Ted Murray, the shopping centre was designed by architect C Victor Dumbrell, reportedly inspired by American precedents.

The significant fabric is defined as the exterior of the original extent of the two blocks of shops (ie, excluding the rear toilet block added in 1965). Specific elements of significance include the stepped brick parapets, cantilevered canopies with corrugated metal lining and panelled fascias, and original shopfronts (metal-framed shop windows and highlights, ceramic tiled spandrels and recessed entrances with marble slab thresholds and glazed doors).

The private roadway is considered to contribute to the significance of the place, in terms of its extent and alignment but not its actual physical fabric.

#### How is it significant?

The Ringwood Drive-in Shopping Centre satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion A: Importance to the course, or pattern, of Maroondah's cultural history
- Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history
- Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

#### Why is it significant?

The Ringwood Drive-in Shopping Centre is significant for the following reasons:

The complex is historically significant as notably early evidence of the post-WW2 boom of new commercial and especially retail architecture that significantly reshaped the Maroondah Highway in the 1950s and '60s, when the shopping experience was fundamentally transformed by rising affluence, increased car ownership and changing consumer expectations. Conceived in 1953 and opened the next year, the much-publicised Ringwood Drive-in Shopping Centre was the first of what would become a steady stream of new or updated retail typologies to emerge in central Ringwood during the 1950s and '60s, culminating in the opening of the Eastland Shopping Centre in 1968. With so many comparable manifestations of this theme (including Eastland itself) variously demolished, enlarged or remodelled beyond recognition, the substantially intact drive-in shopping centre remains as rare evidence of the modest post-WW2 beginnings of Ringwood's long-held reputation as a major regional retailing hub. **(Criterion A) (Criterion B)**

The complex is architecturally significant as an early example of a retail development that was specifically conceived for the consumer as a motorist rather than a pedestrian. The development is associated with a broader fascination, inspired by much-published North American precedents, for adapting existing building types for the convenience an increasingly car-reliant society, which saw the parallel local emergence of motels, drive-in cinemas, drive-in bottle shops and so on. Predating the earliest examples of these other drive-in typologies in Victoria, the Ringwood Drive-in Shopping Centre (which was described at the time of construction as the first of its type in Victoria) must be considered as an important and pioneering example of drive-in infrastructure in a broader metropolitan or even statewide context. **(Criterion F)**

### (i) The issue

The issue is whether the Ringwood Drive-In Shopping Centre Precinct is of sufficient local heritage significance to justify applying the Heritage Overlay (HO172).

### (ii) Evidence and submissions

Several submitters objected to the application of the Heritage Overlay to Ringwood Drive-in Shopping Centre.

Submitter 9 considered 50 per cent of the shops had changed markedly and that if the wording Ringwood Drive-In Shopping Centre Precinct *“had never been used in the original concept for the shops, there would not be a Heritage Overlay.”*

Submitters 15 and 23 considered the *“precinct is not of sufficient integrity, historical significance, rarity or technical significance to warrant the heritage control.”*

Submitter 15 considered *“heritage should be reserved for genuine historic, important, living history rather than buildings that are merely old, nostalgic or architectural curios”*.

Mr Reeves gave evidence that the shopfronts are relatively intact, but not unchanged, as:

- 12 shopfronts (85%) retain original large metal-framed display windows
- 10 shopfronts (71%) retain original timber-framed glazed entry doors
- 9 shopfronts (64%) retain original marble slab thresholds to the front doorways
- 8 shopfronts (57%) retain original highlight windows with horizontal rippled glazing
- 7 shopfronts (50%) retain original tiling to the spandrels below the display window.

Mr Reeves considered the significance was not derived from the individual elements of the shopfronts but the *“architectural significance has been ascribed on the basis of the centre itself, specifically conceived as it was for drive-in shopping, was highly innovative at the time.”*

The Ringwood and District Historical Society (Submitter 24) supported application of the Heritage Overlay. It submitted<sup>12</sup>:

<sup>12</sup> Submission 24



The Ringwood Drive-in Shopping Centre was a very innovated concept to come to Ringwood. It enabled shoppers to make use of a car to transport the family and bought items within easy distance of the shops. It also meant that most of the required shopping items could be bought at the one locality. The previous land-owners - McGoldrick, Edgar and others - have their own important part in Ringwood's history.

### (iii) Discussion

The Panel does not consider the place meets the threshold for local significance for Criterion A.

The Panel agrees with Council and Mr Reeves that the concept of a drive-in centre in the early 1950s was innovative and a precursor to other examples that were constructed in Maroondah. The key element is the road (Murray Place) that accesses the shops and the rear car park. The citation refers to the rear car park as *“providing parking for 100 cars.”* The car park is now a public car park and is not part of the proposed Heritage Overlay. This represents a change to the initial concept and seems to overlook a key element of the original concept. Other changes include:

- Murray Place was initially constructed as a private road but is now under Council management as a public roadway
- original signage (*“The Ringwood Shopping Centre”*) has been removed
- some change to shopfronts.

Mr Reeves accepted that the shops individually are not significant but collectively, as a drive-in centre, historical significance was achieved. Many of the shopfronts have changed but the Panel accepts that it is the overall form of the centre that drives its significance, not what the Panel considers are fairly utilitarian shop designs. It is at this level that significance must be demonstrated.

The Panel does not consider the concept of an early drive-in shopping centre is so important that it meets the threshold for Criteria A and B. The comparative analysis considers rarity has been established as other similar examples have either been demolished or closed in preparation for redevelopment. The Panel accepts this may be a relic of the past, but retailing is one form of land use where there is a constant level of change providing for the needs of the community. Outwardly it presents as an older part of the Ringwood shopping centre and its integrity is questionable as a heritage asset. It is an example of an earlier form of retail development however a level of importance has not been demonstrated.

The Panel does not consider it has been adequately demonstrated that the precinct is:

- important to the course or pattern of Maroondah’s cultural history
- rare as it presents as a typical suburban shopping centre that has changed over the years.

Council says Criterion F has been invoked because the place is *“architecturally significant as an early example of a retail development that was specifically conceived for the consumer as a motorist rather than a pedestrian.”* The Panel accepts this but does not consider it is important in demonstrating a high degree of creative or technical achievement for the period. Mr Reeves has stated that individually the shops on private land in the Heritage Overlay are not significant. The concept of a drive-in centre was a new creative approach to retail development at the time however the Panel considers there is no need to reflect this in a heritage control as Murray Place as a roadway for vehicles is likely to be maintained with any redevelopment proposal and is now Council managed.

The Panel considers it should be reasonably obvious why heritage controls are applied to a place. This assists in the interpretation of the place and engenders public support for it. In this instance

the Panel does not consider this has been achieved as the centre presents as a typical suburban shopping centre comprising utilitarian buildings that have vehicle access to the front of shops and rear car park.

The Panel does not consider a threshold has been met for local heritage significance and this place should be removed from the Heritage Overlay.

The Panel notes that all shops are single storey, and the Heritage Design Guidelines seek to maintain this. A strategy is to “*retain the single-storey appearance of the shopping centre, seeking to conceal or minimise visibility of upper-storey additions from within Murray Place*”.<sup>13</sup> The depth of the shops and constructing over original form would be limiting factors in achieving any additional building height.

It is worth reviewing the strategic objectives of this land. The precinct is within the Ringwood Metropolitan Activity Centre. The key planning control is the Activity Centre Zone (Schedule 1). The precinct is in the Western Precinct (Precinct 2) which has a preferred building height of 28.5 metres (8 storeys). The Panel considers there is a disconnect between the precinct’s strategic role and the Heritage Design Guidelines that seek to retain single storey form.

The Panel considers:

- Some elements of the original concept have changed such as the management of the road, alterations to some shopfronts and not including the car parking in the Heritage Overlay.
- The integrity of the place is not clear.
- The shops are not of individual significance.

The Panel therefore does not support the Heritage Overlay for this precinct.

#### **(iv) Conclusion and recommendation**

The Panel concludes that the Ringwood Drive-In Shopping Centre at 1-4/86 Maroondah Highway and 1-10 Murray Place, Ringwood does not have local heritage significance.

The Panel recommends:

**Delete the application of the Heritage Overlay (HO172) to the Ringwood Drive-In Shopping Centre at 1-4/86 Maroondah Highway and 1-10 Murray Place, Ringwood.**

<sup>13</sup> Council proposed to delete “to conceal or” as a post exhibition change

## 5.2 Sunbower Display Village Precinct, 20, 22 & 24 Rawson Court, Ringwood East (HO187)

### Exhibited Statement of significance



#### What is significant?

The three houses at 20-24 Rawson Court, Ringwood East, were built in 1967 as a display village for project housing firm Fulton Constructions Pty Ltd, to showcase three standard designs from its new high-end *Sunbower* series. Designed by the Office of Don Hendry Fulton, architects and town planners, the houses were comparable in scale, size, setback, materials and detailing, but otherwise distinct in their individual architectural expression: the *In-Line* (No 20) with broad gabled roof and linear plan, the *U-Line* (No 22) with flat-roof and courtyard plan, and the *Square-Line* (No 24) with gambrel roof and centralized square plan.

The significant fabric is defined as the exterior of the three houses. Specific elements of significance include:

- No 20: broad gabled roofline with integrated carport, face brickwork, and regular fenestration defined by full-height windows between fin-like brick piers
- No 22: flat roofline with integrated carport, stark planar walls and full-height window bays
- No 24: gambrel roofline and symmetrical façade with central recessed porch and flanking window bays with projecting piers.

#### How is it significant?

The former Sunbower display village satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion A: Importance to the course, or pattern, of Maroondah's cultural history
- Criterion E: Importance in exhibiting particular aesthetic characteristics
- Criterion H: Special association with the life or works of a person, or group of persons, of importance in Maroondah's history.

### Why is it significant?

The former *Sunbower* display village is significant for the following reasons:

The three houses are significant for association with a new direction that project housing took from the mid-1960s, when changing tastes and consumer expectations saw companies introduce standard designs aimed at the higher end of the market. Intending to rehabilitate the uneven reputation that project housing had acquired by that time, these were typically commissioned from leading architects of the day rather than developed by a company's in-house designers or draftsmen. These "new generation" project houses were not only characterised by more sophisticated architectural expression but also by superior planning, more luxurious fitouts and finishes, and the integration of elements rarely seen in off-the-shelf houses at that time, such as family rooms and *en suite* bathrooms. While Fulton Constructions appears to be one of several companies that did not achieve lasting success with their higher-end project houses, the display village remains as evidence of this important phase in the development of project housing, a significant theme in the post-war settlement of the City of Maroondah. **(Criterion A)**

The three houses are significant as a group of dwellings that, while contemporaneous and designed by the same architect, exhibit a diversity of design that encapsulates several different trends in modernist residential architecture of the 1960s. The *In-Line* house at 20 Rawson Court, with its spreading gabled roofline and prominent brick piers, shows the pervasive influence of Frank Lloyd Wright (whom Don Fulton met in 1954) that is otherwise evinced in the houses of Geoffrey Woodfall and Charles Duncan. The *U-Line* house at No 22, with its courtyard plan, low roofline and stark planar walls, is more akin to the minimalist modernism of such local architects as McGlashan & Everist. Lastly, the *Square Line* house at No 24, with its centralized plan, modified pyramid roof and symmetrical façade, pays homage to the timeless classically-influenced style that is mostly associated with Guilford Bell and Wayne Gillespie. **(Criterion E)**

The houses are significant as rare examples of the residential work of notable and award-winning Melbourne architect Don Fulton. Although Fulton completed post-graduate study in California on the subject of group housing, he rarely undertook private residential commissions during the peak of his practice in the 1960s. Ultimately, Fulton remains best known for large-scale master-planning projects involving multiple buildings on large sites (most notably, his mining townships at Mary Kathleen and Weipa, but also the St Kilda Marina and the Victorian State Forensic Science Centre). The *Sunbower* display village at Ringwood East represents a rare example of Fulton's work in the sphere of individual suburban dwellings, and a unique foray into the specific typology of project housing. **(Criterion H)**

#### (i) The issue

The issue is whether the Sunbower Display Village Precinct is of local heritage significance and should be included within the Heritage Overlay (HO187).

#### (ii) Evidence and submissions

The landowners for the three houses at 20-24 Rawson Court objected to application of the precinct Heritage Overlay control.

Submitters raised general issues including:

- the Sunbower estate was never constructed and "*therefore such style of dwellings is not representative of the housing styles of the immediate and surrounding area and are not representative of the dominant built form history of Maroondah*"
- the Sunbower display village was one of many project housing developments in Maroondah during the late 1960s and is not significant

- the dwellings are hidden at the end of court and very few people would appreciate them as heritage buildings
- driveways for the 3 dwellings are quite different
- the setbacks are not unique as they are similar to other dwellings in the court
- informal landscaped front yards should not be seen as an element of significance as this is common to all dwellings in the court
- the lack of front fencing is shared by all but one of the 24 properties in Rawson Court
- architect Don Fulton was not a key figure in this style of architecture in Maroondah
- the dwellings are unassuming and lack architectural merit.

Submitters raised issues relating to each property:

- 20 Rawson Court
  - has had two additions; one in 1977 added clerestory windows to the roof line and in 2013 added a rear extension.
- 22 Rawson Court
  - has been painted and no longer has exposed brickwork
  - the flat rooflines and integrated carport, stark planar walls and full height window bays are not distinctive
  - the carport no longer has timber posts and has been reinforced with steel beams
  - the citation is in error as it refers to three bays of windows when there are only two
  - a deck has been constructed to the side of the dwelling.
- 24 Rawson Court
  - the citation is in error as the rendering is not original and it was completed in 2017
  - the pair of glazed front doors and sidelights have been replaced with a single door and new sidelights
  - the windows in the gambrel roof form (former skylight) have been boarded up and painted
  - a deck has been added to the side of the dwelling
  - permits have been granted to build a carport and garage which when constructed will further obscure the dwelling from the street.

The landowner of 22 Rawson Court submitted that the dwellings referred to in the comparative analysis were not in the Heritage Overlay and it had not met the test of significance. In particular, the submitter questioned why the Merchant Builders homes at 38-44 Montana Parade, Croydon were not part of this Amendment when the citation states they were a market leader “*offering standards designs from such award-winning architects as Graeme Gunn, Daryl Jackson and Charles Duncan.*” The submitter referred to the Melbourne C387melb panel report in its discussion of significance<sup>14</sup>:

The question is how well each place demonstrates representativeness with a class to be considered important. While places do not need to meet superlatives such as ‘landmarks, ‘exceptional’, ‘remarkable’ or notable (including pivotal or influential) at the local level, they should be better than typical. Again, the level of intactness and integrity and the comparative analysis plays a key role in demonstrating this or setting an appropriate benchmark.

The Ringwood and District Historical Society (Submitter 24) considered:

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<sup>14</sup> Melbourne C387melb Panel Report, page 55

Whilst the houses appear reasonably attractive, the assessment lacks any particular significance to Ringwood East's history and is not worthy of consideration as a Maroondah Heritage Asset.

Mr Reeves gave evidence that:

- the dwellings are significant *“as fine examples of higher-end project housing designed by a noted architect of the day”* and it is not relevant whether they were successful or not
- the date of construction at the end of the Modernist era (1930-1970) is not significant
- the condition of the driveways is not relevant for significance - this and a lack of fencing set the context, not significance
- the alterations to 20 Rawson Court do not impact the dwelling's significance
- Don Fulton is a significant figure in Modernist architecture in Australia
- it has not been substantiated that the Sunbower estate was never constructed
- the position of the dwellings at the end of a court thus limiting exposure is not a relevant consideration
- the alterations to 24 Rawson Court do not diminish the dwelling's significance and *“the most distinctive elements of the street façade: the symmetry, recessed entry, window bays with flanking piers, and gambrel roofline, all remain evident and readily interpretable”*.

Submitters referred to the lack of support from the Ringwood and District Historical Society. Council noted that Mr Haines (its President) did not attend the Hearing and did not appear as an expert witness and little weight should be given to this position.

### (iii) Discussion

The Panel understands the architect Don Fulton designed the three dwellings with quite distinct forms. These include:

- the *In-Line* gabled roof and stepped rectilinear plan at 20 Rawson Court (Figure 2)
- the *U-Line* flat roofed dwelling on a U-shaped courtyard at 22 Rawson Court (Figure 3)
- the *Square-Line* gambrel roof over a centralised square plan at 24 Rawson Court (Figure 4).

**Figure 2** 20 Rawson Court, Ringwood East



Source: Submitter 32



**Figure 3** 22 Rawson Court, Ringwood East



Source: Submitter 32

**Figure 4** 24 Rawson Court, Ringwood East



Source: Submitter 32

The Panel understands that significance is derived individually from each of the dwellings and collectively as a display village by the same builder and architect that represents an important theme in the development of project housing in Maroondah. The collective significance of each dwelling therefore informs the precinct's significance.

The Panel agrees with Council and Mr Reeves that the alterations made to the dwellings such as side decks, painting, rendering and covering of clerestory windows are generally minor changes, could be reversed and do not diminish the general appearance of each dwelling. The extension to 20 Rawson Court is to the rear which is generally an acceptable heritage conservation outcome. The references to a subdivision that was never constructed is not relevant and not part of the citation.

The key issues are whether for Criteria A and E a level of importance has been established and for Criterion H whether a special association has been established that is important to Maroondah's history.

#### Criterion A

Criterion A invokes historical significance. The Panel agrees with Council that the display village represented an important theme in the municipality's development and is recognised in the TEH

2022. The Panel understands the three dwellings represents the extent of the display village at the time, and the dwellings are reasonably intact and collectively are important in defining a new approach to project housing at the higher end of the market. The Panel considers the integrity of the three dwellings conveys what the important heritage features are.

The Panel considers the threshold for Criterion A has been met.

#### Criterion E

Criterion E invokes aesthetic characteristics. The Panel agrees with Council and Mr Reeves that the diversity in design by the same architect but using mid-century Modernist forms is an important feature of the precinct. While there have been some changes to the dwellings, these are relatively minor and do not dramatically diminish the integrity of each to a point where they are not substantially intact. The three dwellings have retained the important aesthetic characteristics, and the Panel notes most of the changes could be reversed relatively easily apart from the rear extension to 20 Rawson Court which is not visible from the property frontage, although is visible from the public park to the rear.

The Panel considers the threshold for Criterion E has been met.

#### Criterion H

Criterion H invokes a special association that is important in Maroondah's history. Mr Reeves submitted this reflected a rare foray into residential commissions by architect Don Fulton, who focused on larger commercial projects.

The Panel does not consider Criterion H has been met. At its simplest level the dwellings were architect designed and this is not sufficient to demonstrate a special association has been established.

The Panel does not consider the threshold for Criterion H has been met.

#### **(iv) Conclusions and recommendation**

The Panel concludes the:

- threshold for local heritage significance for Criteria A and E have been met
- threshold for local heritage significance for Criterion H has not been met
- place has local heritage significance and should be included in the Heritage Overlay (HO153).

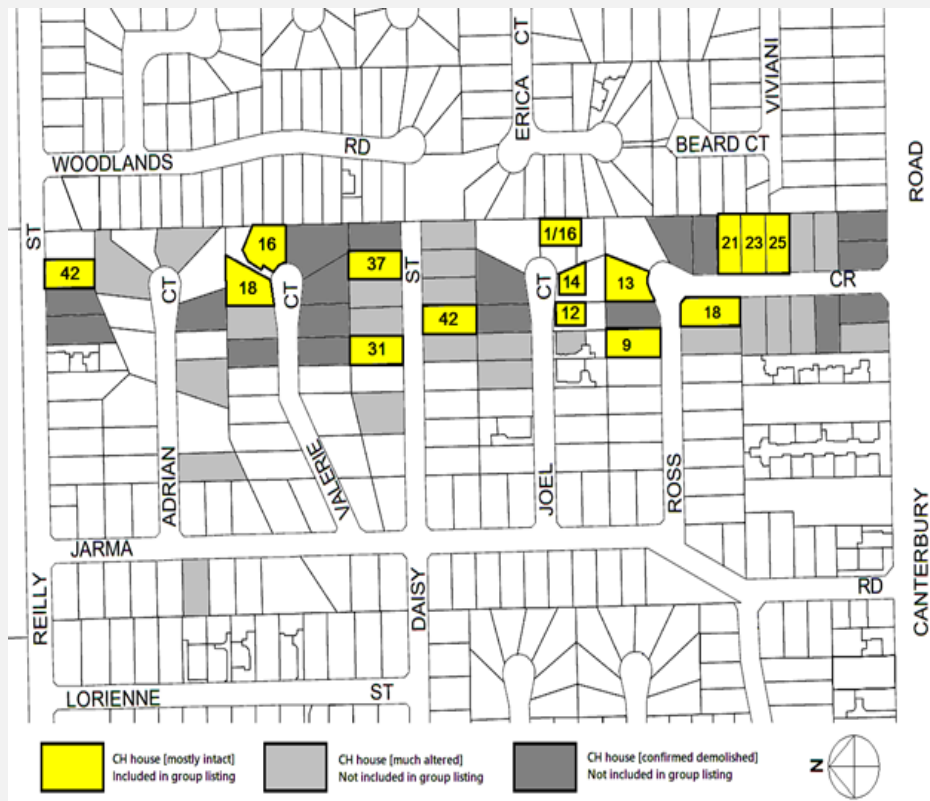
The Panel recommends:

**Amend the Statement of Significance for the Sunbower Display Village Precinct at 20, 22 and 24 Rawson Court, Ringwood East (HO187) to delete references to Criterion H.**



## 6 Contemporary Homes Group, Heathmont (HO188)

### Exhibited Statement of Significance



### What is significant?

The Contemporary Homes Group Listing in Heathmont, encapsulating fifteen houses in Daisy Street, Joel Court, Reilly Street, Ross Crescent and Valerie Court, represents the most intact surviving examples of the *Roslyn* Estate, an expansive and ambitious housing development of 143 lots, extending between Reilly Street and Canterbury Road. Developed between 1957 and 1960 by local estate agent Hector “Hec” McLean in association with project house pioneers Contemporary Homes Pty Ltd, the estate was to consist entirely of modular dwellings from the company’s range of standard plans, which adapted from an earlier model, the widely-published *Peninsula* house, designed for the company in 1955 by Robin Boyd.

The significant fabric is defined as the 15 substantially intact timber-clad and brick veneer project houses in Daisy Street (Nos 31, 37 and 42), Joel Court (Nos 12, 14 and 1/16), Reilly Street (No 42), Ross Crescent (Nos 9, 13, 18, 21, 23 and 25) and Valerie Court (Nos 16 and 18), which represent four standard designs known as the Southern Cross, the Colorado, the Californian and the Cubana, as well as two with offset plan variations.

Specific elements of significance include the compact rectilinear plan forms, low gabled rooflines with squat brick chimneys, and repetitive street façades of vertical timber cladding or cream brickwork, and modular bays of timber-framed windows and doors.

### How is it significant?

The Contemporary Homes Precinct satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion A: Importance to the course, or pattern, of Maroondah’s cultural history.

- Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

### Why is it significant?

The Contemporary Homes Precinct is significant for the following reasons:

The group is historically significant for associations with the emergence of architect-designed project housing in the City of Maroondah and, specifically with the company that effectively pioneered this typology in Victoria. The modern era of project housing, where homebuilding companies erected dwellings to their own standard designs, was introduced in 1955 when Contemporary Homes Pty Ltd unveiled its Peninsula house, a standardised modular dwelling designed by Robin Boyd. While the company had great success in marketing the Peninsula (and its subsequent series of variant designs) as individual private commissions, its ambitious plans to establish larger housing estates were halted by the onset of the Credit Squeeze in 1960-61. The Roslyn Estate in Heathmont, developed by Contemporary Homes Pty Ltd between 1957 and 1960, is not only a unique example of the firm's housing estates in the City of Maroondah, but also the largest of very few that they initiated in Melbourne before the Credit Squeeze made such schemes financially unviable. With three-quarters of the original houses on the Roslyn Estate either demolished or much altered, the fifteen substantially intact examples in the group listing remain to provide rare evidence of a significant theme that had a major impact on the post-WW2 residential settlement of the study area.

#### (Criterion A)

The group is architecturally significant as a collection of modernist houses that, while built to standard plans offered by Contemporary Homes Pty Ltd, also provided homebuilders the unique opportunity for variation in finishes, fenestration and elevational treatment. Based on Robin Boyd's earlier prototype of 1955, these standard designs demonstrate a degree of creative and technical achievement through their simple modular planning, standardised detailing, repetitive fenestration and partly prefabricated construction (through factory-made components), all combining to create deceptively simple and affordable modern dwellings that were efficiently planned, visually attractive and could also be erected very quickly and at a low cost. At the same time, purchasers could impose a degree of individuality by selecting different window types, exterior finishes (vertical timber boarding or brick veneer) and other optional extras. This deft merging of design standardisation and design customisation was highly innovative in its time and paved the way for later developments in higher-end project housing, such as Merchant Builders. **(Criterion F)**

## 6.1 The issue

The issue is whether the Contemporary Homes group listing should be included in the Heritage Overlay (HO188).

## 6.2 Background and post exhibition changes

The *Roslyn* estate comprises 143 lots and it is estimated that 65 dwellings were developed by Contemporary Homes Pty Ltd. Since construction in the late 50s-early 60s, many have been altered significantly or demolished and replaced with new dwellings. The comparative analysis states there are over 30 Contemporary Homes remaining in the estate with varying degrees of intactness.

Initially 24 properties were considered as a precinct control however following residents' concern arising from consultation related to the Heritage Study Review it was revised to a group listing. In defining the group listing Mr Reeves developed the following set of filtering criteria to determine whether a dwelling was 'substantially intact':

- original external finish, either vertical timber boards or unpainted brick retained
- original fenestration, as seen from the public realm, remained largely unaltered
- only have minor additions to the front (such as trabeated porches or verandahs, timber decks or paved terraces) and/or the side (such as carports or small additions).

This filtering criteria resulted in the reclassification of numerous properties and resulted in the remaining 15 dwellings comprising the group listing at exhibition of the Amendment.

Submissions 4, 5, 10, 12, 14, 16, 19, 20, 21, 25, 36, 38, 40, 41, 45 and 50 objected to the inclusion of the properties in the proposed group listing.

Mr Reeves assisted Council to review submissions to the Amendment based on the filtering criteria, and a more detailed analysis of the individual properties supported the removal of additional properties from the group listing. Properties at 14 Joel Court, 37 Daisy Street, 18 Ross Crescent and 18 Valerie Court were no longer considered substantially intact. Following Mr Gard'ner's peer review Council supported the additional removal of 42 Daisy Street, 1/16 Joel Court and 1/16 Valerie Court.

At the start of the Hearing Council proposed to retain eight properties in the group listing.

It became apparent during the Hearing that further changes were made to 21 and 23 Ross Crescent as well as 31 Daisy Street. The works included rendering external brick surfaces, which was considered to be an irreversible change to the buildings and 'triggered' one of Mr Reeves filtering criteria. In its Part C submission Council advised the Panel, given the rendering works, it supported the removal of 21 and 23 Ross Crescent from the group listing. On Day 5 of the Hearing, the Panel inspected the group and noticed 31 Daisy Street was in the process of being rendered. The Panel advised Council of this, and it agreed that it needed to take a consistent approach and, if confirmed, would also support the removal of 31 Daisy Street.

Council's final position therefore was to retain the group listing and apply the Heritage Overlay to the following five properties:

- 42 Reilly Street, Heathmont
- 12 Joel Court, Heathmont
- 9, 13 and 25 Ross Crescent, Heathmont.

Following evidence from Mr Gard'ner, Council accepted the following changes:

- replace Criterion F (technical significance) with Criterion D (representativeness)
- amend the citation to remove the reference to "*after Robin Boyd*" in the header for the designer identification "*Contemporary Homes Pty Ltd (after Robin Boyd)*".

Consequential updates were proposed to the citation and Statement of Significance.

## 6.3 The group listing

### (i) Evidence and submissions

Some submitters considered the reduction of the group listing from 15 to 8 to 6 (and potentially to 5) did not constitute a group and as Submitter 36 put it, "*has significantly diminished the historical significance that the Roslyn estate may have and fail to meet the required threshold for imposing heritage controls.*" Submitter 36 referred to the Panel Report for Stonnington C320ston that established the following principles for a group listing:

- Common basis for heritage significance, with common characteristics that are well defined to be able to be recognised as a group.
- Generic use, period of construction or a common developer are insufficient to identify a group as having a particular characteristic.

- The Statement of Significance must be capable of guiding further changes which may be difficult where the buildings are stylistically different or altered to varying degrees.
- Serial listings are not a 'fall-back' position where individual or precinct listings fail to be strategically justified.
- A building must contribute to the group in a similar fashion as a building in a precinct overlay contributes to the overall precinct.

The submitter considered these were not met because the:

- group listing was a 'fall-back' position from the initial precinct approach
- group listing does not form a coherent or unified group due to varying levels of intactness of the dwellings which in some circumstances are difficult to differentiate, referring to Mr Gard'ner's observation that some substantially intact dwellings were excluded due to overpainting of external brickwork
- reduction in group numbers marks a high rate of attrition.

Council referred to PPN01 in support of the Contemporary Homes group listing which states:

Places that share a common history and/or significance, but which do not adjoin each other or form a geographical grouping may be considered for treatment as a single heritage place. Each place that forms part of the group might share a common Statement of Significance; a single entry in the Heritage Overlay schedule and a single Heritage Overlay number.

This approach has been taken to the listing of Chicory Kilns on Phillip Island in the Bass Coast Planning Scheme. The kilns are dispersed across the island but share a common significance. Group listing of the kilns also draws attention to the fact that the kilns are not just important on an individual basis but are collectively significant as a group.

The group approach has also been used for the former Rosella Factory Complex in the Yarra Planning Scheme. This important factory complex had become fragmented through replacement development making it hard to justify a precinct listing. The group listing, with a single Heritage Overlay number, has meant that the extent and significance of the complex can still be appreciated.

Council submitted the Contemporary Homes group listing has a common building typology (modular dwellings of specific designs) and history (the *Roslyn* estate was to comprise modular houses with a connection to a common developer - Contemporary Homes) rather than geographical clustering. Council indicated there were too many non-contributory dwellings for it to be classified as a precinct.

Mr Gard'ner considered the group listing was appropriate, stating:

It is also my view that the use of the 'Group Listing' is appropriate given the non-contiguous nature of the properties and their shared history and values. It is considered appropriate to grade the individual properties as being 'contributory' to the group.

Mr Reeves and Mr Gard'ner accepted there was no minimum number for a group listing and its composition should be determined by whether the threshold for local heritage significance has been met and not an arbitrary minimum figure. Mr Gard'ner considered the reduction in group listing numbers did not diminish the listing and it "*added a degree of rigour and strength to the listing.*"

The landowner of 23 Ross Crescent called evidence from Mr Beeston who supported the use of a group listing<sup>15</sup>:

I generally accept that HO188, in its current form, satisfies the broad parameters established in PPN01 for a group-based HO. Other than the pair of properties in Ross Crescent (nos 21,

<sup>15</sup> Beeston evidence statement, (Document 19) page 27, paragraph 105

23, excluding 25), the proposed contributory places are spatially dispersed across the former Roslyn Estate but connected by a shared development history (1957-60) and design language.

He however considered a precinct-based approach which Council initially proposed with 24 properties may have been more appropriate, stating:

I would have likely been more supportive of the precinct-based HO as initially considered. In my opinion, for speculative, modest, pared-down late 1950s houses, their heritage value depends more on their collective significance and, at least partly, on their legibility and interpretability as an ensemble at a streetscape level. It is at a precinct level that this typology and built layer is most evocative of and understandable about postwar housing trends, as opposed to scattered remnants.

Mr Reeves confirmed that two properties could form a group and there was no minimum number referred to in PPN01. Based on his filtering criteria from the exhibited group list Mr Reeves recommended the following four of the 15 properties could be removed from the group as they were no longer substantially intact:

- 37 Daisy Street (Figure 5) due to its recladding with conventional weatherboards
- 14 Joel Court (Figure 6) due to recent rendering of the external brickwork (Submission 4, 5 and 38)
- 18 Ross Crescent (Figure 7) due to street frontage being altered more than initially thought
- 18 Valerie Court (Figure 8) due to it recladding with horizontal cement sheet boards.

**Figure 5** 37 Daisy Street, Heathmont



Source: Heritage Study Review, page 216



**Figure 6** 14 Joel Court, Heathmont



Source: Mr Reeves evidence statement, page 17

**Figure 7** 18 Ross Crescent, Heathmont



Source: Heritage Study Review, page 216

**Figure 8** 18 Valerie Court, Heathmont



Source: Mr Gard'ner's evidence statement, page 30

Mr Gard'ner gave evidence that:

- he generally supported Mr Reeves filtering criteria but the construction of a porch or verandah depending on its location and scale *“may diminish the presentation of the property from the public realm such that it would no longer meet the test of being substantially intact”* and the painting of brickwork, as compared to rendering or bagging, could be easily reversed. On this latter point Mr Gard'ner said he would have retained the dwellings that were removed prior to exhibition of the Amendment because painted brickwork could easily be reversed.
- in addition to Mr Reeves recommendations the following three properties could be removed from the group as they were no longer substantially intact:
  - 42 Daisy Street (Figure 9) due to the front verandah
  - 1/16 Joel Court (Figure 10) due to substantial side additions
  - 1/16 Valerie Court (Figure 11) due to additions to the eastern end of the southwest elevation.

Council supported the evidence of Mr Gard'ner regarding the final composition of the group listing.

**Figure 9** 42 Daisy Street, Heathmont



Source: Heritage Study Review, page 216

**Figure 10** 1/16 Joel Court, Heathmont



Source: Mr Gard'ners evidence statement, page 23



**Figure 11** 1/16 Valerie Court, Heathmont



Source: Mr Gard'ners evidence statement, page 29

Mr Beeston submitted that 25 Ross Street (Figure 12) should be removed from the group listing as it was not substantially intact because the front verandah significantly obscured the original dwelling from the street.

**Figure 12** 25 Ross Street, Heathmont



**(ii) Discussion**

The Panel accepts that a group listing is appropriate for the Contemporary Homes list.

The Panel does not consider, in this circumstance, that the approach represents a 'fall-back' position where a precinct cannot be justified. It is evident Council has refined application of the Heritage Overlay as more submitter-led documentation from the initial consultation phase of the Heritage Study Review was provided. The common developer, Contemporary Homes Pty Ltd, involved in this case operated at the estate level which forms part of its significance and the dwellings that form the group listing are those considered by Council to be substantially intact. This is outlined in the Statement of Significance.

PPN01 provides examples of how a group listing were used at the Chicory Kilns on Phillip Island and the Rosella Factory Complex in Richmond. In its Part B submission Council referred to other group listing examples from Moonee Valley C200moon, Moreland C174 and Melbourne C405melb. This indicates there are a variety of approaches to group listings and, not surprisingly,



none are the same. In this circumstance all three expert witnesses, from otherwise varying positions, support the use of a group listing. The Panel accepts this evidence.

Importantly PPN01 does not set a minimum number of properties for a group listing. The Panel does not consider the number of properties is important to determine its heritage cohort. What is important, is whether there is a shared common history that is important, the sharing of common characteristics and its application to several non-contiguous properties across a geographical area. The Panel considers this is the case with the Contemporary Homes group listing.

Regarding the composition of the group listing, it is evident that this has been a moving feast. The Panel appreciates Council has tried to take a balanced and fair approach. It has done this by adopting what the Panel considers are generous concessions with the filtering criteria developed by Mr Reeves. The filtering criteria, particularly the painting, rendering or bagging of external brickwork that result in a dwelling not being considered substantially intact, has effectively resulted in unintended consequences. This is because the:

- lack of interim heritage controls means that these works could be completed without a planning permit
- works are relatively minor and inexpensive cosmetic changes and can be quickly completed without the need for any Council building approval.

The unintended consequences were the rendering of 21 and 23 Ross Crescent and 31 Daisy Street during the Hearing. Based on the filtering criteria the exhibited group of 15 dwellings would then now be reduced to five dwellings. This is a significant reduction, but it does not impact whether heritage significance has been achieved for the group listing.

What Council's approach to the group listing shows is:

- significance is attributed, in part, to original external building materials
- simple works can be undertaken that impact this significance
- more visually significant alterations such as front verandahs, depending on scale, have resulted in what the Panel considers are relatively intact dwellings being excluded from the group.

The Panel considers the verandah addition on 25 Ross Street (Figure 12) is visually prominent and significantly obscures the dwelling from the street. It is comparable with the changes to 42 Daisy Street (Figure 9) that was removed from the group listing due to a prominent full width verandah. While the verandah at 25 Ross Street is not the full width of the dwelling (approximately 70 per cent), the Panel considers both verandahs have the same impact and should be treated consistently. The property at 25 Ross Crescent is not substantially intact and should be removed from the group listing. The Panel's view is the group listing should comprise 4 dwellings.

### **(iii) Conclusion**

The Panel concludes:

- the use of a group listing is appropriate for the Contemporary Homes list (HO188)
- the number of dwellings in the group listing can notionally be anything more than one
- the following dwellings should be removed from the exhibited group listing:
  - 14 and 1/16 Joel Court, 31, 37 and 42 Daisy Street, 18, 21, 23 and 25 Ross Crescent and 1/16 and 18 Valerie Court.
- the group listing should comprise the following four dwellings:
  - 42 Reilly Street, Heathmont

- 12 Joel Court, Heathmont
- 9 and 13 Ross Crescent, Heathmont.

## 6.4 The comparative analysis

### (i) Evidence and submissions

Mr Reeves considered a comparative analysis does not need to consider examples from other municipalities. He noted comparisons with other places already within the Heritage Overlay applied in the municipality should be the focus of a comparative analysis.

Council submitted that the Contemporary Homes group listing was a first example a housing typology that had not previously been considered for its heritage significance. It made sense that the comparative analysis could not draw on other examples already with the Heritage Overlay applied.

Mr Beeston stated that the reference to two other post-war project housing estates (*New Lincoln estate* at Ringwood and *Elizabeth Court estate* at Ringwood East) were of interest but did not include Modernist housing, were not significant or included in the Heritage Overlay. Consequently, they were not direct comparators.

### (ii) Discussion

PPN01 refers to the comparative analysis as a tool to substantiate the significance of each place. For the Contemporary Homes group listing, it spends three paragraphs detailing which dwellings in the *Roslyn* estate have been demolished or altered and considered not substantially intact. It then refers to other Robin Boyd *Peninsula* examples in the municipality. It notes the *Roslyn* estate has few local comparators.

The Panel does not consider the lack of local comparators as a weakness of the listing; it reflects what Council considers, as a first- example of this housing typology to be considered for its heritage significance.

### (iii) Conclusion

The Panel concludes the comparative analysis for the Contemporary Homes Group listing is appropriate.

## 6.5 Criterion A

### (i) Evidence and submissions

Criterion A invokes historical significance.

Council, Mr Reeves and Mr Gard'ner all considered the threshold for local heritage significance was met for Criterion A. Effectively, the group listing was important to the course or pattern of Maroondah's cultural or natural history.

Council referred to the TEH 2022 at page 61 where it refers to the role of project housing in the theme of Making Homes for Victorians. More specifically, the importance of Contemporary Homes Pty Ltd as one of the first project builders in Victoria and its association with Robin Boyd is a key aspect. The post-war development of Maroondah led to a building boom with new residential

estates, some project housing estates, replacing orchards and farms as it grew to become a suburban area of Melbourne.

Council agreed with Mr Gard'ner that the reference to Robin Boyd's connection to Contemporary Homes group list was overstated and should be removed from the citation heading, but references to Boyd in the precinct history and Statement of Significance should be retained. Mr Gard'ner accepted that *"it is likely that Criterion A is met at the local level for the reasons set out in the citation and Statement of Significance for HO188."*

Mr Beeston stated that Criterion A was not met because:

- Many other project housing firms followed Contemporary Homes and were increasingly common and led to the Maroondah market being *"effectively flooded"* with project housing firms by the 1960s.
- The concept of project housing should be contextualised. Robin Boyd's *Peninsula* design was largely focussed on Beaumaris, not Heathmont. Contemporary Homes, after severing ties with Boyd, developed derivatives of the *Peninsula* design and called them *Southern Cross, Californian, Colorado, Cubana, Hacienda, and Virginian*. A major deviation from the *Peninsula* design was the use of cream brick veneer in these later derivatives instead of vertical timber boarding.
- The Contemporary Homes group *"has become far less diverse"* with the progressive reductions supported by Council. Of the eight dwellings supported by Council in September 2023 seven are the *Colorado* design and one is the *Californian* design, none of which have the more unusual off-set plan. Seven are cream brick clad and the dwelling at 25 Ross Crescent has the vertical timber cladding, but this should be removed as it is not substantially intact.

Submitter 36 submitted a place *"needs to contain something of note rather than just the phase in history or a generic description."* He submitted an association is not sufficient to meet the required threshold and that *"the model of a housing estate populated by standardised project homes of contemporary design could not be said to have a major impact on post-war housing in present day City of Maroondah"*.

## **(ii) Discussion**

The Panel heard a diversity of opinion and evidence on whether Criterion A had been met.

Any heritage listing that purports to meet Criterion A should be supported by a key theme in the thematic environmental history. There is no doubt the post-war building boom in Maroondah was a key point in its history, changing the landscape from a series of smaller villages interspersed with orchards and farms into a suburban part of Melbourne. However, this was not restricted to Maroondah, it was a theme that was common to much of outer Melbourne at the time. The fact that these areas were part of the post-war expansion of Melbourne is of interest and consistent with the theme from its historical development, but this does not meet the test for Criterion A which requires historical significance to be 'important'.

Council submitted that the importance of the Contemporary Homes group listing is demonstrated by its inclusion in an early post-war residential estate comprising dwellings of one of Melbourne's first project builders and its association with Robin Boyd. The Panel disagrees.

While any association to Robin Boyd may be interesting as part of its history, it is not determinative of significance under Criterion A (historical significance). The Panel notes the place has not been assessed as significant under Criterion H (associative significance).

Effectively what the Panel is considering in terms of historical significance then is whether an early project home builder and its development of the *Roslyn* estate with interesting forms of housing is important at the local level.

The Panel does not consider a level of importance has been demonstrated. What has been demonstrated is that this era and theme are important to Maroondah, but the *Roslyn* estate is an example of this only, along with many others. From a business perspective the focus of Contemporary Homes Pty Ltd was in Beaumaris, close to its factory in Highett, not in Heathmont. Many other project builders followed Contemporary Homes Pty Ltd in Maroondah and other municipalities. This was an era of significant change for Melbourne and the application of heritage controls should be considered closely. The test or bar should be set high where examples of an era of development are of interest but not of such note, that they meet the requisite test for heritage controls.

### (iii) Conclusion

The Panel concludes that the Contemporary Homes group listing does not meet the threshold for local heritage significance for Criterion A.

## 6.6 Criteria D and F

### (i) Evidence and submissions

Criterion D invokes representativeness. Criterion F invokes technical significance.

Mr Reeves maintained the threshold for local significance had been met for Criterion F (technical significance) and did not agree with Mr Gard'ner that it should be replaced by Criterion D (representativeness). Council accepted the evidence of Mr Gard'ner on this matter.

Mr Reeves considered Criterion F was met because the standardised plans could be customised with certain elements including window types and exterior finishes *“that demonstrate a degree of creative and technical achievement through their simple modular planning, standardised detailing, repetitive fenestration and partly prefabricated construction.”*

Mr Gard'ner considered it did not meet a high degree of creative or technical achievement because, even though partially prefabricated, *“the houses are built using commonplace light timber frame construction and utilise materials typical of the post-war period.”* Mr Gard'ner considered Criterion D was met because:

Modernist-style project housing and Small Homes Service housing can be considered a class of place that has a clear association with the important post-war phase of Maroondah's developmental history, which is identified in the TEH (refer pages 59-62). The Contemporary Homes Group demonstrates many of the characteristics of this class of place (singles storey form, simple massing, flat roof, horizontal (ribbon) windows, modular design etc.) which is evident in the extant fabric. This group is an important example of this type that demonstrates a key stage in the development of Maroondah's post-war housing and architectural response.

Mr Beeston stated that Criterion F was not met as the dwellings *“do not represent a high or remarkable achievement, whether employed by a skilled architect or a speculative building company.”*

Mr Beeston considered Criterion D was not met even though the group listing contained examples of a typology relevant to Maroondah. He considered it had not been demonstrated that they are important. Mr Beeston stated *“it is too elementary to set down a range of architectural elements and/or design attributes conventional to a typology in a period as a basis for applying a heritage overlay, particularly if the case for other cited heritage criteria is unconvincing or borderline. A good representative instance of a place, in itself, will not necessarily translate to cultural heritage significance”*.

Mr Beeston considered cream brickwork, which nearly all dwellings in the reduced listing used, firstly was not as significant as the vertical timber cladding and secondly was widely used in suburban Melbourne. It was his evidence that *“in the context of the late 1950s, the veneer of cream brick masonry – which accounted for half of all new buildings in Melbourne at the end of this decade – is simply too ubiquitous and frequently seen across the local area to be convincingly found as ‘important’, especially when compared to examples in the vertical boarding”*.

Submitter 36 reiterated Mr Beeston’s concern but added *“the elements described by Mr Gard’ner such as rectilinear plan form, low gabled rooflines and repetitive street facades are not unique to the eight houses included in the proposed group listing.”* He continued *“it is difficult to understand why the eight properties are included in the proposed group listing based on Criterion D, whilst other project houses within the Roslyn estate are not included or have been excluded from the proposed HO188 despite them also displaying these elements”*.

## **(ii) Discussion**

The Panel agrees with Mr Gard’ner, Council and Mr Beeston that Criterion F has not been met. The technical achievement referred to by Mr Reeves is some prefabrication off site with the ability to customise standardised plans. The Panel considers this sets a low bar for satisfying this criterion. At best it is an example of technical achievement or the natural progression of building construction techniques, but it is not important in demonstrating a high degree of technical achievement for the municipality.

Council changed its support to Criterion D at a late point in the process following the recommendations of Mr Gard’ner’s peer review of the group listing. The Panel appreciates the attempts from Council to resolve these issues through the peer review, but considers it has created other similar concerns as to whether an adequate level of importance has been demonstrated for Criterion D.

The Panel agrees that Modernist-style project homes form an element of Maroondah’s history that is contained in the TEH 2022 and that they have defined characteristics that set them aside from other housing typologies. These are referred to by Mr Gard’ner.

But are they important to or merely examples of this era of development? The Panel considers the remaining four dwellings in the group list are simply examples and the threshold of importance has not been met.

The key elements of this housing typology noted by Mr Gard’ner, the proponent of Criterion D, are built form elements that are relevant not just to those in the group listing but to many outside of it. It is likely:

- there are more dwellings outside of the group listing with these attributes than in the group listing
- the filtering criteria supported by Council to refine the group listing does not support the basis of Criterion D's application, in fact, it undermines it.

The result is a confused application of the Criteria D, and Criteria F for that matter. With good intent Council conducted a peer review of the listing, however the Panel considers the outcome for Criterion D is less than clear or logical.

**(iii) Conclusion**

The Panel concludes that the Contemporary Homes group listing does not meet the threshold for local heritage significance for Criteria D and F.

## **6.7 Recommendation**

The Panel recommends that:

**Delete the application of the Heritage Overlay (HO188) to the Contemporary Homes group listing.**

## 7 Individual heritage places

### 7.1 Humphrey Law and Co. factory 22-26 Armstrong Road, Heathmont (HO148)

#### Exhibited Statement of significance



#### What is significant?

Dating back to 1948 and extended in several subsequent phases during the 1950s and '60s, the Humphrey Law & Company factory at 22-26 Armstrong Road, Heathmont, is a complex of single-storey brick buildings with sawtooth roofs. Its street frontage is dominated by the former showroom and office block, with an elongated façade that incorporates regular fenestration, raked parapets and a projecting central entry porch supported on tapering pipe columns.

The significant fabric is defined as the exterior of the entire factory. Specific elements of significance include the face brickwork, sawtooth roofline, projecting front porch (trussed beam, angled pipe columns and timber slate ceiling), front entrance (glazed timber doors and rippled glass sidelights), Castlemaine slate cladding and illuminated light box.

#### How is it significant?

The Humphrey Law & Company buildings satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning schemes:

- Criterion A: Importance to the course, or pattern, of Maroondah's cultural history.
- Criterion E: Importance in exhibiting particular aesthetic characteristics.

### Why is it significant?

The former *Humphrey Law & Company* building is significant for the following reasons:

The factory is significant as rare evidence of industrial development in the City of Maroondah in the early post-war period. From the late 1940s, an increasing number of manufacturers were drawn to Ringwood, Bayswater North and (to a lesser extent) Croydon due to the availability of large expanses of land for factory construction. Consequently, the region underwent a notable industrial boom that continued into the 1950s and beyond. Although numerous such complexes were established at that time, many of these have since changed ownership, closed down and/or even been demolished.

The Humphrey Law & Company factory in Heathmont, established as early as 1948 and enlarged in several subsequent phases, provides rare evidence of this initial boom of post-war industrial development in the City of Maroondah. Still occupied by the same company at the time of writing, the premises remain in a notably intact condition (**Criterion A**).

The factory is significant as an intact and evocative example of post-war industrial architecture. Although designed and built by the two company directors themselves, without apparent input from architectural or building professionals, the building's street frontage (added in 1959) was clearly conceived to imbue some aesthetic value to a building type traditionally deemed unattractive and undesirable in a suburban residential area. Its elongated façade is relieved by regular bays, piers and unusual raked parapets, while the main entrance pays homage to prevailing trends in contemporary architecture with its ribbed glass sidelights, tapered jambs, Castlemaine slate surround and porch with exposed trussed beam and angled pipe columns. Virtually unaltered since its completion in 1959, the street frontage remains an unusual, evocative and eye-catching element in this predominantly residential streetscape (**Criterion E**).

#### (i) The issue

The issue is whether the Humphrey Law and Co. factory at 22-26 Armstrong Road, Heathmont is of sufficient local heritage significance to justify applying the Heritage Overlay (HO148).

#### (ii) Evidence and submissions

One local resident submitter opposed the Heritage Overlay referring to the potential of the site to accommodate more housing in its residential street and did not agree the building had heritage value referring to it as "*glamorisation of insignificant features*".

The landowners objected to the Heritage Overlay as it would increase insurance costs and impede the use of the land as a factory. The landowner did not appear at the allocated time.

Council submitted:

- it did not agree that the building's façade is 'mostly hidden by foliage' and states that even if this was the case, it would not diminish the significance of the site
- the illuminated sign box was noted as an important element of the original fabric and a potent aid to interpretation, irrespective of whether it is currently operative
- the jagged sawtooth form of the roof is evident
- a parapet, defined as an area of wall rising above the roof line, is obvious
- the presence of exposed services and warning signs is to be expected on an industrial building and does not diminish the significance ascribed to the site
- its location in a residential area is not relevant to whether it is of heritage significance.<sup>16</sup>

<sup>16</sup> Council Part B submission, page 43, paragraph 274



Mr Reeves gave evidence that:

The presence of exposed services, warning signage and so on, is entirely to be expected in any operational industrial complex such as this. As such, they are not considered intrusive elements that have unduly impacted the building's physical integrity, not diminished the significance that has been ascribed to the place.<sup>17</sup>

### (iii) Discussion

Criterion A invokes historical significance, not rarity (which is Criterion B), yet the Statement of Significance refers to rarity on several occasions:

- *This factory is significant as rare evidence of industrial development ...*
- *... provides rare evidence of this initial boom of post-war industrial development in the City of Maroondah.*

The Panel considers it unsurprising that there are no surviving similar examples referred to in the comparative analysis, particularly those surrounded by residential uses. The Panel therefore gives little weight to the need to continue industrial use of the land, even by its original operators or whether it is a rare survivor of times gone by. The Panel considers the threshold for Criterion A has not been met.

The building elements of significance such as the saw tooth roof, raked parapet and piers are typical attributes of an older set of industrial buildings. The documentation does not demonstrate these are particularly unique or important and instead they represent typical industrial form of the day. The front façade may be relatively intact, but this does not demonstrate that this building is important in exhibiting aesthetic characteristics. The Panel considers the threshold for Criterion E has not been met.

The context of this building is an unusual feature, alluded to in Submission 3, of an industrial use in a residential street. The ongoing use of the site for industry is supported by the Heritage Design Guidelines but where a new use is proposed *"there should be no or minimal impact on the heritage significance and the heritage values of the factory should be interpreted."* The Panel assumes this is a reference to accommodating a new residential use on the site. The role of planning normally would be to facilitate a residential development, supported by its Neighbourhood Residential Zone, and remove the industrial use to ensure residential amenity is protected. The site is large and has obvious development potential. While the Panel considers the context of this site diminishes the heritage significance of the place, the Panel is required to assess its significance against the relevant criteria.

### (iv) Conclusions and recommendation

The Panel concludes the:

- threshold for local heritage significance for Criteria A and E has not been met
- place does not have local heritage significance.

The Panel recommends:

**Abandon the application of the Heritage Overlay (HO148) to the Humphrey Law and Co. building at 22-26 Armstrong Road, Heathmont.**

<sup>17</sup> Mr Reeves evidence statement, page 13

## 7.2 254 Canterbury Road, Bayswater North (HO152)

### Exhibited Statement of significance



#### What is significant?

Developed and occupied by a local subsidiary of a prominent British manufacturer as the first nylon spinning factory in Australia, the British Nylon Spinners factory at 254 Canterbury Road, Bayswater North, was erected in several stages between 1956 and 1970. The original buildings, laid out according to a 1955 masterplan by Stephenson & Turner, were completed between 1956 and 1958, with several subsequent phases of expansion (designed by the same architects) undertaken during the 1960s. These buildings, while differing in scale and form according to function, are otherwise similarly expressed in a stark modernist idiom with a consistent palette of pale brickwork and curtain walling.

The significant fabric is defined as the exterior of those buildings that represent the original extent of the 1955-58 masterplan by Stephenson & Turner, and later additions by the same architects up to 1970. Specific elements of significance include the stark block-like expression of buildings, low rooflines, cream brickwork and repetitive fenestration, including bays of curtain walling.

#### How is it significant?

The former British Nylon Spinners factory satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion A: Importance to the course, or pattern, of Maroondah's cultural history
- Criterion E: Importance in exhibiting particular aesthetic characteristics.

#### Why is it significant?

The former British Nylon Spinners factory is significant for the following reasons:

The factory is significant as an ambitious and ultimately successful attempt by a leading British-based manufacturer to establish a presence in Australia by developing this country's first nylon spinning factory. A unique venture at the time, the project attracted considerable attention and publicity. It went on to become a major presence in the outer eastern suburbs as well as a highly significant local employer, providing jobs for a large number of British migrants who settled in the vicinity. By far the largest, busiest and best-known factory ever developed within what is now the City of Maroondah, it also represented a major industrial achievement on a broader regional or metropolitan level. **(Criterion A)**

The factory is significant as an intact and evocative example of post-war industrial architecture that was carefully designed to dispel preconceptions that such buildings must necessarily be ugly and undesirable. Laid out according to a masterplan by leading factory specialists Stephenson & Turner, the complex was designed in the crisp modernist idiom that characterised the firm's highly-regarded work at that time, with simple expression of volumes, stark pale-coloured brickwork and curtain walling. In what was a deliberate attempt to emulate the parent company's existing factory in Wales, the Bayswater North counterpart was to include recreational amenities for staff (including a sports oval; since redeveloped) and a landscaped setting, which represented the work of noted Melbourne landscape designer Emily Gibson. **(Criterion E)**

### (i) The issues

All parties agreed the Heritage Overlay should apply to the site but differed in terms of its extent.

The issues are whether:

- the extent of the overlay proposed is appropriate
- the Statement of Significance and Heritage Design Guidelines are appropriate.

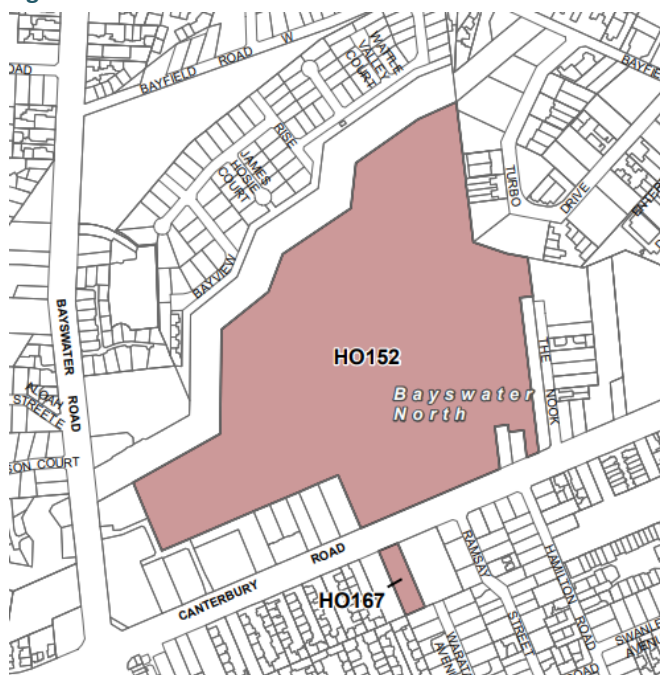
### (ii) Evidence and submissions

The Amendment applied the Heritage Overlay to the entire site (Figure 13).

Council submitted that:

- Criterion A was met on the following basis:
  - It was Australia's first nylon spinning factory.
  - It was a significant employer locally.
  - It represented a major industrial achievement in the broader regional metropolitan level.
- Criterion E was met on the following basis:
  - It is an intact example of post-war industrial architecture.
  - It was constructed in accordance with a 1955 masterplan developed by architects Stephenson & Turner.

**Figure 13** Exhibited version of HO152



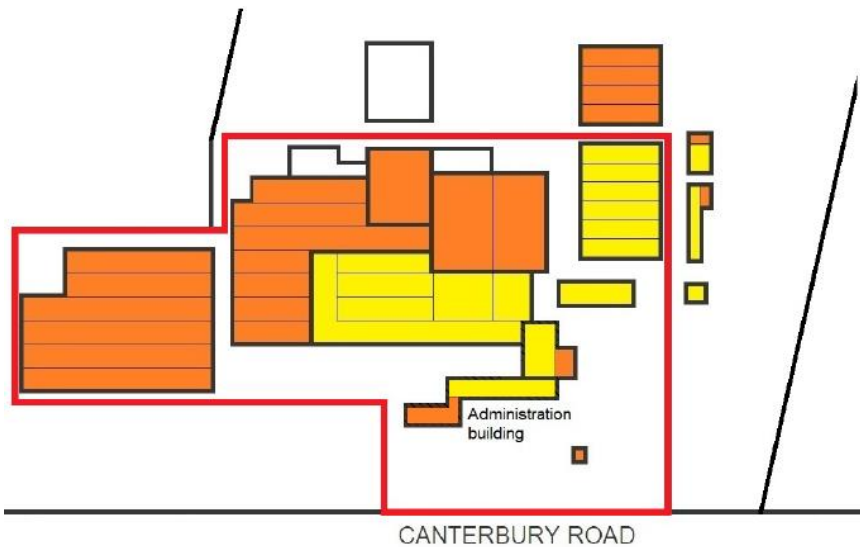
Source: Council Part B submission, page 62

Council explained that the original extent of the site had been reduced with the sale of a significant portion of land to the west of the main entry along Canterbury Road that is now developed for bulky goods businesses.

Council agreed with Mr Reeves that following a site inspection, the extent of the Heritage Overlay could be reduced from the entire site to one of two options. These were:

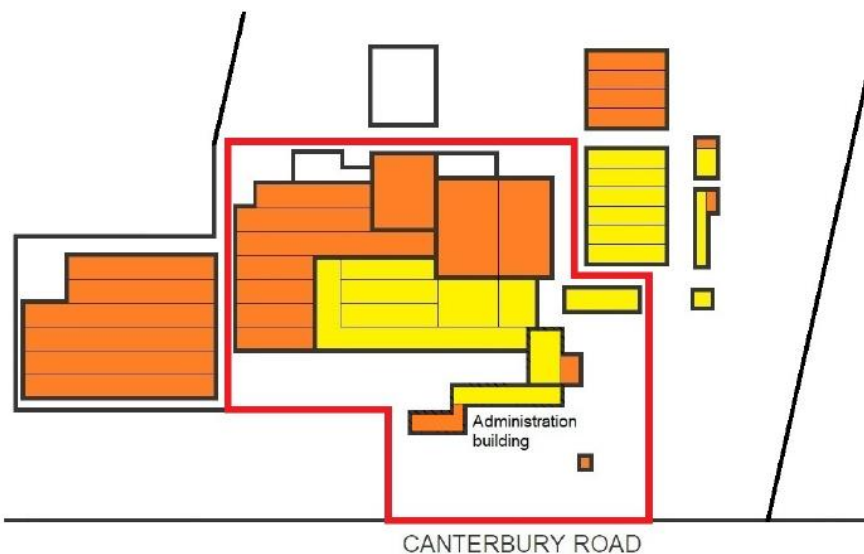
- Option 1 (Mr Reeves’ preferred option) which included the bulk of the pre-1970 buildings, excluding only a row of utility buildings along the north side, and a detached saw tooth roofed warehouse in the north-western corner. Figure 14 shows this option with original 1955-1958 buildings shown in yellow and later buildings in orange.
- Option 2 which Mr Reeves considered to be the ‘barest minimum’ would cover the historical core of the complex, excluding the large, detached warehouses to the north (which is part of Stage 1 construction) and south. Figure 15 shows this option.

**Figure 14** Reeves Option 1 - preferred



Source: Mr Reeves evidence statement, page 71 (note - Heritage Overlay extent shown by red line)

**Figure 15** Reeves Option 2 - 'Barest minimum'



Source: Mr Reeves evidence statement, page 71 (note - Heritage Overlay extent shown by red line)

Mr Reeves agreed with the landowner that more fabric (within the Heritage Overlay) may not necessarily mean a greater understanding of a site.

In both options all pre-1970 buildings are considered significant, including the entire administration block, the gate lodge and the open space that provides a setting between the building and Canterbury Road.

Council noted it was usual for the Heritage Overlay to extend to the property boundaries but in this instance it agreed with the revised position of Mr Reeves that the extent could be reduced to the cover the buildings of local heritage significance with an appropriate curtilage on this large site. Mr Reeves proposed a 20 metre curtilage from the buildings within the Heritage Overlay of both options.

Bayswater Victoria Pty Ltd opposed the full application of the Heritage Overlay to the site on the basis the:

- Statement of Significance did not confirm the significance of the whole site and included elements that had been altered or possibly relocated.
- Contestable elements included in 'what is significant' including references to the:
  - role of British migrants does not establish associative significance
  - scale of the factory to be "*largest, busiest and best-known*" factory ever developed without further reference materials being cited
  - landscaping work of Emily Gibson which is unsupported by reference materials.
- Expansionary period 1961-1970 is not relied on for significance.

Bayswater Victoria Pty Ltd accepted that core elements of the 1950s buildings that form part of the factory complex have historical (Criterion A) and aesthetic (Criterion E) significance. Bayswater Victoria Pty Ltd called expert evidence from Ms Knehans. Ms Knehans gave evidence that post-war industrial development was important to the history of Maroondah as documented in the earlier 2003 Heritage Study and the more recent TEH 2022. However, Ms Knehans considered Stage 1 development between 1956 and 1958, consistent with a masterplan by Stevenson and Turner on the site and the initial establishment of a nylon yarn factory, were the key elements of heritage significance to the site. The important buildings were:

- Building 1 – spinning floor and drawtwist 3-4 storeys tall.
- Building 2 – single storey sawtoothed-roofed warehouse.
- Building 3 – single storey building housing the canteen, amenities and medical centre.
- Building 9 – two storey administration building fronting Canterbury Road.

Ms Knehans stated that later phases of development from 1959 to the 1960s and 1970s were not of equal historical significance and did not meet the threshold for local significance. She considered the subsequent changes and additions were "*more of the same*" and did not contribute meaningfully to the understanding or role played by the site in the post-war industrial development of Maroondah or the local area.

Ms Knehans considered the Heritage Overlay (Figure 16) should be retracted to include only the early 1950 buildings as originally constructed. Ms Knehans proposed a 10 metre curtilage to the buildings of significance. In addition, consistent with her evidence, she proposed revised Heritage Design Guidelines and Statement of Significance.

**Figure 16** Extent of HO152 as proposed by Ms Knehans

Source: Ms Knehans evidence statement, page 60

Bayswater Victoria Pty Ltd proposed some changes to the Statement of Significance and Heritage Design Guidelines to confine significance to the reduced Heritage Overlay, amend the period of significance, delete the significance of the nylon factory as a context for What is significant?, delete reference to the role of British migrants in the local workforce and the reference to Emily Gibson in the landscaping of the site.

Council did not support the change to the date of significance or the deletion of the nylon factory in What is significant? but it agreed with the removal of references to British migrants and Emily Gibson.

### **(iii) Discussion**

The Panel considers that the former Fibremakers factory at 254 Canterbury Road, Bayswater North meets the threshold for local heritage significance for Criteria A and D. This, and reduction of the Heritage Overlay extent was common ground between all parties and the two heritage experts.

The key difference to be resolved is the extent of the reduced Heritage Overlay and changes to the Statement of Significance and Heritage Design Guidelines. The question of what elements are of heritage value and ought to be protected on the site has been central to the considerations of the Panel.

The Panel considers that the integrity of the Fibremakers factory and its associated buildings has a high level of intactness and integrity. This level of intactness to its original design and master planning is unique in Maroondah and of value in terms of its heritage legibility. While the Panel agrees with much of the evidence of Ms Knehans, it does not accept that all buildings post initial construction were not of sufficient heritage significance to warrant protection. For example, the



Panel does not accept that the second administration building holds little heritage value given its later (1960) construction. The Panel does not accept the very narrow view that the administration building can only be considered as an extension, supporting the existing use of the site and is therefore inconsequential. It is the Panel's view that there is heritage value in the construction of the later administration building, the Modernist design, its presentation to Canterbury Road and being a post-war building that contributes to and reflects the strong post-war economic conditions that were experienced within the Maroondah at the time.

However, the Panel accepts the evidence of Ms Knehans regarding the boiler house and other additional warehouses having reduced heritage value where they replicated and were in addition to the initial buildings established on the site. During cross examination Mr Reeves conceded that buildings such as the boiler house might not be easily identified as being for that use given the significant changes that had occurred to the building, including no remaining chimney. Similarly, he conceded many of the warehouses and utility buildings had been altered. The Panel these buildings are not significant to the place given their modified appearance and the reduced contribution they make to the understanding of the site.

The Panel supports the changes proposed to reduce the extent of the Heritage Overlay from covering the entire site to focusing on the important elements of the site. In this instance the Panel supports Mr Reeves Option 2. While it accepts Ms Knehans evidence that some of the warehouses and buildings are not of equal significance to those that were established on the site in the initial stages of the development, it does not support her more reduced version of the Heritage Overlay. The Panel is comfortable that Mr Reeves Option 2 appropriately applies the Heritage Overlay to the key elements Ms Knehans considered important with a curtilage of 20 metres. These are shown on Figure 17:

- Building 1 – spinning floor and drawtwist 3-4 storeys tall.
- Building 2 – single storey sawtoothed-roofed warehouse.
- Building 3 – single storey building housing the canteen, amenities and medical centre.
- Building 9 – two storey administration building fronting Canterbury Road.

While the warehouses (Building 4) do not form part of the 'minimum extent' of Mr Reeves the boiler house (Building 8) is proposed to be contained within the Heritage Overlay.

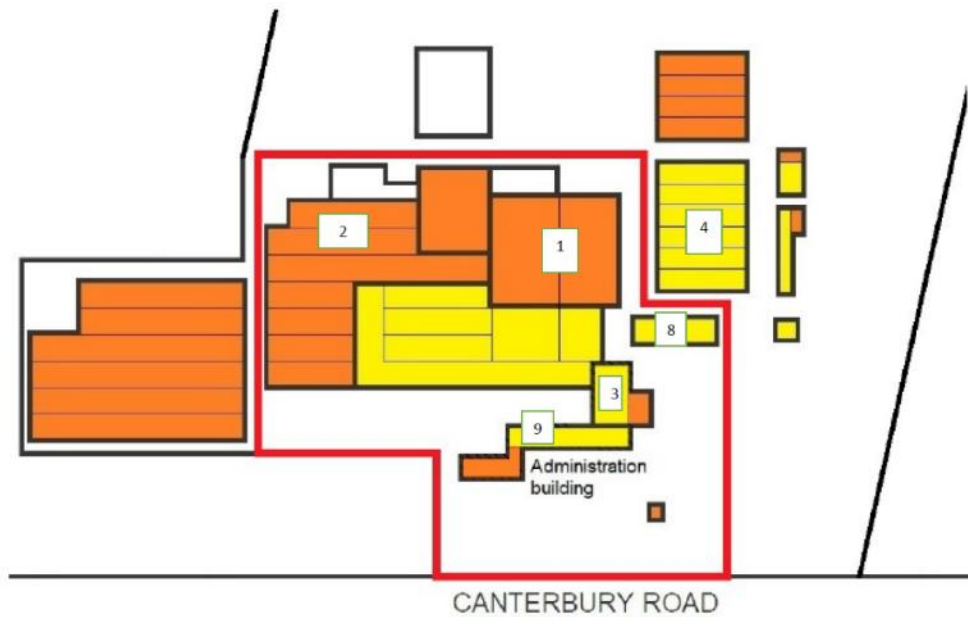
Appendix E includes the Panel's preferred version of the Statement of Significance which includes the changes based on the concessions of Mr Reeves and many of the changes from Ms Knehans. It also deletes:

- reference to the factory in Wales
- reference to providing large number of jobs for British migrants
- landscape work by Emily Gibson.

This is not a significant change and does not alter the degree to which the place satisfies the threshold for Criteria A or E. The Panel retains the references to the nylon factory in What is significant? as this sets an important context with the dates of significance. The Panel agrees with Council that the dates of significance should be retained as 1956-1970. The Panel-preferred version contains Figure 17 as this has buildings numbered which correlate to the text.

Appendix F contains the Panel's preferred version of the Heritage Design Guidelines which reflect similar changes.

Figure 17 Reeves Option 2 with building numbers from Knehans evidence



Source: Mr Reeves evidence statement, page 71 (note - Heritage Overlay extent shown by red line)

#### (iv) Conclusions and recommendation

The Panel concludes the:

- threshold for local heritage significance has been met for Criteria A and E
- place has local heritage significance
- extent of HO152 should be reduced to reflect Mr Reeves 'barest minimum' Option 2
- Statement of Significance should be amended as set out in the Panel's preferred version at Appendix E
- Heritage Design Guidelines should be amended as set out in the Panel's preferred option at Appendix F.

The Panel recommends:

**Amend the extent of the Heritage Overlay for 254 Canterbury Road, Bayswater (HO152) to reflect Mr Reeves 'barest minimum' Option 2.**

**Amend the Statement of Significance as set out in Appendix E.**

**Amend the Heritage Design Guidelines as set out in Appendix F.**



## 7.3 129 and 131-133 Dorset Road, Croydon (HO153)

### Exhibited Statement of significance



#### What is significant?

The properties designated as 129 and 131-133 Dorset Road, Croydon, comprised the former architectural office and former residence, respectively, of architect Hank Romyn, who designed both buildings in 1964 as part of his ambitious development of what had been a triple-width site. With flat roofs, Besser blockwork and full-height glazing, the two buildings are similar in form and expression, although the original house (No 131-133) is a much grander two-storey edifice, distinguished by canted balconies with matching canopies.

The significant fabric is defined as the exterior of both buildings. Specific elements of significance include:

- The house: concrete blockwork, full-height windows and projecting balconies with matching canopies;
- The studio: elongated form with low stepping roofline, large windows and curved glass block wall.

#### How is it significant?

The former Romyn Residence and Studio satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion E: Importance in exhibiting particular aesthetic characteristics
- Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period
- Criterion H: Special association with the life or works of a person, or group of persons, of importance in Maroondah's history.

#### Why is it significant?

The former Romyn Residence and Studio are significant for the following reasons:

The two buildings, with their flat roofs, broad eaves, unusual Roman-style blockwork and generous glazing, represent an idiosyncratic manifestation of modernist architecture that references Romyn's varied interests in European modernism (being Dutch himself, he admired Mondrian and Reijnders), Frank Lloyd Wright, and

Japanese design (the latter evident in the Japanese-style garden). With a striking façade of repetitive bays, canted balconies and canopies, it remains an eye-catching element in the streetscape. **(Criterion E)**

The buildings are significant as the components of ambitious project undertaken by a leading architect to take advantage of a rare opportunity to develop a triple-width residential block with a large house for his own use and a detached studio for his professional practice. The project commenced with an unusual negotiation with the owners of the land, who occupied a house at the rear and, persuaded by Romyn's promise to retain much original landscaping and to sensitively design his new house so that it would not overlook theirs, they agreed to sell him all three blocks for the price of only two. Intending that his house would not only be spacious enough to accommodate his large family (of five daughters), but also to become a showpiece to effectively advertise his professional practice, Romyn convinced manufacturers of building products to provide materials at a discount. The finished house was not only unusual in form and expression, but also incorporated many American-style innovations not yet been seen in Melbourne, such as ducted vacuum system and bench-mounted power units for kitchen appliances. Widely published at the time of completion, and even made opened for public inspection, Romyn's house demonstrated a high level of creative achievement, as well as a certain amount of technical achievement. **(Criterion F)**

The building is significant as a major residential project undertaken by Hank Romyn, a prominent Dutch-born architect who commenced private practice in Melbourne in 1959 and, although he designed buildings across (and beyond) the entire metropolitan area, was notably active in the outer eastern suburbs. A resident of Dorset Road, Croydon, for forty years, he initially occupied an earlier house at No 225 before relocating to No 131-133 in 1964, where he remained for thirty years and, for much of that time, ran his successful architectural practice from a detached studio on the property. **(Criterion H)**

**(i) The issue**

The issue is whether 129 and 131-133 Dorset Road, Croydon are of local heritage significance and should be included in the Heritage Overlay (HO153).

**(ii) Evidence and submissions**

Two submissions objected to application of the Heritage Overlay.

Submissions from the landowner noted that there had been changes to the building, specifically the double carport had been removed. Mr Reeves evidence was that this had been noted in the citation and did not diminish the building's significance.

In terms of significance the submitter disputed the building style designated as 'Brutalist Mid Century Hybrid' and considered that the building was inspired by Walter Burley Griffin's Castlecrag concrete blocks. Mr Reeves disputed this point, noting that:

The submitter is misguided in suggesting any historical or visual connection between Roman-style concrete bricks and the Knitlock system that Griffin patented and used at Castlecrag and elsewhere.

The landowner of 129 Dorset Road submitted there had been significant modifications to the dwelling since it was construction and there were several structural issues with the building that would be unresolvable through any other means than demolishing the building. The submitter also noted that the property is not visible from the street, driveway nor the public realm.

In response to the submissions Mr Reeves evidence noted that in this instance the issues of structural soundness could be addressed in the future and were not grounds for the Heritage Overlay to not be applied.

Mr Reeves considered the citation and Statement of Significance outlines the importance of the architect Hank Romyn, who was associated with the buildings and his work undertaken in relation to the properties. Overall, he maintained that the properties satisfied Criteria E, F and H.

Council supported the evidence of Mr Reeves.

### (iii) Discussion

The issues relating to structural soundness raised by submitters have been more broadly covered in Chapter 3.

The citation states:

The properties designated as 129 and 131-133 Dorset Road, Croydon, comprised the former architectural office and former residence, respectively, of architect Hank Romyn, who designed both buildings in 1964 as part of his ambitious development of what had been a triple-width site. With flat roofs, Besser blockwork and full-height glazing, the two buildings are similar in form and expression, although the original house (No 131-133) is much grander two-storey edifice, distinguished by canted balconies with matching canopies.

The significant fabric is defined as the exterior of both buildings. Specific elements of significant include:

- The house: concrete blockwork, full-height windows and projecting balconies with matching canopies;
- The studio: elongated form with low stepping roofline, large windows and curved glass block wall

The Panel accepts Mr Reeves evidence that the buildings meet the threshold of Criterion E. The buildings are unusual and have a repetitive of architectural elements that is a key characteristic of the postwar era.

The Panel does not accept the threshold for Criteria F and H have been met.

How the construction of the dwellings was managed by the architect and convincing suppliers to provide material at a discount does not meet the required threshold for Criterion E. it is of interest but is not so important that heritage controls are required.

An architect's own dwelling represents a special association (Criterion H) at a level that justifies heritage controls. The fact Hank Romyn lived at the dwelling for some time does not demonstrate a special association. To support this would a be low bar for this threshold and potentially open up hundreds of architect-designed dwellings in Maroondah for heritage controls.

### (iv) Conclusions and recommendation

The Panel concludes the:

- threshold for local heritage significance for Criterion E has been met
- threshold for local heritage significance for Criteria F and H have not been met
- place has local heritage significance and should be included in the Heritage Overlay (HO153).

The Panel recommends:

**Amend the Statement of Significance for 129 and 131-133 Dorset Road, Croydon (HO153) to delete references to Criteria F and H.**

## 7.4 161 Dorset Road, Croydon (HO154)

### Exhibited Statement of significance



#### What is significant?

Darley Dale, the former Alsop Residence at 161 Dorset Road, Croydon, is a bungalow-style two-storey weatherboard house with a terracotta tiled roof. Erected in 1939, it was designed by Miss Ruth Alsop, Victoria's first qualified female architect, for herself and her two unmarried sisters, Florence and Edith.

The significant fabric is defined as the exterior of the entire house, excluding the second storey addition. Specific elements of significance include the original weatherboard cladding, terracotta-tiled hipped roof (at the lower level), double-hung sash windows and the timber-posted corner porch.

#### How is it significant?

The former Alsop Residence satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion H: Special association with the life or works of a person, or group of persons, of importance in Maroondah's history.

#### Why is it significant?

The former Alsop Residence is significant for the following reasons:

The house is significant as the only independent architectural project that can be attributed to Ruth Alsop (1879-1976), acknowledged as the first woman to become qualified as an architect in Victoria. A member of large and creative family, Ruth was the elder sister of Rodney Alsop, a more well-known (if short-lived) Melbourne architect, in whose city practice she commenced her own career, joining him as an articled pupil as early as 1906. Although employed in her brother's office for some years, she never established her own practice. To date, only two examples of her independent work have been identified: the renovation of an unidentified cousin's "seaside cottage" in 1937, and this house in Dorset Road, Croydon, which Alsop designed for herself and her two single sisters. Although altered by a second storey addition, the house is still the only building known to have been designed by Victoria's first female architect. **(Criterion H)**

#### (i) The issue

The issue is whether 161 Dorset Road, Croydon is of local heritage significance and should be included in the Heritage Overlay (HO154).

**(ii) Evidence and submissions**

The landowner submitted that there had been significant changes to the building prior to 2004. The landowner submitted additional documentation outlining the changes (in addition to photos) including approved building plans and confirming the changes included:

- second storey addition
- internal alterations and extension of ground floor building to the rear
- alterations of the building façade to the front to include decking and verandah
- replacement and relocation of windows along the building frontage/facade
- roof layout and replacement
- replacement of weatherboard cladding throughout the building.

The landowner submitted that the alterations have significantly changed the Ruth Alcott design and the property does not provide a meaningful resemblance to the original design.

Mr Reeves stated:

The more significant a place may be, the more leeway may be given to the extent of change. In other words, a building that is unique, rare or otherwise notable in some particularly special way, but which has been much altered, may still be considered to warrant heritage protection because the degree of significance is such that it outweighs the diminished physical intactness.

As the only known architectural undertaking of Victoria's first female architect, this house is demonstrably unique, and these associations would be significant at a state level. Had it been more physically intact, the house would have been a candidate for inclusion on the Victorian Heritage Register.

He concluded that although the dwelling had been quite altered, the citation appropriately acknowledged the extent of alterations, referring to them as substantive.

Council supported the evidence of Mr Reeves and although the dwelling has been much altered considered it was still worthy of statutory protection at the local level.

**(iii) Discussion**

The citation describes the changes to the building:

The house at 161 Dorset Road, Croydon, is a simple weatherboard dwelling with a hipped roof clad in terracotta tiles and an asymmetrical street frontage with timber-framed double hung sash windows. Formerly a single storey dwelling, it has been enlarged by a partial second storey addition (2004) that was designed in a matching style, closely echoing the forms, finishes and detailing of the original (and, according to the working drawings, re-using some of the original roof tiling and windows). The new roof combines hipped and pitched forms and incorporates half-timbered gablets to three sides.

The tall front fence, of shaped timber pickets, is not original.

The Panel's observation of the site differs with the citation's analysis of integrity, noting the ground floor alterations are more significant than outlined in the citation. These changes have altered the integrity of the building from the original design, and it agrees that there is a discrepancy with the original design. The degree of change from the original building is difficult to resolve given no original documentation has been provided as part of the citation or Statement of Significance.

The Heritage Study Review applies Criterion H, as the only criterion, to the site for its association as being the only independent architectural project that can be attributed to Ruth Alsop, the first woman to become qualified as an architect in Victoria. In the comparative analysis there is

discussion that the house has few comparators, given that the dwelling represents the *“only piece of architectural design that can be wholly attributed to Victoria’s first female architect.”*

The Panel accepts Mr Reeves evidence, that while the association with Ruth Alsop can readily be found in documented materials. The wider role of Ruth Alsop in Maroondah and more broadly Victoria, and the only substantial building credited to her work, in the Panel’s mind establishes a reasonable level of threshold being met under Criterion H.

**(iv) Conclusion**

The Panel concludes that 161 Dorset Road, Croydon has local heritage significance and should be included in the Heritage Overlay (HO154).

## 7.5 52 Loughnan Road, Ringwood (HO156)

### Exhibited Statement of significance



#### What is significant?

The former Bennett Residence at 52 Loughnan Road, Ringwood, was erected as a family dwelling for civil engineer Royce Bennett, who designed it himself and undertook most of the construction. Designed in 1957 and built from 1958-60, it is a flat-roofed steel-framed house on a modular square plan, with the frame expressed externally to create a rectilinear grid that is infilled with solid spandrels and large windows.

The significant fabric is defined as the exterior of the entire house, except for two additions made by later owners: the infilling of the front balcony, and a small addition to the north side. Specific elements of significance include the rectilinear block-like massing, exposed steel structure, and full-height glazed infill.

#### How is it significant?

The former Bennett Residence satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion E: Importance in exhibiting particular aesthetic characteristics
- Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

#### Why is it significant?

The former Bennett Residence is significant for the following reasons:

The house is significant as an example of modernist residential architecture where the defining qualities of that style have been articulated with an uncompromising rigour that is seldom seen. While many modernist houses in Melbourne adopted the expression of an elevated rectilinear mass that appeared to hover above a void, Bennett's house is an unusually purist example. The square plan, laid out on a grid of nine modules with a central circulation core, is an atypically strict application of the open planning and spatial flexibility associated with modernism, while the careful articulation of a modular structural grid with a non-structural infill of glazing and solid panels represents an uncommonly frank expression of the style's industrialised aesthetic. **(Criterion E)**

The house is significant as an early experiment in the application of steel framed construction to the design of an individual private dwelling. Although this would not become common in Victoria until the 1970s and later, Royce Bennett, a civil engineer by profession, was one of a small number of design professionals in Melbourne who experimented with steel framing in a domestic context in the 1950s. **(Criterion F)**

#### (i) The issue

The issue is whether 52 Loughnan Road, Ringwood is of local heritage significance and should be included in the Heritage Overlay (HO156).

**(ii) Evidence and submissions**

The Ringwood and District Historical Society stated:

Certainly the house has been modified to bring it up to current living standards. The structure has a boxy, industrial feel which is not conducive to make it attractive. The building doesn't appear to have any outstanding technical attributes and merely has standard welded construction. Looks like any standard post-war house externally. There is very little evidence of significance as a heritage asset.

Mr Reeves considered *“the citation did not suggest that the building, nor any aspect of its construction system, was of any technical significance.”*

**(iii) Discussion**

The comparative analysis states:

As an experimental steel-framed house that was designed and built by a civil engineer for himself, this building has few direct comparators. The phenomenon of an engineer designing a house without the input of an architect is certainly unusual. No other example has yet been identified in the City of Maroondah, and it is rare on a broader metropolitan scale.

...

While the use of steel-framed construction for single private dwellings remained uncommon in Victoria until the 1970s, Royce Bennett was one of several design professionals to experiment with it in the late 1950s.

With regard to Criterion E, the Panel considers that the importance placed on the property for exhibiting particular aesthetics is problematic. There is little comparison or discussion in the comparative analysis regarding the aesthetics of the property or those similar. The comparative analysis is focussed on the act of an engineer designing a house without the input of an architect. It remains unclear to the Panel how the dwelling is important and not just another example of the mid-century residential dwelling design with a new approach to materials (which is addressed later). As such the Panel is not persuaded that the dwelling meets the threshold necessary to satisfy Criterion E.

Criterion F invokes technical achievement. The technical achievement referred to is the early experiment in the use of steel framed construction to the design on an individual private dwelling. The Panel considers this sets a low bar for this criterion and disagrees with Mr Reeves assessment. The use of steel framed construction is the only justification for Criterion F. At best it is probably an example of technical achievement or the natural progression of building construction techniques, but it is not important in demonstrating a high degree of technical achievement for the municipality. The TEH 2022 has little regard or commentary on how the advancement of steel frames was significant in the municipality in the particular era and the Panel does not consider a sufficient threshold has been met for technical achievement.

The Panel is not persuaded that evidence or analysis has demonstrated that the building meets the threshold of significance for Criterion E or F.



**(iv) Conclusion and recommendation**

The Panel concludes that 52 Loughnan Road, Ringwood North does not have local heritage significance and Heritage Overlay (HO156) should be deleted from the Amendment.

The Panel recommends:

**Delete the application of the Heritage Overlay (HO156) to the former Bennett Residence at 52 Loughnan Road, Ringwood North.**

## 7.6 67 Loughnan Road, Ringwood (HO157)

### Exhibited Statement of significance



#### What is significant?

The former Dioguardi Residence at 67 Loughnan Road, Ringwood, is a three-storey flat-roofed concrete brick house that was erected in 1959-61 for Italian-born bricklayer Guisepppe Dioguardi and his life Lina. Although the drawings were prepared by the Ringwood Home Planning & Drafting Service, the design, based on an unusual radial plan and incorporating a curved glass-walled stairwell bay, was likely to have been developed by Dioguardi himself, who also acted as builder.

The significant fabric is defined as the exterior of the entire house. Specific elements of significance include the fan-like plan form, flat roof, canted symmetrical façade and central bowed stairwell with full-height windows and glazed doors with ribbed glass, and balustraded terrace with curving entry steps.

#### How is it significant?

The former Dioguardi Residence satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion A: Importance to the course, or pattern, of Maroondah's cultural history
- Criterion E: Importance in exhibiting particular aesthetic characteristics
- Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

#### Why is it significant?

The former Dioguardi Residence is significant for the following reasons:

The house is significant as early evidence of Southern European migrant settlement in what is now the City of Maroondah. Although the study area has a strong association with Dutch and German migrants who settled there after WW2, Italians represented the next largest ethnic group to be represented therein. This house was built for (and by) a Sicilian who was active in the Ringwood area as a bricklayer and builder, and whose siblings included a brother who ran a fruit shop on Maroondah Highway, all typical of the broader post-war migrant experience. While many Italian families would have lived in the area, few would erect houses for themselves that were such overt representations of their European background, adopting what has since been collectively referred to (by Apperley *et al*) as the Immigrants' Nostalgic style. **(Criterion A)**

The house is significant as an intact and highly evocative example of an aesthetic sub-style that has been loosely codified by the term "Immigrants' Nostalgic". Although evident in churches and other public

buildings built by émigré communities, the style is most strongly associated with private residences that were “unabashedly ostentatious” in expression, typically incorporating “very loose references to the Mannerist and Baroque architecture of Southern Europe... [with] no concern for stylistic authenticity”. While the style was sometimes evoked through the simple application of arches, concrete balustrades and terrazzo, the former Dioguardi Residence is an uncommonly grandiose manifestation, with its unusual plan form, curved walls and symmetrical street façade with double-height glazed stairwell. The owner/designer /builder considered the house sufficiently evocative of an Italian country villa to bestow it with the name *Villa Rotonda*, referencing Palladio’s celebrated sixteenth-century residence near Vicenza. **(Criterion E)**

The house is significant for its highly unusual planning and articulation. Its distinctive radial plan, with rooms radiating outward from a semi-circular stairwell, appears to be unique amongst post-WW2 houses in the City of Maroondah and is rare even in a broader metropolitan context. The unusual plan has been deftly expressed in external form of the house: the street facade dominated by the double-height and glass-walled curving stairwell, and the south elevation by a sweeping convex curve. As a result of this creative achievement, the house remains a distinctive and eye-catching element in the landscape, when seen either from Loughnan Road or from vantage points further south towards Maroondah Highway. **(Criterion F)**

### (i) The issue

The issue is whether 67 Loughnan Road, Ringwood is of local heritage significance and should be included in the Heritage Overlay (HO157).

### (ii) Evidence and submissions

The landowner opposed application of heritage controls to their property. They submitted there had been significant changes to the building prior to 2004. The submission, containing photographs, outlined the following changes:

- front fence and gate replacement
- new concrete driveway
- rendering/painted trim and brickwork
- changes to façade including balcony encloses and rendered
- new tiles replacing noted chequerboard finish.

Given the significant changes to the building, it was the landowner’s submission that the alterations have significantly changed the design of the original building.

The Ringwood and District Historical Society noted:

There is little evidence of the house, nor its creator having any importance to Ringwood’s cultural heritage.

...

It now looks attractive and commands a good view of central Ringwood and could be regarded as post WWII heritage.

Mr Reeves stated there had been changes to the dwelling and the rendering of the street façade was substantial and could not be easily reversed. He concluded that although there had been some changes, the design of the dwelling remained including:

- distinctive fan-like plan form
- flat roof
- canted symmetrical façade
- central bowed stairwell
- full height windows and glazed doors
- balustrade terrace with curved steps.

Mr Reeves considered:

While the changes noted above may well be visible from the street, it does not follow that, individually or collectively, they are necessarily considered to negatively impact the significance ascribed to the place.

Mr Reeves said, in addition to the unique aesthetics of the building, the Statement of Significance identifies that the dwelling is an important representation and early evidence of Southern European migrant settlements post-war within the City of Maroondah. The TEH 2022 identified as significant the strong association of Dutch, German and Italian migrants which is reflected within the citation.

Council supported the evidence of Mr Reeves that the Heritage Overlay should be applied to this property.

### (iii) Discussion

The citation documents the changes that have occurred to the building, and notes that the condition of the dwelling is excellent with its intactness classified as good (sympathetic additions). It states:

Villa Rotonda, at 67 Loughnan Road, Ringwood, is a three-storey flat-roofed house of concrete brick construction, laid out on an unusual radial plan. The symmetrical street façade is dominated by a central semi-circular glazed stairwell that extends across the two uppermost levels, containing full-height metal framed windows with ribbed glass. The front entry, set at the lower level of the stairwell bay, has a pair of matching glazed doors that open onto a porch that follows the same curve, with steps leading down to ground level. Porch and steps are both enlivened by a chequerboard finish and have simple metal railings. Flanking the central stairwell bay, the front walls of the house project back at a slight angle and contain large windows with metal-framed sashes. The flat roof has narrow unlined eaves, echoed by a projecting concrete canopy along the first-floor level. The room to the right side of the front entrance has a separate projecting concrete balcony with matching metal railing. The lowest level of the house contains what was originally intended as a drive-through garage, with an entry at each end accessed by steep driveways. In both cases, the original tilt-up metal garage doors have been replaced by glazed infill.

Criterion A is invoked for its historical significance with Southern European migrant settlement within the (now) City of Maroondah. The dwelling is described as an “*overt representation of European background, collectively referred to as the Immigrants’ Nostalgic style.*” The Panel accepts that the threshold for Criterion A has been met.

The more recent changes were acknowledged by Mr Reeves during his oral evidence, including rendering and overpainting but the Panel notes the exposed external brickwork was not identified as a significant feature. The Panel accepts Mr Reeves evidence that although there have been alterations to the building the significant unique features are not undermined by these changes, in this instance. The Panel considers that the threshold has been met for Criterion E.

The Panel considers that Criterion F is problematic. The creative achievement referred to is the dwellings unusual circular design. The Panel agrees that it is unusual but for the purposes of heritage significance does not consider it has a high degree of creative achievement. The citation does not explain why this creative achievement is important for that era in Maroondah.

**(iv) Conclusions and recommendation**

The Panel concludes the:

- threshold for local heritage significance has been met for Criteria A and E
- threshold for local heritage significance has not been met for Criterion F
- place has local heritage significance and should be included in the Heritage Overlay (HO157).

The Panel recommends:

**Amend the Statement of Significance for 67 Loughnan Road, Ringwood (HO157) to delete references to Criterion F.**

## 7.7 17 Malcolm Court, Ringwood East (HO160)

### Exhibited Statement of significance



*Photograph by Built Heritage Pty Ltd, April 2018*

#### What is significant?

The former Kotzman Residence at 17 Malcolm Court, Ringwood East, was built in 1952-53 for Slovakian-born engineer William Kotzman and his wife Anne, to a design by Melbourne architect and academic Douglas Alexandra. One of the architect's first commissions, it is a substantial two-storey skillion-roofed timber house in a strict modernist idiom, with the upper level prominently expressed as a box-like volume above a recessed lower level with undercroft, and a massive stone chimney with projecting wing wall.

The significant fabric is defined as the exterior of the entire house. Specific elements of significance include the skillion roofline, broad eaves with exposed beams, the articulation of the upper storey as a large mass elevated on exposed posts and beams, and the stone chimney with matching ground floor feature wall.

#### How is it significant?

The former Kotzman Residence satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion E: Importance in exhibiting particular aesthetic characteristics
- Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period
- Criterion H: Special association with the life or works of a person, or group of persons, of importance in Maroondah's history.

#### Why is it significant?

The former Kotzman Residence is significant for the following reasons:

The house exhibits many of the characteristics that defined modernist residential architecture in the 1950s. Not only was the house conceived with the trademark articulation of an elevated box-like upper storey that projects over a recessed lower level, but it also integrated the bold skillion roof with broad eaves and exposed rafters, generous windows, *pilotis* (undercroft columns) and a massive slab-like stone chimney with a matching stone wing wall projecting from the undercroft. Despite a number of later alterations, such as recladding, replacement of window sashes and partial infill of open areas, the original minimalist articulation of the house can still be readily interpreted. **(Criterion E)**

The house demonstrates creative achievement in that its confident expression of modernist themes and motifs was notably early in the context of Melbourne architecture. While many of these themes, including the volumetric massing, undercroft, *pilotis*, projecting stone walls and large windows, had been popularised via the published work of Harry Seidler in Sydney, they were effectively introduced into Melbourne by this modest suburban example by Douglas Alexandra which was designed as early as 1952, only a few years after Seidler's celebrated house for his mother and other high-profile dwellings. **(Criterion F)**

The house is a very early and important example of the work of noted architect and academic Douglas Alexandra (1922-2000), who, having recently accepted a full-time teaching position at the University of Melbourne with the right to private practice, undertook this project as one of his first commissions. Widely published in newspapers and magazines and even gracing the cover of a slender monograph entitled *The New Australian Home* (1954), the Kotzman Residence effectively marked the beginning of Alexandra's high-profile architectural career, which saw many more of his houses published during the 1950s. **(Criterion H)**

**(i) The issue**

The issue is whether 17 Malcolm Court, Ringwood East is of local heritage significance and should be included in the Heritage Overlay (HO160).

**(ii) Evidence and submissions**

The landowner objected to the application of the Heritage Overlay on the basis that:

- there have been significant changes to the property and considered it is no longer an intact or high quality example of a heritage building
- the property had been well recorded and so documentation was appropriate instead of retention of the building or application of a Heritage Overlay
- the dwelling was not one of the architect's significant examples
- the response to Criterion H was subjective opinion.

The submission documented through discussion and photographs that there have been significant and material changes to the dwelling since its first construction including:

- filling in of the under-croft areas
- changes to cladding
- changes to external colours of the dwelling
- open timber stairs for entrance now internalised
- replaced roof (from bituminous roofing felt and finished with gravel) with colourbond sheets
- replaced windows
- changed accesses and wide serving hatch from deck areas
- revised floor plan
- no longer forming part of a large 'bush block'.

The submission supplied a range of photographs sourced from Council documents, including the Figure 18 (shortly after completion) and Figure 19 (in 2018).



**Figure 18** Photograph of the Kotzman Residence



Source: Kenneth McDonald, *The New Australian Home*

**Figure 19** Kotzman residence photo taken in 2018



Source: Built Heritage

The Ringwood and District Historical Society stated<sup>18</sup>:

The house is very typical of houses in the hilly surrounds of Maroondah, particularly in Ringwood North, Croydon North and the hills of Ringwood East. The topography dictates that the house, built on sloping ground, should be on multiple levels. Often undercroft areas are reserved for garages or additional rooms.

It concluded the building had “*borderline heritage.*”

In relation to the substantial changes Mr Reeves noted that the citation recorded the dwelling as being of fair intactness with some major alterations. He noted<sup>19</sup>:

Notwithstanding the infilling of the carport, the upper storey (which still projects beyond the ground floor and adjacent void) can still be readily interpreted as the ‘floating volume’ that was the architect’s original design intent.

In relation to the broader changes Mr Reeves stated:

Significance was not ascribed to the place based on the extent to which the house, in its current form, corresponds to this contemporary description. As the large bush block has since been subdivided, it is not surprising that the original substantial curtilage and setting of “tall gum trees” are no longer evident. The citation did not suggest that the original setting, colour scheme, stairwell and carport were all crucial aspects of the significance of the place.

The roofline is a low skillion that is elevated two storeys above street level and, consequently, the actual roofing material is not visible from public realm. Thus, recladding of the roof cannot be considered as a change that is unsympathetic or intrusive, or inhibits interpretation of the original roofline, or otherwise diminishes the significance ascribed to the place.

Changes to interior spaces and services are rarely taken into account when undertaking a heritage assessment for local significance, and rarer still for privately-owned residential properties. This is only done in exceptional circumstances, when a house is known to have significant interior features, which would, in turn, result in a recommendation for application of interior alteration controls as part of a proposed heritage overlay. In the case of this house, no such recommendation has been made.<sup>20</sup>

Later Mr Reeves concluded “*despite some major alterations, the house remains recognisable and its original form and design intent can still be easily interpreted*”.

In relation to Criterion H, Mr Reeves did not agree that the citation and Statement of Significance were subjective in nature. He outlined that the dwelling had associative significance because the dwelling was one of the first private residential commissions of the architect Douglas Alexandra. This fact he considered was supported by numerous sources and verifiable statements.

Council supported the evidence of Mr Reeves and supported the application of the Heritage Overlay.

### **(iii) Discussion**

The Panel accepts the description of the building in the Statement of Significance as ‘fair’ and that there have been some major alterations.

While there are examples in this Amendment where changes to buildings are so significant that the original design intent cannot be appreciated, this is not the case here. It is considered that the dwelling is legible as a post war Modernist residential building. The Panel does not accept that the changes have diminished the significance of the dwelling to a level where the Heritage Overlay has

<sup>18</sup> Submission

<sup>19</sup> Mr Reeves evidence statement, page 28

<sup>20</sup> Mr Reeves evidence statement, page 28

not been justified. The Panel accepts that the property has met the local significance threshold for Criterion E.

The Panel considers Criterion F has been met as the Statement of Significance considers this was the first dwelling in Maroondah and one of the earliest in Melbourne that demonstrated key Modernist design features, shortly after Harry Seidler had popularised this in Sydney.

Invoking Criterion H based upon an early design by an architect does not meet the threshold as it sets a low bar for special association to a degree that would justify heritage controls in many other circumstances.

**(iv) Conclusions and recommendation**

The Panel concludes the:

- threshold for local heritage significance has been met for Criteria E and F
- threshold for local heritage significance has not been met for Criterion H
- place has local heritage significance and should be included in the Heritage Overlay (HO157).

The Panel recommends:

**Amend the Statement of Significance for 17 Malcolm Court, Ringwood East (HO160) to delete references to Criterion H.**

## 7.8 50 Maroondah Highway, Ringwood (HO161)

### Exhibited Statement of significance



#### What is significant?

The neon signage at 50 Maroondah Highway, Ringwood, was erected in 1964 on the roof of the building that was completed the previous year as new commercial premises for Yarra Valley Tyre Pty Ltd, formerly based at Box Hill. The sign, designed and fabricated by the leading firm of Claude Neon Ltd, depicts a perspective view of an oversized car tyre (approximately 3.3 metres tall by 2 metres wide). It is no longer operable.

The significant fabric is defined as the entire sign and its associated supporting structure. Specific elements of significance include the tyre-shaped form of the sign, the painted colour scheme and the layout of the neon tubing (although not the actual tubing).

The building itself is not considered to be significant.

#### How is it significant?

The neon sign satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion A: Importance to the course, or pattern, of Maroondah's cultural history
- Criterion B: Possession of uncommon, rare or endangered aspects of Maroondah's cultural history
- Criterion E: Importance in exhibiting particular aesthetic characteristics.

#### Why is it significant?

The neon sign is significant for the following reasons:

The sign is associated with the major boom of commercial activity that occurred along this key stretch of the Maroondah Highway in the post-war era, when a proliferation of retail businesses (many involved in aspects of the automotive trade) and recreational facilities (including an ice-skating rink and tenpin bowling alley) competed to attract the attention of passing motorists through the use of eye-catching elements such as illuminated and painted signage, bunting and billboards. **(Criterion A)**

The sign represents a unique survivor in the City of Maroondah of vintage neon signage dating from the key period, spanning the 1930s to the 1970s, when the popularity of such signage was at its peak. Substantial examples of neon signage from that period are rare survivors on a broader metropolitan scale, especially

when prominently located on major thoroughfares, and when associated with businesses or products long since defunct. While some later examples of neon signage are recorded in the City of Maroondah, as well as a few contemporaneous painted or other illuminated signs from the 1960s and 70s, this one possesses rarity as the only example of a neon sign to survive (albeit in a damaged and currently inoperable state) from the mid-century heyday of illuminated signage. **(Criterion B)**

The sign exhibits particular aesthetic characteristics as a landmark along this major commercial streetscape. More than three metres tall and two metres wide, the distinctive tyre-shaped sign still occupies its original prominent position on the rooftop of a large double-storey building on a conspicuous corner site. Designed with the sole intention of attracting the attention of passing motorists, the sign continues to do so after more than fifty years. Although currently inoperable, it remains an eye-catching and evocative example of the distinctive vernacular style of 1960s commercial art. **(Criterion E)**

### (i) The issue

The issue is whether the Yarra Valley Tyre Neon Sign at 50 Maroondah Highway, Ringwood is of local heritage significance and should be included in the Heritage Overlay (HO160).

### (ii) Evidence and submissions

The landowner objected to the Heritage Overlay on the following basis:

- lack of significance of the structure
- limiting future uses in the building
- the condition of the structure including the neon component not functioning and its poor condition.

The Ringwood and District Historical Society advised it was a “*questionable heritage asset.*” They also questioned the relevance of one of the cited references *Historic Electric Signage in Victoria: A Study of Historic Illuminated Signs* which did not refer to the Yarra Valley Tyre Neon sign.

Mr Reeves stated the physical location of the site, or its condition were important in determining whether the structure had heritage significance. In relation to its location, he considered that<sup>21</sup>:

While the sign's location is of some importance in demonstrating the pre-eminence of Maroondah Highway as an epicentre for post-war roadside advertising, this does not mean that it must remain where it is. There are precedents for historic neon signs being relocated when necessary – as in the famous case of the Skipping Girl sign in Richmond, which was moved to the roof of a nearby building (of similar vintage) when the original vinegar factory was slated for demolition.

The Consultant considers that the citation provides an adequate argument for local historical significance, and the submitter has not provided any documentary evidence or expert testimony to support a counter-claim for “the absence of historical significance”.

Council supported the evidence of Mr Reeves.

### (iii) Discussion

Council and Mr Reeves referred to other examples across Melbourne where ‘neon’ signs have been recognised in heritage controls and thresholds have been met. In relation to 50 Maroondah Highway, it was broadly accepted that the industrial building that mounts the sign, is not itself a significant building.

The context of this structure is an unusual feature with the heritage elements being the ‘neon sign’ is sought to be protected above a building (not of heritage significance) within an Activity Centre

<sup>21</sup> Mr Reeves evidence statement, page 31

Zone. The Panel has concluded in an earlier Chapter that development opportunity is not relevant to assessing heritage significance of a place. Mr Reeves referred to circumstances and precedent for heritage signs to be relocated and moved to different places in order to protect the heritage elements. Specifically, he referred to the removal of the Skipping Girl sign in Richmond which was successfully moved to a nearby building when the original vinegar factory was demolished. The Panel accepts this argument and considers that subject to approval, there may be an opportunity for relocation or retention of the sign that is sympathetic to its heritage significance. This is something to be considered in the future.

During the hearing, the Panel was not provided with further documentation disputing the heritage significance of the structure. Other objections to the application of the heritage controls were based on appearance, disrepair and functionality of the sign. Consistent with other discussions within this report the functionality or intactness of a structure, is not a relevant consideration for the application of the Heritage Overlay.

The Panel has had regard to the heritage criteria used for assessing the heritage values of the structure. The Panel has considered that the citation includes a satisfactory assessment against the heritage criteria and comparative analysis.

Regarding Criterion A which invokes historical significance, it is accepted that the neon sign is reflective of a post war boom in commercial activity that occurred along this stretch of the Maroondah Highway. The Panel considers it unsurprising that there are not many surviving similar examples referred to in the comparative analysis, given the change in landscape, reuse of buildings over time and different business signage requirements. Referring to the TEH 2022, it is noted that there are demonstrated direct links drawn between the signage with the post war boom as well as a desire for businesses to advertise their products with 'eye-catching' elements including neon signage. In this regard the Panel is satisfied that the neon sign meets Criterion A.

Criterion B invokes rarity. The comparative analysis considers rarity has been established as other similar examples have either been demolished for redevelopment or reuse purposes. The Panel accepts in this instance that the sign is a unique survivor in Maroondah of vintage neon signage and agrees that the threshold for Criterion B has been met.

With respect to Criterion E, it is accepted that the sign has important characteristics and is a landmark with a vernacular style of 1960s commercial art.

#### **(iv) Conclusion**

The Panel concludes that the Yarra Valley Tyre Neon Sign at 50 Maroondah Highway, Ringwood has local heritage significance and should be included within the Heritage Overlay (HO161).



## 7.9 6 The Outlook, Heathmont (HO164)

### Exhibited Statement of significance



#### What is significant?

The Caldwell Residence at 6 The Outlook, Heathmont, is a single-storey timber house on a diamond-shaped plan with a low hipped roof that envelops porches at each end. Designed by David Caldwell in 1957, it was originally erected for the architect's parents and then occupied by Caldwell and his wife from the early 1960s onward. A two-storey rear wing, in a matching style with a kite-shaped plan, was added in 1972-73.

The significant fabric is defined as the exterior of the entire house, including the rear addition. Specific elements of significance include the diamond-shaped plan form, pyramidal roofline with central chimney, varnished timber cladding, full-height windows (some with butt-jointed glazing) and timber front door.

#### How is it significant?

The Caldwell Residence satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion E: Importance in exhibiting particular aesthetic characteristics
- Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

#### Why is it significant?

The Caldwell Residence is significant for the following reasons:

The house is significant as an outstanding example of residential architecture in the distinctive organic style associated with Frank Lloyd Wright. Although introduced to Australia in the pre-war era by Walter Burley Griffin, the style became increasingly popular amongst local architects in the years before and just after Wright's death in 1959 and remained so into the 1960s and beyond. While David Caldwell is one of the lesser-known architects to have worked in this idiom in Melbourne (compared to David Godsell, Chancellor & Patrick and Charles Duncan), and is best known for a series of Wrightian-style churches designed in partnership with Wystan Widdows in the 1960s, Caldwell's own house in Heathmont, with bold geometry, low pyramidal roof, central chimney, varnished timber cladding and angular detailing, must be considered one of the most remarkable specimens of the post WW2 Wrightian style in Melbourne. **(Criterion E)**

The house demonstrates a high degree of creative achievement in its extraordinary minimalist planning. Designed for a retired couple who specifically wanted a tiny dwelling in order to minimise housework, Caldwell consolidated the basic functions of a house in a polygonal core with a total area of only 5.7



squares. This compact plan provided an open living area, a dining area with built-in table, a kitchenette and a tiny laundry and bathroom projecting from the south side. Most strikingly of all, bedrooms were completely eliminated. Instead, two single beds were placed in adjacent alcoves off the north side of the living area, with a third alcove behind the chimney for guests. This bold (and successful) exploration of minimalist living, which strongly evokes the one-roomed house that Walter and Marion Griffin designed for themselves in Heidelberg in 1919, has few comparators in Melbourne's post-WW2 architecture. **(Criterion F)**

**(i) The issue**

The issue is whether 6 The Outlook, Heathmont is of local heritage significance and should be included in the Heritage Overlay (HO164).

**(ii) Evidence and submissions**

An adjoining neighbour objected to the application of the Heritage Overlay to the property. The Heathmont History Group referenced the property however did not discuss the heritage value of the property in any way. Its comments were that it was of at least equal heritage recognition to additional properties that the group sought to be considered.

One submitter considered the dwelling is of limited heritage value.

It was the evidence of Mr Reeves:

The issues raised here, concerned with energy efficiency, sustainability and speculation on future land use, are not relevant to the determination of heritage significance.

Having made that point, it is duly noted that the submitter had concurred that the house is "an interesting example of mid-century architecture".

Council concurred with Mr Reeves evidence on this issue. In addition, Council advised it had undertaken strategic work that ensured that they would be able to meet housing growth.

In relation to sustainability and energy efficiency issues Council submitted the Heritage Overlay enables buildings and works to occur, albeit with a planning permit, and noted that most of the properties (including this property) were not nominated for internal controls. This means that many improvements can be made to homes, where generally, they are not visible to the public realm.

**(iii) Discussion**

The Statement of Significance outlines that the property meets the threshold for Criterion E (aesthetic significance) and F (technical significance).

It is noted that the landowner themselves did not object to the application of the Heritage Overlay, however, one submitter raised concerns about whether the property was of heritage significance.

The citation outlines that the house was designed by architect David Caldwell, intended for his parents and later himself. The comparative analysis outlines:

Caldwell's own house is demonstrative of the distinctive organic style associated with Frank Lloyd Wright.

...

Caldwell's own house represents a notably early manifestation on a metropolitan scale. While Chancellor & Patrick and Geoffrey Woodfall had begun to explore the Wrightian mode by that time, Caldwell's own house pre-dates the comparable houses of David Godsell and Charles Duncan.

Writing in 1992, Philip Goad identified Caldwell Residence as one of few Melbourne houses of the 1950s to “develop Wrightian themes in an overt way”, adding that “the house resembles Wright’s later work, where the use of simple geometric shapes was combined with natural materials and carefully integrated siting”.

The house is unique in the City of Maroondah. While other architects who worked in the Wrightian mode are represented in the study area, the examples of their work are markedly different to Caldwell’s house. Charles Duncan’s Lovig House at 90 Richardson Road, Croydon North (1967) evokes Wrightian influences through its massive brick piers and exposed timber beams, but its sprawling and rigidly orthogonal plan is the exact opposite of Caldwell’s tiny diamond.

The Panel considers that the importance placed on the property for exhibiting particular aesthetics is problematic. There is minimal comparison or discussion in the comparative analysis regarding the aesthetics of the property or those similar. The comparative analysis is focussed on the influences and not actual reflection or direct influence of Frank Lloyd Wright’s (or direct associates) work. The comparators relied on do not definitively assist with establishing the heritage significance of the dwelling. It remains unclear to the Panel about how the dwelling is significant and not just another example of the mid-century residential dwelling design with an unusual approach to design and geometric approach, typical of this era. As such the Panel is not persuaded that the dwelling meets the requisite threshold necessary to satisfy Criterion E.

In this instance Criterion F invokes creative or technical achievement. The creative achievement referred to is the experimentation of design for a minimalist and tiny dwelling. This in itself cannot be noted as a creative achievement. As the Panel has referred in previous examples the bar must be set high for creative (and technical) achievement. Otherwise, movements and developments in the housing industry could be used to justify heritage controls where they are not warranted. Smaller dwellings had existed prior to the design and prevailed in varying styles since that time. At best it is probably an example of creative achievement or the natural progression of a simplistic dwelling, but it does not represent a high degree of creative achievement for the municipality. The TEH 2022 has little regard or commentary on how the advancement of tiny or minimalist living dwellings was significant in the municipality and so the Panel does not consider a suitable threshold has been met for creative achievement.

The Panel is not persuaded that enough evidence or analysis has demonstrated that the building meets the threshold of significance for Criteria E or F and therefore does not support the application of the Heritage Overlay.

#### **(iv) Conclusions and recommendation**

The Panel concludes the:

- threshold for local heritage significance has been met for Criteria E and F
- place does not have local heritage significance and should not be included in the Heritage Overlay (HO157).

The Panel recommends:

**Delete the application of the Heritage Overlay (HO164) to 6 The Outlook, Heathmont.**

## 7.10 25-27 Exeter Road, Croydon North (HO168)

### Exhibited Statement of significance



#### What is significant?

The former Melba Hall at 25-27 Exeter Road, Croydon North, is a domestically-scaled single-storey gable-roofed weatherboard building with an asymmetrical façade that incorporates half-timber gable ends and a projecting porch with tapered pillars on brick plinths. Erected in 1926-27 by a local progress association, the hall was intended as a public meeting place and was named after (and officially opened by) the eminent opera singer Dame Nellie Melba, who was then residing in nearby Lilydale.

The significant fabric is defined as the exterior of the entire building. Specific elements of significance include the gabled roofline, weatherboard cladding, double-hung windows (to the side elevation), and its asymmetrical street façade with bungalow-style detailing (boxed windows and gabled porch with clinker brick piers and tapered roughcast pillars).

#### How is it significant?

The former Melba Hall satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion A: Importance to the course, or pattern, of Maroondah's cultural history
- Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history
- Criterion E: Importance in exhibiting particular aesthetic characteristics
- Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history.

#### Why is it significant?

The former Melba Hall is significant for the following reasons:

The building is historically significant as an early community-oriented building in the Croydon North area. Erected in 1926-27 by the then newly-formed Croydon North Progress Association, it provides evidence of the enthusiasm, ambitions and aspirations of a group of forward-thinking residents who banded together to improve conditions in an area that, hitherto sparsely-populated, began to undergo more intensive expansion from the early 1920s. Initiated and co-owned by the McEvoy family, who opened the first general store (and later the post office) along this stretch of Exeter Road, the hall served as an important focus for community

events and gatherings until WW2, and remains as the oldest surviving building in a local retail strip that has since grown into an important commercial precinct. **(Criterion A)**

The building is also historically and architecturally significant as a surviving example of a pre-WW2 public hall. While predated by two mechanics' institutes erected at Ringwood and Croydon in 1909, the former has been demolished and the latter remodelled in 1937 with a new Moderne-style frontage. Another local counterpart, the near-contemporaneous Dorset Hall on the Maroondah Highway, has also long gone. While no longer used as such, the former Melba Hall, with its virtually unaltered exterior, remains as a rare and notably intact example of a distinct building type that was considered to be an important part of community life in the first half of the twentieth century. **(Criterion A) (Criterion B)**

The building is aesthetically significant for its distinct domestically-inspired expression, with asymmetrical façade, half-timbered gable ends and projecting porch (with tapered pillars and clinker brick plinths) that reflects the prevailing tastes in bungalow-style residential architecture. Built right to the street boundary, at the far edge of this established retail strip, the building remains as a distinctive and eye-catching element in what is otherwise, now, an entirely post-WW2 commercial streetscape. **(Criterion E)**

The building is historically significant for its direct association with Dame Nellie Melba, Australia's most celebrated opera singer, who not only consented to this local public hall being named in her honour but also accepted the invitation to officially open it in July 1927. The naming of the hall acknowledged the enduring connection that Melba (and other members of the Mitchell family) maintained with what was then the Shire of Lillydale (part of which was severed in 1961 to form the Shire of Croydon). One of numerous sites in the former Shire of Lillydale to retain associations with Melba and her family, the former hall is the only one still standing in the City of Maroondah (which absorbed the former Shire/City of Croydon) with which she had a direct connection, having visited the venue at least twice before her death in 1931. **(Criterion H)**

### **(i) The issue**

The issue is whether 25-27 Exeter Road, Heathmont is of local heritage significance and should be included in the Heritage Overlay (HO168).

### **(ii) Evidence and submissions**

The landowner objected based on:

- the Heritage Overlay would inappropriately encumber the site
- if it was to apply the Heritage Overlay should just apply to the building
- no history or record of the significant links to Dame Nellie Melba
- building has been significantly altered over time including new roofing, painting and alteration of the surrounding grounds.

At the hearing the landowner advised that the property had not been a public hall and had been in private ownership for over 40 years, with the building being modified, repurposed and utilised for a range of businesses. The submitter also questioned whether the full extent of the site should be subject to the Heritage Overlay, or in worst case scenario whether it should apply to the building itself.

Mr Reeves stated that replacement of roofing and repainting are part of reasonable maintenance of a building of this age. He considered that the works undertaken to the site were not significant and had been undertaken in a sympathetic manner. He did not consider, based on his inspections, that any development of the gravel car park surrounding the building would impact on the significant elements of the site.

Council submitted the key consideration in determining whether a place should be included in a Heritage Overlay is the heritage significance of the property.

### (iii) Discussion

The Statement of Significance considers Criteria A (historical significance), B (rarity), E (aesthetic significance) and H (associative significance) have been met.

The Statement of Significance outlined that the Melba Hall satisfied Criteria A, B, E and H. The significance of the site included:

- The hall served as a focus for community until World War 2 and is the oldest surviving building in the local retail strip.
- Architecturally significant surviving of a pre World War 2 public hall, with an unaltered exterior.
- Association with Dame Nellie Melba, who consented to the local hall being named in her honour, who also attended the opening ceremony.

The Panel accepts that the building meets Criterion A as it was important as a community-oriented public building constructed by the local progress association. Also the TEH 2003 highlights the importance of local meeting places as a relevant theme of Maroondah's history. While the Panel accepts that the building is demonstrative of this element, the building is no longer a community building and has not been available for this purpose for a long period of time.

The Panel considers the citation and its associated comparative analysis do not adequately demonstrate rarity (Criterion B). The comparative analysis considers rarity has been established as other similar examples have either been demolished or redeveloped. The Panel accepts this may be indicative of the past, but the loss of the Hall and its conversion to a commercial use many years ago, in itself has changed the site and its association with being an *"important part of community life in the first half of the twentieth century."* The Panel does not consider a suitable threshold has been met for rarity in terms of Criterion B.

The Panel accepts that there have been sympathetic changes to the building but with its presentation to Exeter Road still intact. Based on this the Panel considers the appropriate threshold for Criterion E has been met.

The comparative analysis focusses on early public halls within the (now) City of Maroondah as well as places associated with Dame Nellie Melba. As such, the Panel accepts that the building, given the significant evidence produced in the preparation of the citation, has a special association with Dame Nellie Melba who opened the hall and consented to the naming of the hall in her honour. It considers the number of similar cited references and media reports from the era satisfactorily demonstrates this association and meets a sufficient threshold for meeting Criterion H for associative significance.

In relation to the extent of the overlay and it being applied to the full site, rather than the building, the Panel accepts and agrees with Council the Heritage Overlay should be mapped to the property boundary. This will ensure that the heritage significance of the building can be considered in the future at the planning permit stage for the balance of the site.

**(iv) Conclusions and recommendation**

The Panel concludes the:

- threshold for local heritage significance has been met for Criteria A, E and H
- threshold for local heritage significance has not been met for Criterion B
- place has local heritage significance and should be included in the Heritage Overlay (HO168).

The Panel recommends:

**Amend the Statement of Significance for 25-27 Exeter Road, Croydon (HO168) to delete references to Criterion B.**

## 7.11 4 Swain Court, Heathmont (HO174)

### Exhibited Statement of significance



#### What is significant?

The former Smith House at 4 Swain Court, Heathmont, is a double-storey flat-roofed brick and timber-framed house with a modular rectangular plan reflected in the expressed structure of the façade, defining bays that are by windows and vertical timber cladding. Erected in 1969-70, it was designed by prize-winning architect Ian J Smith as his own residence.

The significant fabric is defined as the exterior of the entire house. Specific elements of significance include the block-like expression, flat roof with broad eaves and exposed beams, blank brick walls (to side elevations) and modular street façade with varied fenestration and spandrels of vertical timber panelling.

#### How is it significant?

The former Smith House satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion E: Importance in exhibiting particular aesthetic characteristics
- Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period
- Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history.

#### Why is it significant?

The former Smith House is significant for the following reasons:

Architecturally and aesthetically, the house is significant as an unusual example of residential architecture of the late 1960s. While its box-like expression, flat roof and simple repetitive façade are all representative of the prevailing modernist idiom of the post-WW2 era, the house otherwise stands out for its strict modular plan (based on a four-foot grid) that is echoed in the structural expression, elevational treatment and fenestration (**Criterion E**).

The structure is based on a trabeated (post and beam) system that effectively created portal-frames with no need for loadbearing internal walls. Defining modular bays that allowed for standardised infill of windows, doors and solid spandrels, this approach reflected a growing interest in what was referred to at the time as “system built” construction. (**Criterion F**)

Architecturally, the house is also significant as the home of prize-winning architect Ian J Smith, who lived in Heathmont for two decades, during which time he maintained a flourishing private practice that included many projects in what is now the City of Maroondah. With a reputation for residential work bolstered by his



success in high-profile housing competitions in the 1960s and '70s, Smith designed numerous houses in Ringwood, Croydon and Heathmont, as well as a series of kindergartens commissioned by the City of Croydon in the 1970s. Smith's own house in Swain Court, which generated notable press attention at the time, stands out at the municipality's best example of the work of this prolific local architect. **(Criterion H)**

**(i) The issue**

The issue is whether 4 Swain Court, Heathmont is of local heritage significance and should be included in the Heritage Overlay (HO174).

**(ii) Evidence and submissions**

One submitter objected based on the following:

- the Heritage Overlay would inappropriately encumber the site
- dwelling cannot be seen from the public realm
- dwelling is not of aesthetic significance
- heritage nominations should be voluntary.

Mr Reeves stated the significance of the dwelling is not diminished due to it being obscured by vegetation. He maintained that the aesthetic significance is derived from the buildings significant elements and aesthetic qualities are still legible from the public realm.

Council supported the position of Mr Reeves.

**(iii) Discussion**

The elements considered significant were the exterior or the entire house. It is noted in the citation that the house was a 'system built' house which was profiled in several publications including *The Age* newspaper and *Australian Home Beautiful*.

The Panel notes the landowner did not object to the application of the Heritage Overlay, however, one submitter raised concerns about whether the property was of heritage significance and concern in relation to diminished opportunity for redevelopment of the site.

The citation outlines that the house was designed by architect Ian Smith and constructed in 1969-1970. The comparative analysis states:

A resident of Heathmont for two decades, Ian Smith undertook a number of architectural projects in his local area that provide a useful comparative framework. While the previous house that he designed for himself at 34 Coven Avenue, Heathmont (1959) might be an obvious comparator, the building itself (by the architect's own admission) was a far more modest and rudimentary design, with linear plan, low gabled roof and timber cladding.

...

Smith has noted that many of his houses of the 1960s have elements in common with his own, such as modular planning, flat roofs with projecting beams, and alternating bays of windows and solid wall. This is certainly evident in three houses that Smith designed in Byways Drive, Ringwood East, at Nos 8 (1966), 10 (1967) and 2 (1970), and another nearby at 3 Coolooli Court (1973).

But, by the same token, Smith has reported that the "system built" approach to his own house, where modular planning was echoed in a standardised structural system, represented a unique experiment in his body of work – a bold and innovative idea that, he concedes, is unlikely to have appealed to a private client, but was appropriate for an architect's own residence.

The Panel considers that the importance placed on the property for exhibiting aesthetic characteristics has been established. The Statement of Significance states there are some

common built forms that are representative of Modernist design but notes the unusual “*strict modular plan (based on a four-foot grid) that is echoed in the structural expression, elevational treatment and fenestration.*” The Panel accepts the dwelling meets the requisite threshold necessary to satisfy Criterion E.

Criterion F invokes technical achievement. The technical achievement referred to is the use of “system-built” construction techniques that allowed for modular bays and no load bearing walls. The Panel considers this does not meet the threshold for local heritage significance for technical achievement as it has not been demonstrated that this technical achievement creative was important to Maroondah.

The Panel considers that invoking Criterion H for an architect’s own dwelling is problematic. The implication is that many other architect’s own dwellings could be considered as significant based on this reputed special association. The test should be onerous for this reason and ensure that only buildings that truly have a special association are considered significant. The Panel does not consider the threshold for local heritage significance has been met for Criterion H.

#### **(iv) Conclusions and recommendation**

The Panel concludes the:

- threshold for local heritage significance has been met for Criteria E and F
- threshold for local heritage significance has not been met for Criterion H
- place has local heritage significance and should be included in the Heritage Overlay (HO174).

The Panel recommends:

**Amend the Statement of Significance for 4 Swain Court, Heathmont (HO174) to delete reference to Criteria F and H.**

## 7.12 61 Wicklow Avenue, Croydon (HO175)

### Exhibited Statement of significance



#### What is significant?

The former house/medical clinic at 61 Wicklow Avenue, Croydon, is a single-storey weatherboard building with low hipped roof and an elongated façade with half-timbered gabled ends and a projecting porch to one side. It was erected in 1923 as the residence and consulting rooms of Dr Keith Hallam, one of Croydon's first resident physicians, and remained occupied as such (later, by Hallam's brother-in-law and nephew) for almost four decades, when the practice relocated to purpose-built premises on the opposite corner.

The significant fabric is defined as the exterior of the entire house. Specific elements of significance include the hipped roofline with red brick chimneys and half-timber gables, the front porch with brick piers and paired pillars, and the groups of multi-paned double-hung sash windows.

#### How is it significant?

The former house/medical clinic satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion A: Importance to the course, or pattern, of Maroondah's cultural history
- Criterion E: Importance in exhibiting particular aesthetic characteristics.

#### Why is it significant?

The former house/medical clinic is significant for the following reasons:

The building is historically significant for its associations with the early provision of medical care in Croydon. It was erected in 1923 as a combined residence and consulting rooms for Dr Keith Hallam, who commenced practice in the area earlier than year from premises in Coolstore Road. With the latter building long gone, and another early house/clinic in Mount View Street (occupied by Dr W J Burns from c1925) also demolished, the building at 61 Wicklow Avenue stands out as the oldest surviving doctor's premises in Croydon, and the first one known to have been purpose-built as a combined residence and clinic. Latterly occupied by others (notably, Hallam's brother in law, Dr Ian Cameron, and later Cameron's like-named son), the building provides a historical link with the purpose-built medical clinic on the opposite corner of Wicklow Avenue, which succeeded it in the late 1950s and still remains in operation today. **(Criterion A)**

The building is aesthetically significant as an unusual example of a single-storey weatherboard residence in the inter-war bungalow style. Prominently sited on a corner block, the building has uncommonly elongated façade to Wicklow Avenue, with characteristic details such as the half-timber gables, bracketed eaves and

projecting off-centre porch, combined with more unusual elements such as the two rows of five windows, and separate entrances to each street elevation, that ably demonstrate that the building was designed as more than a single private residence. **(Criterion E)**

**(i) The issue**

The issue is whether 61 Wicklow Avenue, Croydon is of local heritage significance and should be included in the Heritage Overlay (HO175) on a permanent basis.

**(ii) Evidence and submissions**

The landowner submitted both support and objection to the Heritage Overlay. He:

- supported the inclusion of heritage protection for history and cultural reasons
- objected because the Heritage Overlay would devalue his property.

Mr Reeves stated:

Application of a heritage overlay will not necessarily prevent a property from being used in a particular way. Given its prominent location and its history as a purpose-built medical clinic, this building could conceivably be adapted for many community uses that might “serve the public”.<sup>22</sup>

Council supported the evidence of Mr Reeves.

**(iii) Discussion**

The property of 61 Wicklow Avenue, Croydon is the only property subject to the Amendment that was included into interim heritage controls implemented by Amendment C151.

The elements considered significant are the exterior of the entire house. It is noted in the citation that the house was constructed in 1923 as a residence and consulting rooms for a local doctor and its significant elements is defined as the exterior of the entire house.

The Panel notes the comparative analysis refers to the property as an early example of a residence incorporating medical consulting rooms. It notes that there are few local comparators. The comparative analysis focusses on the early establishment of local medical services and local doctors serving the local community. It is noted that landowner also supported the protection of the property on history and cultural reasons.

The Panel accepts that the building meets Criterion A as it demonstrates importance as a community-oriented building for its contribution to the provision of early health care to the local community. It is also noted that the TEH 2022 documents the importance of providing public and private health care in the post war era as a significant advancement and improvement for the local community. As an inter-war construction this represents a very early intact purpose-built medical centre that supports this theme of the TEH 2022. While the Panel accepts that the building is representative of this theme, it notes the building is no longer utilised for a medical use.

Criterion E invokes aesthetic significance. The Panel accepts that the building is a prominent building which can be clearly identified as an intact example of inter-war construction. Even though the building has been repurposed as a private dwelling, this does not detract from aesthetic significance. Specific extant elements include the:

- hipped roofline with redbrick chimney and half-timber gablets

<sup>22</sup> Mr Reeves evidence statement, page 20

- front porch with brick piers and paired pillars
- multipaned double hung sash windows.

The Panel accepts that the dwelling is of local historical significance and should be included in the Heritage Overlay.

**(iv) Conclusion**

The Panel concludes that 61 Wicklow Avenue, Croydon has local heritage significance and should be included in the Heritage Overlay (HO175) on a permanent basis.

## 7.13 9-11 Wonga Road, Ringwood North (HO177)

### Exhibited Statement of significance



#### What is significant?

Occupying a large elevated site, the former Salter House at 9-11 Wonga Road, Ringwood North, is a partially two-storey clinker brick house in a simplified Georgian Revival mode, with broad tile-clad hipped roof and large windows with multi-paned sashes and white-painted timber shutters. Erected in 1927 for Howard Salter, a prominent and recently-retired Melbourne draper, the house was reportedly designed by leading society architect Robert Bell Hamilton, who specialised in similar houses mostly in the Toorak area.

The significant fabric is defined as the exterior of the 1927 house, excluding post-WW2 additions. Specific elements of significance include the low hipped roofline, clinker brickwork and double-hung sash windows with louvred shutters. The mature trees along Wonga Road are considered to contribute to the setting of the house. The outbuildings, retaining walls, front gates and tennis court are not considered significant.

#### How is it significant?

The house satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion A: Importance to the course, or pattern, of Maroondah's cultural history
- Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history
- Criterion E: Importance in exhibiting particular aesthetic characteristics.

#### Why is it significant?

The house is significant for the following reasons:

The house is historically significant for its associations with the development of this part of Ringwood North as a prestigious residential enclave that would become known, in later years, as "The Golden Mile". From the early twentieth century, wealthy individuals were attracted by the elevated land along the north side of Wonga Road, acquiring large sites for development with imposing architect-designed houses in landscaped grounds. *Winter Hill*, erected in the late 1920s by a successful but recently retired Melbourne draper (whose former business partner, A W Greenwood, had settled in the area two decades before) is significant as both an early and quintessential manifestation of this distinctive pattern of settlement: a substantial house on a large elevated site with mature trees, and believed to have been designed by a leading society architect who was best known for houses of similar scale and form in Toorak and environs. **(Criterion A)**

The building is aesthetically significant as a substantial and unusual example of inter-war domestic architecture in the City of Maroondah. With its elongated and stepped plan form, stark clinker brickwork,

shuttered windows and low tile-clad hipped roof with broad eaves and tall chimneys with gabled tops, the house evokes a Georgian or Colonial Revival style that, while common in inner south-eastern suburbs (e.g. Toorak, Malvern) is less common in the outer east, and particularly rare in this municipality. As such, it represents a notable departure from the prevailing trend for bungalow-style dwellings that characterises 1920s houses in the study area. In its starkness, simplicity and somewhat monumental scale, it anticipates a type of grand and imposing inter-war dwelling that would not become more common in the municipality until the later 1930s, and, even then, was more often seen in Croydon while remaining rare in Ringwood. Although the extent of its original curtilage has been reduced by partial subdivision, the house maintains a prominent streetscape presence, with much of its broad and distinctive façade visible from Wonga Road. Its unusual style and expression is enhanced by its elevated siting and landscaped setting, which includes several large and prominent mature trees. **(Criterion B) (Criterion E)**

### (i) The issue

The issue is whether 9-11 Wonga Road, Ringwood North is of local heritage significance and should be included in the Heritage Overlay (HO177).

### (ii) Evidence and submissions

The landowner submitted,:

- for Criterion A the dwelling is not “*an early and quintessential manifestation of this distinctive pattern of development*” as Ringwood North, compared to Ringwood, is not as focus of the TEH 2022 and it was the electrification of the railway line to Croydon that stimulated development for Ringwood. The property is a 35 minute walk from the railway station.
- the dwelling was identified in the 2003 Heritage Study but disregarded and was not part of Amendment C42. The only strategic work completed since then was the Heritage Study Review which focussed on the post-war era which is not applicable to the dwelling.
- the Statement of Significance refers to the dwelling’s locality as “*the Golden Mile*” where wealthy individuals were attracted to elevated large lots and built imposing architect-designed dwellings. The notion of a Golden Mile is not made out in the either TEH or the Heritage Study Review and Mr Reeves accepted this was based upon his own anecdotal experiences of living in the area.

One submitter, in response to Criteria B and E, considered the:

- criteria rely heavily on RB Hamilton as the “*leading society architect*” of the dwelling, yet the designer reference in the citation refers to him with a question mark and within the citation that “*it remains unverified*” that he was the architect. He considered all references to RB Hamilton should be deleted as the architect remains unconfirmed
- elongated form of the dwelling, seen as one of its defining characteristics, includes a large carport that was constructed in the 1970s and is not original
- stepped plan form is not a significant element of the dwelling
- window shutters, clinker bricks and chimneys are evident, but their rareness has not been demonstrated
- dwelling is not better than most.

The submitter concluded<sup>23</sup>:

If it is the case that the building is not particularly in-tact; is not important to the course or pattern of Maroondah’s cultural history (Criterion A), and it does not provide a rare or

<sup>23</sup> Document 55, page 15, paragraph 50



endangered aspect(s) (Criterion B); nor is it a fine example or a building of high aesthetic worth or significance (Criterion E); then what is the point of seeking an individual heritage overlay on this place that would have a long and lasting impact to existing and future owners of the land? There appears little if any genuine benefit and in our submission its designation falls well short of the threshold required for an individual place.

Mr Gale considered the Heritage Overlay would inhibit development opportunities under the properties General Residential zoning and location on the Principal Traffic Network. He submitted any reference the existing trees contribution to landscape setting should be deleted as tree controls are not turned on in the schedule.

Mr Reeves stated:

- the project brief required a review of the heritage potential of the 2003 places not included in Amendment C42
- the heritage significance of the dwelling did not rely on the involvement of RB Hamilton, and he accepted in cross examination that a citation should rely on facts and not assumptions
- places can still be deemed significant, for many varied reasons, even when they do not seem to relate directly to the identified themes in a municipality's historical development
- as the dwelling is considered individually significant there is no need for geographical comparators
- it was assumed the carport was part of the original dwelling construction, but reconfirmed the elongated form of the dwelling remained a significant characteristic of the site.

The Ringwood and District Historical Society noted *“the description provided by the consultant of the connection to Maroondah’s history is poor. An association with parts of Ringwood’s history i.e. “The Golden Mile” and AV Greenwood do not justify the assets heritage.”* However, it did support the application of the Heritage Overlay for its association with the first female doctor in Ringwood.

Council submitted:

Heritage amendments are by necessity iterative. Not every significant heritage property is identified in every study or review and not every property identified in a study or review is included in each amendment. 60 properties were omitted from Amendment C42 even though they had been found to be significant in the 2003 study. 9-11 Wonga Road was one of those properties and as such was included in Amendment C148maro. The 2003 thematic Study forms the strategic basis for this. (eg page 49 2003 Thematic and Contextual History refers to the Berringa Park Estate in Ringwood North and further the Study propose listing of 1920's properties in this suburb).<sup>24</sup>

### **(iii) Discussion**

The Panel does not agree that the property's zone and location convey significant development opportunities that should outweigh the need for heritage controls.

In principle the Panel agrees with Council that the consideration of the property in the early 2000s for heritage controls that did not proceed does not mean it can never be revisited. Community values change, more documentation comes forward or simply the flux of time increases a properties heritage value. A review of the earlier material should be conducted as part of any future consideration.

<sup>24</sup> Council Part C submission, paragraph 74

The Panel does not agree with the submitter's distinction between Ringwood and Ringwood North and their association with the electrification of the railway line and impetus for development. It is logical that development would occur closer to public transport but using this as a reason diminish the role of Ringwood North and its contribution to the development of the municipality is not helpful.

Council has the responsibility to justify the addition of new statutory controls and in respect to heritage controls this justification should be certain and clear, not based on assumptions. References to the 'Golden Mile' along Wonga Road that Mr Reeves agreed was from his own anecdotal experiences and not documentary evidence, highlights to the Panel that threshold has not been met for Criterion A.

Criterion B invokes rarity as a basis for heritage significance. The Panel agrees that the dwelling is not a typical built form for Maroondah and that it is more common in inner south-eastern suburbs. The Statement of Significance infers that if this was constructed in Croydon only a handful of years later then it may not have been significant for its rarity. Mr Reeves described it as evoking a Georgian or Colonial Revival style in contrast to the more typical bungalow typologies of the time, but the Panel notes this style is not one of note in the TEH 2022.

The reference to its monumental form in the Statement of Significance seems to be an overstatement as its comparators in the citation are clearly more significant both in heritage significance and scale. This makes it unusual, but it does not make it rare to the extent that heritage controls should be applied. The Panel considers the key characteristics of clinker brickwork, shuttered windows, tall chimneys, stepped and elongated form are not so significant individually or collectively to Maroondah's cultural history that it justifies heritage controls.

Criterion E invokes aesthetic significance. With its elevated position, landscape setting and filtered views from Wonga Road the Panel accepts the dwelling is pleasing to the eye. The Panel notes the landscape setting is not proposed to be controlled by tree controls in the Heritage Overlay, but the Significant Landscape Overlay (Schedule 4 *Landscape Canopy Protection*) does impose a permit trigger for tree removal. As such the key issue from a heritage perspective is whether the dwelling, not the property, has aesthetic significance. The Panel agrees with the submitter that the dwelling is not in its original form with the added carport and the individual features of the dwelling should not be collectively seen as so significant that it warrants heritage controls. The property's landscape setting contributes to a sense of space, but this is a matter that can be considered under the SLO4, if redevelopment was ever proposed. The Panel finds the threshold for Criterion E has not been met.

The Panel notes the concerns of the Ringwood and District Historical Society but does not agree it is significant as the dwelling for Ringwood's first female doctor and has not been identified for its associative significance.

#### **(iv) Conclusions and recommendation**

The Panel concludes the:

- threshold for local heritage significance for Criteria A, B and E have not been met
- property does not have local heritage significance.

The Panel recommends:

**Delete the application of the Heritage Overlay (HO177) to 9-11 Wonga Road, Ringwood North.**

## 7.14 2A Dirkala Avenue, Heathmont (HO179)

### Exhibited Statement of significance



#### What is significant?

The former Hayne Residence at 2A Dirkala Avenue, Heathmont, is an elevated single-storey flat-roofed brick house with a street façade dominated by a projecting double-height glass-walled entry foyer/stairwell bay. Originally erected in 1973 as an architect-designed project house, the building was extensively rebuilt after fire damage in 1983, to a design by the owner's brother, architect Peter Brook, who had then only recently been appointed as Design Director of the commercial firm of Peddle Thorp & Learmonth.

The significant fabric is defined as the exterior of the entire house. Specific elements of significance include the canted stairwell with multi-paned window wall, and the integrated projecting balcony.

#### How is it significant?

The former Hayne House satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion B: Possession of uncommon, rare or endangered aspects of our cultural or natural history
- Criterion F: Importance in demonstrating a high degree of creative or technical achievement at a particular period.

#### Why is it significant?

The former Hayne House is significant for the following reasons:

The house is significant as one of few small-scale residential commissions known to have been undertaken by architect Peter Brook, who has served as Design Director of the major commercial firm of Peddle Thorp for almost forty years from 1983. Originally founded as a branch of the venerable Sydney-based practice of similar name, the Melbourne office of Peddle Thorp (later Peddle Thorp & Learmonth; now Peddle Thorp Architects) rapidly rose in prominence in the 1980s and '90s with a succession of large-scale and high-profile projects such as the National Tennis Centre, the Hyatt-on-Collins Hotel and the ANZ Bank head office. While Brook has designed numerous apartment blocks in his capacity as Design Designer at Peddle Thorp, this modest project in Heathmont, for the refurbishment of his sister's fire-damaged house, remains a very rare foray into small-scaled domestic work by this award-winning commercial architect. **(Criterion B)**

The house is architecturally significant as an uncommonly sophisticated residential renovation project that saw a modest fire-damaged dwelling re-imagined as an eye-catching contemporary residence. As built in 1973, the house was a competent but unremarkable example of an architect-designed project house; after the fire in 1983, architect Brook implemented a slick but deceptively simple refurbishment that fundamentally transformed the house, most notably by addition of a projecting angular glass-walled stairwell

bay (inspired by a Kevin Borland's Crossman House in Malvern East, on which Books had worked in the mid-1970s). Deftly constructed by a talented and highly-respected local builder working on what was essentially a design-and-construct contract, the completed project was duly praised by the *Australian Home Beautiful* for its "high degree of creativity and vision". **(Criterion F)**

**(i) The issue**

The issue is whether 2A Dirkala Avenue, Heathmont is of local heritage significance and should be included in the Heritage Overlay (HO179).

**(ii) Evidence and submissions**

The landowner accepted the dwelling has some historical significance but objected on the following basis:

- The dwelling was significantly redesigned in the 1980s by architect Peter Brook following a fire, including the glass-walled stairwell bay.
- These windows have significant maintenance issues and continually leak and a heritage control will impede the ability to resolve this issue.

It was the evidence of Mr Reeves that "*sometimes a perceived or actual design flaw (e.g. resulting from experimental or untested building technology) can actually be a key part of the significance of a place.*" Council supported the evidence of Mr Reeves.

**(iii) Discussion**

The original dwelling was constructed in 1973 as a "*two storey three-bedroom dwelling in white-painted brick, with low hipped roof and a generous front balcony with garage below.*" After a fire in 1983 it was "*transformed*", as referred to in the citation, into a spacious light filled home. The house was designed by commercial architect Peter Brook (as a relative of the owners) and significance for Criterion B is invoked as it was one of his rare forays into residential architecture.

The Panel has several concerns with this proposed listing.

Criterion B invokes rarity and relies on the role of Peter Brook in designing the renovation. The fact that an architect designed a renovation is not significant and it being a rare residential project in a career dominated by larger commercial projects is noted but not so notable that it meets the threshold for local significance for Criterion B.

Criterion F invokes technical or creative achievement. The technical achievement referred to is the 1983 renovation of the dwelling by Peter Brook that focusses on the glassed stairwell. The Panel considers this sets a very low bar for what a technical achievement is and falls well short of demonstrating how it was so important to Maroondah that a heritage control was justified. It is an interesting architectural feature, that has its flaws, but it is not an important technical achievement. Further the renovation in 1983 falls well outside of how post-war or Modernism should be interpreted. In the Making Homes for Victorians theme of the TEH 2022 that latest decade referred to is the 1970s and there is no mention of the 1980s, the decade the renovation was constructed.

**(iv) Conclusions and recommendation**

The Panel concludes the:

- threshold for local heritage significance for Criteria B and E have not been met
- property does not have local heritage significance.

The Panel recommends:

**Delete the application of the Heritage Overlay (HO179) to 2A Dirkala Avenue, Heathmont.**

## 7.15 22 Lucille Avenue, Croydon South (HO181)

### Exhibited Statement of significance



#### What is significant?

The Stielow House at 22 Lucille Avenue, Croydon South, is a split-level skillion-roofed modernist house of Mount Gambier limestone construction. Erected in 1958-59 for shipping agent Hilbert Stielow and his wife Shirley, the house was designed by architect David C Moore & Associates.

The significant fabric is defined as the exterior of the entire house. Specific elements of significance include the low skillion roofline with integrated carport, Mount Gambier limestone walls, and full-height window bays to the street frontage.

#### How is it significant?

The Stielow House satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion E: Importance in exhibiting particular aesthetic characteristics.

#### Why is it significant?

The Stielow House is significant for the following reason:

The house is architecturally significant as a distinctive and unusual example of post-WW2 modernist residential design. Conceived for a large square block with an atypically wide street frontage, the house was laid out on an L-shaped plan, stepped to follow the slope of the land, and placed at an angle to exploit sun penetration from the north and views to the south. Its long, low, ground-hugging form was emphasised by a long, low skillion roofline and the strong horizontal expression of coursed masonry with deeply raked joints. The masonry itself represents a striking use of the distinctive pale-coloured Mount Gambier limestone that experienced a renewed burst of popularity amongst Melbourne architects in the late 1950s and early 1960s. This unusual and notably intact modernist house (consequent to still being owned by the family that built it) remains an eye-catching element in the suburban streetscape. **(Criterion E)**

#### (i) The issue

The issue is whether 22 Lucille Avenue, Croydon North is of local heritage significance and should be included in the Heritage Overlay (HO181).

**(ii) Evidence and submissions**

The landowner considered the dwelling was not architecturally significant because:

- the land has a similar width to others in the street and as such is not “*atypically wide*”
- there are no views to the south and this did not influence design
- the limestone joints are not, and never, were deeply raked or filled with darker mortar
- limestone was used as it was cheaper than brick
- the dwelling is not intact as it was extended by 50 per cent in the 1970s, repainted in 1999 and re-roofed and clerestory windows covered about 20 years ago.

The landowner referred to errors in the citation that related to personal details and references in other documents to the design. The landowner concluded “*as can be seen from the above the initial assessment that the property is architecturally significant is based on inaccurate information and the property should not be heritage listed.*”

Mr Reeves stated the:

- lot was atypically wide, but no significance is attributed to this or the views to the south
- limestone joints were either deeply raked or used dark mortar
- dwelling is substantially intact as most changes are not visible from the street
- covering of the clerestory windows is accepted but does not diminish the significance of the place
- dwelling is distinct from others in the street.

Council supported the evidence of Mr Reeves and proposed to update the citation and Statement of Significance in response to the submission received.

**(iii) Discussion**

Criterion E invokes importance in exhibiting particular aesthetic characteristics. The Statement of Significance refers to the size of the land and its wide frontage which the Panel does not consider as aesthetic characteristics. Mr Reeves response to the submission supports this view. Therefore, the aesthetic characteristics relate to the building itself and can be summarised as the exterior of the whole dwelling including:

- low skillion roof line
- coursed Mount Gambier limestone masonry
- full height window bays to the street frontage.

The Panel does not consider these features exhibit importance aesthetic characteristics. They may be examples, but they cannot be said to be important. The dwelling is not in its original form but did use Mount Gambier limestone in the extension. The clerestory windows have been covered. Collectively this indicates to the Panel the dwelling’s significance has been diminished, is not adequately intact and does not meet the threshold required for individual significance.



**(iv) Conclusions and recommendation**

The Panel concludes:

- the threshold for local heritage significance has not been met for Criterion E
- the property does not have local heritage significance.

The Panel recommends:

**Delete the application of the Heritage Overlay (HO181) to 22 Lucille Avenue, Croydon South.**

## 7.16 4 Wendy Court, Heathmont (HO182)

### Exhibited Statement of significance



#### What is significant?

The former De Schrynmakers House at 4 Wendy Court, Heathmont, is a predominantly single-storey flat-roofed cream brick house expressed as an elevated rectilinear mass with a mostly glazed façade, undercroft garage and long ramp leading up to the front door. It was erected for English-born sales representative Anton De Schrynmakers and his wife Phyllis, to a design by architect A M Matthews.

The significant fabric is defined as the exterior of the entire house. Specific elements of significance include the low roofline and the elongated double-fronted street elevation with continuous window bays, pebbled spandrels, cream brickwork and the pedestrian ramp with metal balustrade.

#### How is it significant?

The former De Schrynmakers House satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion E: Importance in exhibiting particular aesthetic characteristics.

#### Why is it significant?

The former De Schrynmakers House is significant for the following reasons:

The house is aesthetically significant as a distinctive and notably intact example of post-WW2 modernist residential architecture. Expressed as flat-roofed rectilinear volume, elevated on exposed structure and wing walls to create the effect of a hovering mass, the house is a textbook example of the quintessential modernist “elevated box”. Beyond that, it is unusual for an uncommonly elongated street facade, broken up into a series of projecting and receding planes that incorporate extensive glazing in geometric configurations of fixed and operable windows. The overall starkness is otherwise relieved only by an asymmetrical pair of concrete window spandrels with an unusual pebbled finish, which form an eye-catching element above the subfloor garage. The long two-flight steel-framed entry ramp, which extends across most of the lower level, is an element that, while strongly associated with the International Style (and, in Australia, with the early Sydney houses of Harry Seidler), is rarely seen in 1950s houses in Melbourne. Substantially intact when seen from the street, the house is enhanced by an equally intact setting that includes volcanic rock retaining walls, crazy paved steps and garden lamp, evocative of the mid-century era. **(Criterion E)**

**(i) The issue**

The issue is whether 4 Wendy Court, Heathmont is of local heritage significance and should be included in the Heritage Overlay (HO182).

**(ii) Evidence and submissions**

Two submitters considered the dwelling was not of local heritage significance because:

- significant changes to the dwelling were made over time including renovations to the rear of the dwelling and addition of roof top solar panels
- the architect, Anthony Matthews, is not of significant note
- the dwelling has structural design flaws
- the Heritage Overlay would limit the ability to make further changes.

Mr Reeves considered:

The citation did not suggest that the design of the house was especially innovative, and the word “iconic” (which can be difficult to apply in any objective sense) was never used.

While it is concurred that the aesthetic qualities of the house reflect the trends of the time, it is maintained that it is a particularly intact and eye-catching manifestation of these trends. This is sufficient for the house to be considered of aesthetic significance at the local level, and thus “worthy of long term preservation.”

Mr Reeves considered any design flaws or construction standard of a building were not sufficient grounds for a Heritage Overlay not to be applied. He noted that these issues might be readdressed in the future with works, subject to approval, being undertaken for the site.

Mr Reeves dismissed the impact of alterations, particularly those at the rear of the building, stating that when the Heritage Study Review was undertaken, physical integrity was assessed based on what can be seen from the street or other public vantage points. During cross examination Mr Reeves conceded that in this instance the property might be able to be sighted from rear streets but referenced Wendy Court as the place for the predominant aspect of inspections.

During the Hearing it became apparent that there had been works undertaken to the exterior of the dwelling. The changes included:

- removal of entry ramp and replacement with timber stairs
- rendering over the cream brickwork
- rendering over pebble spandrels (under windows)
- infilled the exposed substructure
- obfuscation/infilling of the entrance porch
- new driveway replacing former pebbled driveway
- removal of rock retaining walls (as part of driveway alterations).

In support of the building changes photos taken in November 2023 were supplied to document the changes that had occurred.

**Figure 20** 4 Wendy Court, Heathmont November 2023



Source: Submitter 37

After Council became aware of these changes it concluded the dwelling could be deleted from the Heritage Overlay stating:

The cream brickwork and pebbled spandrels (both rendered over) were part of the aesthetic significance. The entry ramp has also been removed and replaced with timber steps. The ramp was a very rare and unusual feature in a private residence such as this and was one of the key elements in its architectural composition and its removal has further diminished significance.<sup>25</sup>

### **(iii) Discussion**

The citation and Statement of Significance for the property considered Criterion E (aesthetic significance) was met. It cited that the aesthetically significant dwelling was a distinctive and intact example of post-war modernist architecture. In particular, the following elements were of importance:

- flat roofed rectilinear volume elevated exposed structure with wing walls to create the effect of a hovering mass with the appearance of a 'modernist elevated box' structure
- asymmetrical concrete pebbled finished window spandrels
- two flight steel-framed entry ramp
- volcanic rock wall retaining walls
- crazy paved steps and garden lamp.

The changes that have occurred between the exhibition of the Amendment and the Hearing have had a substantive impact on the level of intactness of the dwelling and those elements considered to be of significance. Most, if not all, of the significant features have been impacted and altered beyond cosmetic changes.

The Panel agrees with Council the Heritage Overlay should not be applied to the property.

<sup>25</sup> Page 9, paragraph 66

**(iv) Conclusion and recommendation**

The Panel concludes that 4 Wendy Court, Heathmont does not have local heritage significance and should be deleted from the Heritage Overlay (HO182).

The Panel recommends:

**Delete the application of the Heritage Overlay (HO182) to 4 Wendy Court, Heathmont.**

## 7.17 3 The Boulevard, Heathmont (HO183)

### Exhibited Statement of significance



#### What is significant?

The former McGinley House at 3 The Boulevard, Heathmont, is an elevated single-storey flat-roofed concrete brick house with a U-shaped courtyard plan that is expressed in an asymmetrical triple-fronted street façade, with central recessed terrace flanked by two projecting bays. One bay as a full-height corner window and the other is entirely blank, dominated by a stone-clad feature wall. The house was erected in 1958-59 for schoolteacher Rix McGinley and his wife Peg, to a design by architect J Neville Gunnis.

The significant fabric is defined as the exterior of the entire house. Specific elements of significance include the flat roofline with panelled fascias, U-shaped street frontage with central recessed terrace, full-height window bays and blank Castlemaine slate feature wall.

#### How is it significant?

The former McGinley House satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion E: Importance in exhibiting particular aesthetic characteristics.

#### Why is it significant?

The former McGinley House is significant for the following reasons:

The house is aesthetically significant as a highly unusual example of post-WW2 modernist residential architecture. Its distinctive C-shaped courtyard form, indicative of a growing interest in zoned planning in the 1950s, has been deftly expressed as an unusual triple-fronted street facade with a central recessed bay flanked by projecting wings. The bold rectilinear massing, low roofline, broad fascias and large areas of glazing (including an unusual full-height corner window) are all characteristic of progressive modernist architecture of the era. These are coupled with elements indicative with the more decorative "Featurist" trend of the late 1950s, such as the decorative metal balustrade and, most notably, the full-height and full-width feature wall of random coursed ashlar stonework. Owned by the same family for almost sixty years, this uncommonly intact house remains a striking element in the suburban streetscape. **(Criterion E)**

#### (i) The issue

The issue is whether 3 The Boulevard, Heathmont is of local heritage significance and should be included in the Heritage Overlay (HO183).



**(ii) Evidence and submissions**

The landowner submitted:

- application of the Heritage Overlay is unfair and has not been justified
- the VHR Guidelines contain exclusion guidelines for Criterion E which indicate:
  - there are multiple properties within 200 metres that have similar characteristics which shows the dwelling does not exceed those of the general class to which the place belongs (that is, lacks distinctiveness)
  - the dwelling has not received any public recognition apart from the Heritage Study Review (unproven recognition)
  - the Castlemaine stonework wall has faded significantly which has irreversibly degraded this feature (degraded aesthetic qualities)
- dwellings referred to in the comparative analysis are not within the Heritage Overlay
- additions include a double carport, extension next to the feature wall and altered front windows (even though they are referred to as original features). This accounts for over 20 per cent of the façade of the dwelling that has been altered.

Mr Reeves stated the Heritage Overlay should be applied to the land.

**(iii) Discussion**

The key issue for the Panel is whether the dwelling has reached the threshold for local heritage significance, not State significance.

The Heritage Overlay is proposed to reflect the dwellings important aesthetic significance. The Panel does not consider the dwelling has met the requisite threshold as its importance has not been demonstrated. The dwelling is not in its original form and its significant characteristics (flat roof, U-shaped courtyard, stonework wall) while extant, do not indicate that this dwelling is “*highly unusual*” as it is referred to in the Statement of Significance. The comparative analysis does not refer to any comparators that have been recognised for their heritage value and are within the Heritage Overlay, including examples in other municipalities.

While the dwelling is pleasing to the eye and an example of Modernist architecture, the photos provided by the submitter show other dwellings with similar characteristics in close proximity. This does not meet the threshold of significance as Council has not demonstrated that it is important for its aesthetic significance.

**(iv) Conclusion and recommendation**

The Panel concludes 3 The Boulevard, Heathmont does not meet the threshold for Criterion E and does not have local heritage significance.

The Panel recommends:

**Delete the application of the Heritage Overlay (HO183) to 3 The Boulevard, Heathmont.**



## 7.18 30-32 Station Street, Ringwood (HO184)

### Exhibited Statement of significance



#### What is significant?

The Ringwood Uniting Church at 30-32 Station Street, Ringwood is a large, intact and visually commanding Modernist church erected in 1962-63 for the Methodist Church, designed by architect F C Armstrong. The church is sited above a rock retaining wall opposite the Ringwood railway station. Its façade is dominated by a large salmon brick prow-shaped gable bisected by a tall leadlight window and a massive, full height concrete cross. The leadlight has a sunburst forming an abstract sunburst cross. Counterpointing the large mass of the nave there is a low flat-roofed entrance and chapel section partly faced in Castlemaine stone, with a cross-shaped brick column five storeys high, surmounted by a bronze Celtic cross.

The significant fabric is defined as the exterior of the 1962-63 church. Specific elements of significance include the face brickwork and pebbled concrete panels, symmetrical nave facade with Latin cross and leadlight windows, flat-roofed corner foyer with Castlemaine slate cladding, cruciform tower with Celtic cross, and the elements salvaged from the original 1918 church (ie foundation stone and stained glass windows).

The adjacent Sunday School Hall is considered as a contributory element, but the other structures on the site (namely the Fellowship Block, Kindergarten, 1980s foyer addition and two residences on Greenwood Avenue) are not considered to be significant.

#### How is it significant?

The Ringwood Uniting Church satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion A: Importance to the course, or pattern, of Maroondah's cultural history
- Criterion E: Importance in exhibiting particular aesthetic characteristics
- Criterion G: Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.

#### Why is it significant?

The church is historically significant for its association with Ringwood's Methodist (later Uniting) church congregation. Erected in 1962-63 to replace an earlier church on the site built in 1918, the new church was the culmination of decade-long masterplan to upgrade facilities on the site in response to the growing congregation consequent to the post-war population boom in the Ringwood area. The new church significantly incorporated fabric from the earlier church, namely the foundation stones and memorial stained

glass windows, which remain to provide tangible evidence of the congregation's pre-war origins. **(Criterion A)**

The church is architecturally significant as an intact and striking example of post-WW2 ecclesiastical modernism, with its unusual wedge-shaped nave, tapering prow-like roofline and canted façade to Station Street incorporating a large leadlight window with sunburst cross motif. Elements such as the Castlemaine slate cladding, pebbled panels and zigzag metal railings demonstrative the pervasive influence of the trend towards decorative embellishment in the early 1960s, often seen in houses of that period but less commonly in churches. Occupying an elevated site, the church remains as a prominent landmark overlooking Ringwood's railway station precinct. **(Criterion E)**

The church is socially significant as an urban landmark, traditional community focus, meeting place and repository of memories and spiritual sentiment. **(Criterion G)**

### **(i) The issues**

All parties agreed the Heritage Overlay should apply to the site but differed in its extent.

The issues are whether the:

- Heritage Overlay (HO182) should be reduced in extent on the site
- Sunday School Hall is a contributory building.

### **(ii) Evidence and submissions**

The Uniting Church in Australia supported the broad principles of the Amendment and the application of the Heritage Overlay to identified significant buildings but requested the following changes to the exhibited Statement of Significance and the Heritage Overlay mapping for the site:

- amend the Statement of Significance to remove any reference to the Sunday School Hall as a 'contributory' building and cite it as a non-contributory building
- amend the boundaries of HO184 to reduce the area of cover to be the Church building and its immediate surroundings only.

Mr Stephenson gave evidence for the Uniting Church in Australia. Mr Stephenson stated the Heritage Overlay should be restricted to the Church building and paving to the north-east as outlined in Figure 21. He reached this conclusion based on:

- The citation and Statement of Significance focus on the Church and "*pays little attention to the remaining structures – Sunday School Hall, Fellowship Block and the Kindergarten*".
- The Sunday School Hall is a simple red brick structure that has had the Latin cross motif removed. Its simplicity "*is in no way contributory to the 'striking example of post-WW2 ecclesiastical modernism that is demonstrated by the Church'*".
- The frontage of the Sunday School Hall is wrapped by the Scots Foyer building which diminishes any significance.
- The comparative analysis does not refer to ancillary structure and how the Sunday School Hall contributes to the significance of the place.
- The removal of the Sunday School Hall would not diminish the significance of the Church building.

**Figure 21** Landowner proposed extent of Heritage Overlay Uniting Church, Ringwood



Source: Mr Robertsons submission, paragraph 32

Mr Reeves stated *“the Sunday School Hall, is considered to contribute to the overall historical and aesthetic significance of the site but is not required to satisfy individual criteria applied in isolation to its context.”* He stated:

Dating from 1954, it predates the church proper and thus has associations with the early post-WW2 expansion of the site. When the hall’s present-day exterior is compared with historical photographs (Figures 27A, 27B), its intactness is clear: a few minor changes have been made, such as the insertion of two small windows and removal of the Latin cross and metal lettering (the vertical strip window to the left side of the facade, and incised foundation stone, remain evident). This level of intactness is demonstrable greater than the heavily modified foyer area alongside, as well as the much-altered kindergarten fronting Greenwood Avenue (Figures 27C, 27D). Thus, the hall was considered to be a contributory element, while the foyer area, kindergarten and other structures not visible from the street were all considered non-contributory.

Council submitted *“an advantage of including the Sunday School Hall in the Heritage Overlay as a contributory element, is that it provides the Church building with sufficient curtilage to achieve an appropriate setting and context.”*

Mr Stephenson agreed with Council that if the Heritage Overlay was reduced there would not be a permit trigger to consider subdivision or development on the balance of the site. In response to a question from the Panel Mr Stephenson agreed that retaining the exhibited extent of the Heritage Overlay and classifying the Sunday School Building as non-contributory would be a good outcome.

The Uniting Church in Australia provided an updated version (Document 63) of the Statement of Significance.

### **(iii) Discussion**

The Panel notes the significance of the Church building is not in contention. The Panel does not consider the Sunday School Hall, even though it pre-dates the Church building, has local heritage significance because the:

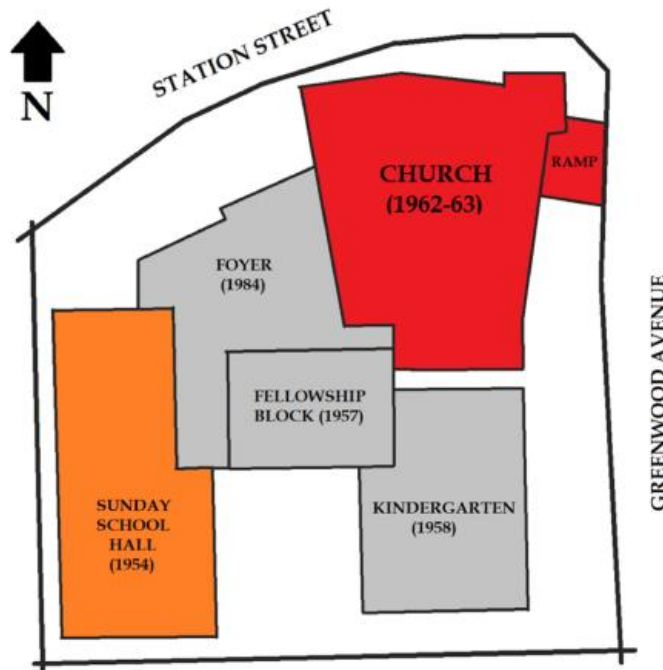
- citation and Statement of Significance (and earlier heritage investigations) do not identify that it is significant

- building is a simple structure with utilitarian form.

The Sunday School Hall should be identified as a non-contributory building.

Figure 22 shows the context of the buildings on site. The Sunday School Hall is located on the west side and the church is located on the east side.

**Figure 22** Location of buildings on 30-32 Station Street, Ringwood



Source: Citation

The Panel does not support the retraction of the Heritage Overlay to cover the Church building only because the:

- resultant curtilage to the remainder of the site would be just beyond the church building itself and this is inadequate for managing heritage values of the place
- site is large and is within an activity centre where the planning controls allow for significant redevelopment potential and this is an important consideration to ensure strategic objectives of locality can be delivered while managing heritage values of the place
- usual approach supported by PPN01 is to apply the Heritage Overlay to property boundaries unless there is adequate justification to reduce the extent.

The retention of the Heritage Overlay mapping as exhibited will allow a more comprehensive approach to its redevelopment potential and ensure the local significance of the Church building is maintained.

The updated version of the Statement of Significance from the Uniting Church in Australia contains some additional comments regarding the paved area to the northwest of the Church building and the stone retaining wall which Council should consider adding.

**(iv) Conclusions and recommendation**

The Panel concludes the:

- application of the Heritage Overlay to the whole site is appropriate
- a reduction of the Heritage Overlay will diminish the ability of Council to appropriately consider the sites redevelopment
- Sunday School Hall should be identified as a non-contributory building.

The Panel recommends:

**Amend the Statement of Significance for 30-32 Station Street, Ringwood (HO184) to identify the Sunday School Hall as a non-contributory building.**

## Appendix A Submitters to the Amendment

| No. | Submitter                         | No. | Submitter                     |
|-----|-----------------------------------|-----|-------------------------------|
| 1   | Martin Kendrick                   | 27  | Uniting Church of Australia   |
| 2   | Geoff McLean                      | 28  | Rhyll Perry                   |
| 3   | Geoff McLean                      | 29  | Lynne Orford                  |
| 4   | Juliana Metlenko and Kody Derrick | 30  | Ian Ashman                    |
| 5   | Kody Derrick                      | 31  | Rio Christyanto               |
| 6   | Heathmont History Group           | 32  | Jacinta Willcocks             |
| 7   | Chen Hong                         | 33  | Rob Law and Rio Christyanto   |
| 8   | Diana Pikula                      | 34  | James Roscoe                  |
| 9   | David and Marion King             | 35  | Haoyuan Zhu                   |
| 10  | Ann Whitney                       | 36  | Zixiang Zhang                 |
| 11  | Diana Bell                        | 37  | Jessica Underwood             |
| 12  | Nilanthi Gamlath Appuhamillage    | 38  | Marion Spencer                |
| 13  | David and Natalie Beaton          | 39  | Beverley and Fulvio Bencina   |
| 14  | Beng Choo Low                     | 40  | Brian Petersen                |
| 15  | Tom Oliver                        | 41  | Royal Castellino              |
| 16  | Hui Huang and Yuedi He            | 42  | Tim Horman                    |
| 17  | Steve Downes                      | 43  | National Trust of Australia   |
| 18  | Bruce and Lynette Kerr            | 44  | Robyn Woolcock                |
| 19  | Prasanga Edirisinghe              | 45  | Roxanne Petersen              |
| 20  | Ken Sheedy                        | 46  | Bayswater Victoria Pty Ltd    |
| 21  | Dawn Sheedy                       | 47  | Shirley and Hilbert Stielow   |
| 22  | Gary Ulman                        | 48  | Ann McDowell                  |
| 23  | Anil Kumar Deut                   | 49  | Johnathan and Jennifer Gosden |
| 24  | Ringwood Historical Society       | 50  | Peter Poole                   |
| 25  | Anita Luzza                       | 51  | Will Fowles MP                |
| 26  | Martin Dieleman                   |     |                               |

## Appendix B Parties to the Panel Hearing

| Submitter                     | Represented by   |
|-------------------------------|--|
| Maroondah City Council        | Maria Marshall of Maddocks solicitors assisted by Chloe Henry-Jones, who called expert evidence on: <ul style="list-style-type: none"> <li>- heritage from Simon Reeves of Built Heritage</li> <li>- heritage from Jim Gard'ner of GJM Heritage</li> </ul> |
| Bayswater Victoria Pty Ltd    | Rupert Watters of Counsel instructed by Rory O'Connor of Hall and Willcox Lawyers, who called expert evidence on: <ul style="list-style-type: none"> <li>- heritage from Michelle Knehans of Lovell Chen</li> </ul>  |
| Uniting Church of Australia   | Andrew Robertson of Tract Consultants assisted by Perry Athanasopoulos, who called expert evidence on: <ul style="list-style-type: none"> <li>- heritage from Mark Stephenson of Trethowan Architecture</li> </ul>   |
| Zixiang Zhang                 | Yun Yu from Best Hooper Solicitors who called expert evidence on: <ul style="list-style-type: none"> <li>- heritage from Roger Beeston of RBA Architects</li> </ul>  |
| Beverley and Fulvio Bencina   | Gareth Gale of Gareth Gale Consulting  |
| Rhyll Perry                   |  |
| Johnathan and Jennifer Gosden |  |
| Hui Cathy Huang and Yuedi He  |  |
| Jessica Underwood             |  |
| Anne McDowell                 |  |
| Steven Downes                 |  |
| Jacinta Willcocks             |  |
| Haoyuan Zhu                   |  |
| National Trust of Australia   | Samantha Westbrooke  |
| Rio Christyanto               |  |
| Thomas Oliver                 |  |
| Bruce and Lynette Kerr        |  |
| James Roscoe                  |  |
| Roxanne Petersen              |  |
| Will Fowles MP                |  |



## Appendix C Document list

| No. | Date       | Description   | Presented by  |
|-----|------------|---|---|
| 1   | 30/10/2023 | Directions and Hearing Timetable V1   | PPV   |
| 2   | 03/11/2023 | City of Maroondah Heritage Study Review: Volume 1 Post-WW2 Thematic Environmental History (Built Heritage Pty Ltd, May 2022) (as exhibited)                         | Ms Henry-Jones, Maddocks for Maroondah City Council |
| 3   | "          | City of Maroondah Heritage Study Review Volume 2: Citations for Individual Heritage Places & Heritage Precincts (Build Heritage Pty Ltd, April 2023) (as exhibited) | "   |
| 4   | "          | Peer Review of Contemporary Homes Serial Listing (GJM Heritage, 24 October 2023)  | "   |
| 5   | "          | Consolidated list of recommended changes to the Amendment endorsed by Council on 18 September 2023 meeting  | "   |
| 6   | "          | HO Map for HO188 (post exhibition version that reflects Council's recommended changes)  | "   |
| 7   | "          | Heritage Design Guidelines for HO188 (post exhibition version that reflects Council's recommended changes)  | "   |
| 8   | "          | Statement of Significance for HO188 (post exhibition version that reflects Council's recommended changes)   | "   |
| 9   | "          | Heritage Design Guidelines for HO172 (post exhibition version that reflects Council's recommended changes)  | "   |
| 10  | "          | Schedule to Clause 43.01 (post exhibition version that reflects Council's recommended changes).   | "   |
| 11  | "          | Heritage Appraisal by Lovell Chen dated 10 October 2023   | Mr Denham, Hall & Willcox for S46                   |
| 12  | 13/11/2023 | Part A Submission   | Ms Henry-Jones, Maddocks for Maroondah City Council |
| 13  | "          | Expert witness statement of Mr Gard'ner, GJM Heritage   | Ms Henry-Jones, Maddocks for Maroondah City Council |
| 14  | "          | Expert witness statement of Mr Reeves, Built Heritage   | "   |
| 15  | "          | Addendum to expert witness statement of Mr Reeves, Built Heritage   | "   |

| No. | Date       | Description  | Presented by  |
|-----|------------|--|---|
| 16  | 20/11/2023 | Expert witness statement of Mr Stephenson, Trethowan Architecture  | Mr Athanasopoulos, Tract for S27                    |
| 17  | "          | Request for peer review of heritage value for HO183  | Mr Zhu for S35                                      |
| 18  | "          | Expert witness statement of Ms Knehans, Lovell Chen  | Mr Denham, Hall & Willcox for S46                   |
| 19  | "          | Expert witness statement of Mr Beeston, RBA Architects and Conservation Consultants  | Mr Yu, Best Hooper for S36                          |
| 20  | 21/11/2023 | Hearing Timetable and Distribution List V2   | PPV   |
| 21  | "          | Request by Roxanne Petersen (S45) to be Heard  | MS Petersen   |
| 22  | 22/11/2023 | Request Council for peer review of HO183   | Mr Zhu  |
| 23  | "          | Additional material (S16)  | Hui Huang & Yuedi He                                |
| 24  | "          | Late submission (S50)  | Peter Poole   |
| 25  | "          | Consideration by Maroondah City Council of late submissions, including: <ul style="list-style-type: none"> <li>a. Cover letter</li> <li>b. Table considering land submissions</li> <li>c. Updated late submissions register</li> </ul> | Ms Rivero for Maroondah City Council                |
| 26  | 24/11/2023 | Hearing Timetable and Distribution List V3   | PPV   |
| 27  | "          | Part B Submission  | Ms Henry-Jones, Maddocks for Maroondah City Council |
| 28  | "          | PowerPoint presentation of Mr Gard'ner   | "   |
| 29  | 27/11/2023 | Building permit information regarding 21 Ross Crescent   | Ms Rivero for Maroondah City Council                |
| 30  | "          | Submission to Panel for 4 Wendy Court, Heathmont (S37)   | Ms Underwood S37                                    |
| 31  | "          | Late Submission (S51)  | Mr Fowles MLA                                       |
| 32  | 28/11/2023 | Submission for 21 Ross Court, Heathmont including: <ul style="list-style-type: none"> <li>a. Submission</li> <li>b. Series of photographs</li> </ul>   | Ms Huang S16  |
| 33  | "          | Submission for 20 Rawson Court, Ringwood   | Ms Perry S28  |
| 34  | "          | Copy of SLO4   | Ms Henry-Jones, Maddocks for Maroondah City Council |
| 35  | "          | Thematic Environmental History (2003)  | "   |

| No. | Date       | Description   | Presented by  |
|-----|------------|---|---|
| 36  | "          | Updated Page 78 from Statement of Evidence of Mr Reeves (hard copy)   | "   |
| 37  | "          | Email advising that they will not be attending Day 3 Hearing for 131-133 Dorset Road, Croydon   | Mr Godsen S49                                       |
| 38  | "          | Presentation material to support submission for 4 Wendy Court, Heathmont including: <ul style="list-style-type: none"> <li>a. PowerPoint presentation</li> <li>b. Video</li> </ul>  | Ms Underwood S37                                    |
| 39  | "          | Submission for 254 Canterbury Road, Bayswater North (former British Nylon Spinners / Fibremakers Factory) including: <ul style="list-style-type: none"> <li>a. Final submission</li> <li>b. PowerPoint presentation for Ms Knehans</li> <li>c. Masterplan for site</li> </ul> | Mr O'Connor for Hall & Willcox, S46                 |
| 40  | 29/11/2023 | Email advising that they will not be attending Day 4 Hearing for 130 Croydon Road, Croydon  | Mr Downes S17                                       |
| 41  | "          | Submission for 30 – 32 Station Street, Ringwood East including: <ul style="list-style-type: none"> <li>a. Final Submission</li> <li>b. PowerPoint presentation</li> </ul>   | Mr Athanasopoulos for Tract, S27                    |
| 42  | "          | Submission for 23 Ross Cr, Heathmont including: <ul style="list-style-type: none"> <li>a. Final Submission</li> <li>b. PowerPoint presentation for Mr Beeston</li> </ul>  | Mr Yu for Best Hooper, S36                          |
| 43  | "          | Email advising that they will not be attending Day 4 Hearing for 131-133 Dorset Road, Croydon   | Ms McDowell S48                                     |
| 44  | "          | Updated PowerPoint presentation   | Ms Perry S28  |
| 45  | 30/11/2023 | Serial listings summary, C89, C149, C200  | Ms Henry-Jones, Maddocks for Maroondah City Council |
| 46  | "          | VHR database report for Lilydale Federation House Types (HO411)   | "   |
| 47  | "          | VHR database report for Lilydale Interwar House Types (HO412)   | "   |
| 48  | "          | VHR database report for Lilydale Pre-Federation House Types (HO410)   | "   |
| 49  | "          | VHR database report for Late Timber Residence Series, Sebastopol  | "   |
| 50  | "          | VHR database report for Moderne apartments, Brunswick East  | "   |

| No. | Date      | Description   | Presented by                                       |
|-----|-----------|---|--|
| 51  | "         | Email to all parties advising Wednesday 6 December will be held as a hybrid hearing   | PPV  |
| 52  | 1/12/2023 | Submission for 1-10 Murray Road, Ringwood   | Mr Oliver, S15                                     |
| 53  | 4/12/2023 | Submission of National Trust  | Ms Westbrooke for National Trust of Australia, S43 |
| 54  | "         | Marked up Heritage Citation for 30-32 Station Street, Ringwood  | Mr Athanasopoulos for Tract, S27                   |
| 55  | "         | Submission for 9-11 Wonga Road, Ringwood North  | Mr Gale for Gareth Gale Consulting, S39            |
| 56  | "         | Submission for 22 Rawson Court, Ringwood East, including: <ul style="list-style-type: none"> <li>a. Final Submission</li> <li>b. PowerPoint presentation</li> </ul>                         | Ms Willcocks, S32                                  |
| 57  | "         | Submission for 22 Rawson Court, Ringwood East, including: <ul style="list-style-type: none"> <li>a. Final Submission</li> <li>b. PowerPoint presentation</li> </ul>                         | Mr Zhu, S35  |
| 58  | "         | Track changed Heritage Design Guidelines for 254 Canterbury Road, Bayswater North   | Mr Denham, Hall & Willcox for S46                  |
| 59  | "         | Track changed Statement of Significance for 254 Canterbury Road, Bayswater North  | Mr Denham, Hall & Willcox for S46                  |
| 60  | "         | Addendum to Ringwood Historic Society submission (S24) dated 3 December 2023 submitted by Ms Wilcocks   | Ms Willcocks, S32                                  |
| 61  | "         | Submission for 25 Exeter Road, Croydon North, including: <ul style="list-style-type: none"> <li>a. Final Submission</li> <li>b. PowerPoint presentation</li> </ul>                          | Mr Roscoe, S34                                     |
| 62  | "         | Revised Submission for 22 Rawson Court, Ringwood East, including: <ul style="list-style-type: none"> <li>a. Updated final Submission</li> <li>b. Updated PowerPoint presentation</li> </ul> | Mr Zhu, S35  |
| 63  | "         | Marked up Statement of Significance for 30-32 Station Street, Ringwood  | Mr Robertson from Tract, S27                       |
| 64  | "         | Submission for 18 Ross Crescent, Heathmont including: <ul style="list-style-type: none"> <li>a. Final Submission</li> <li>b. PowerPoint presentation</li> </ul>                             | Ms Peterson, S45                                   |

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| No. | Date      | Description  | Presented by                                    |
|-----|-----------|--|---|
| 65  | 6/12/2023 | Closing submission (Part C) from Maroondah City Council  | Ms Stanley, Maddocks for Maroondah City Council |
| 66  | “         | Letter from Minister for Planning relating to interim heritage controls dated 4 September 2019 | “   |
| 67  | 8/12/2023 | Additional information from Maroondah City Council regarding clarification on Estates          | Ms Stanley, Maddocks for Maroondah City Council |

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## Appendix D Planning context

### D:1 Planning policy framework

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

#### Victorian planning objectives

The Amendment will implement section 4(1)(d) of the *Planning and Environment Act 1987* to:

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

#### Planning Policy Framework

The Amendment supports:

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

Council does not have a local heritage policy.

### D:2 Other relevant planning strategies and policies

#### i) Plan Melbourne

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

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

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

## ii) Heritage Action Plan

The Maroondah Heritage Action Plan 2021 establishes the parameters of a proactive approach towards heritage conservation. It recognises that even though Council has successfully achieved the heritage protection of a number of individual places this approach is not resource efficient and does not facilitate the orderly management of the municipality's heritage assets. It identified a municipal wide heritage review was required.

## iii) Housing Strategy

The Maroondah Housing Strategy 2016 was adopted by Council on 27 June 2016 and articulates Council's response to meeting the anticipated housing need of around 12,500 new dwellings between 2016-2041.

The Housing Strategy 2022 Refresh is the first interim review and estimates that there is capacity for more than 25,000 new dwellings. Council advised *"these estimates are based on the existing planning provisions and demonstrates that there is enough capacity to meet Maroondah's housing needs for the next 45 years, which is well above the 15 years capacity for which Council should plan"*.

## D:3 Planning scheme provisions

The Heritage Overlay purposes are:

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

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

## D:4 Amendments VC148 and C144maro

Amendment VC148 was gazetted on 31 July 2018, after the Amendment was exhibited. VC148 made substantial changes to the structure and content of the planning policy framework, as well as other provisions in the Planning Scheme.

Amendment C144maro replaced the Municipal Strategic Statement at Clause 21 and local planning policies at Clause 22 of the Scheme with a Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework and selected local schedules to zones, overlays, particular provisions, general provisions and operational provisions consistent with:

- The Victorian Planning Provisions as a result of Amendment VC148
- The Ministerial Directions – The Form and Content of Planning Schemes.



Amendment C144maro which implemented the Municipal Planning Strategy was gazetted on 14 November 2023, after Council circulated its Part A Submission.

Council advised Amendment C144maro resulted in a policy-neutral translation and made no substantive change to policy content. This was confirmed in the Explanatory Report which stated this was achieved *“with the intended effect of the original clauses remaining unchanged”*.

The Panel accepts this is the case and refers to the new policy format in this Report.

## D:5 Amendment VC226

On 4 November 2022 Amendment VC226 was introduced to all planning schemes. Relevantly, it amended the Schedule to the Heritage Overlay so that a planning permit is only required for visible roof top solar energy systems. Council advised it had commenced some further strategic work that could lead to changes to this part of the schedule.

## D:6 Ministerial Directions, Planning Practice Notes and guides

### Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of:

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

That discussion is not repeated here.

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

Planning Practice Note 1 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.

Planning Practice Note 1 specifies that documentation for each heritage place needs to include a Statement of Significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the HERCON criteria) that have been adopted for assessing the value of a heritage place:

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

**Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

### **Practitioner's Guide**

*A Practitioner's Guide to Victorian Planning Schemes Version 1.5*, April 2022 sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

## Appendix E Panel preferred version of the Statement of Significance for 254 Canterbury Road, Bayswater North

MAROONDAH PLANNING SCHEME

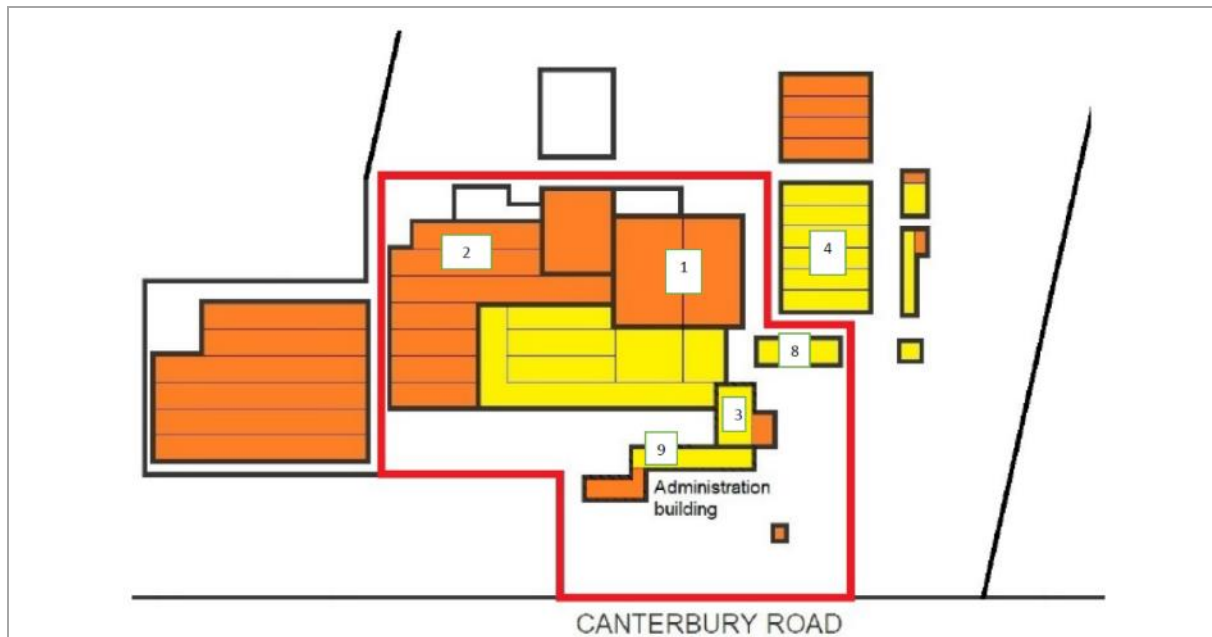
### Statement of Significance: Fibremakers Business Park (British Nylon Spinners/Fibremakers Factory) (former), 254 Canterbury Road, Bayswater North, April 2023

**Heritage Place:**

Factory / plant

**PS ref no:** HO152





*Indicative map of the Fibremakers site, showing extent of original 1955-58 masterplan (in yellow) and subsequent additions undertaken by Stephenson & Turner up to 1970 (in orange)*

### What is significant?

Developed and occupied by a local subsidiary of a prominent British manufacturer as the first nylon spinning factory in Australia, the British Nylon Spinners factory at 254 Canterbury Road, Bayswater North, was erected in several stages between 1956 and 1970. The original buildings, laid out according to a 1955 masterplan by Stephenson & Turner, were completed between 1956 and 1958, with several subsequent phases of expansion (designed by the same architects) undertaken during the 1960s. These buildings, while differing in scale and form according to function, are otherwise similarly expressed in a stark modernist idiom with a consistent palette of pale brickwork and curtain walling.

The significant fabric is defined as the exterior of Buildings 1, 2, 3 and 9 (as marked on the plan above) that represent the core of the 1955-58 masterplan by Stephenson & Turner, and later additions by the same architects up to 1970. Specific elements of significance include the stark block-like expression of buildings, low rooflines, cream brickwork and repetitive fenestration, including bays of curtain walling.

### How is it significant?

The former British Nylon Spinners factory satisfies the following criteria for inclusion on the heritage overlay schedule to the City of Maroondah planning scheme:

- Criterion A: Importance to the course, or pattern, of Maroondah's cultural history.
- Criterion E: Importance in exhibiting particular aesthetic characteristics.

### Why is it significant?

The former British Nylon Spinners factory is significant for the following reasons:

The factory is significant as an ambitious and ultimately successful attempt by a leading British-based manufacturer to establish a presence in Australia by developing this country's first nylon spinning factory. A unique venture at the time, the project attracted considerable attention and publicity. It went on to become a major presence in the outer eastern suburbs as well as a highly significant local employer. By far the largest, busiest and best-known factory ever developed within what is now the City of Maroondah, it also represented a major industrial achievement. (*Criterion A*)

The factory is significant as an intact and evocative example of post-war industrial architecture that was carefully designed to dispel preconceptions that such buildings must necessarily be ugly and

undesirable. Laid out according to a masterplan by leading factory specialists Stephenson & Turner, the complex was designed in the crisp modernist idiom that characterised the firm’s highly-regarded work at that time, with simple expression of volumes, stark pale-coloured brickwork and curtain walling. In what was a deliberate attempt to emulate the parent company’s existing factory in Wales, the Bayswater North counterpart was to include recreational amenities for staff (including a sports oval; since redeveloped) in a landscaped setting. (*Criterion E*)

**Primary source**

*City of Maroondah Heritage Study Review: Volume 1 Post-WW2- Thematic Environmental History, 11 May 2022; Volume 2: Citations for Individual Heritage Places & Heritage Precincts, April 2023.*

| <i>Number</i> | <i>Address</i>                   | <i>Grade</i> |
|---------------|----------------------------------|--------------|
| 254           | Canterbury Road, Bayswater North |              |

This document is an incorporated document in the Maroondah Planning Scheme pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

## Appendix F Panel preferred version of the Heritage Design Guidelines for 254 Canterbury Road, Bayswater North

**April 2023**

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**Heritage Place: Fibremakers Business Park (British Nylon Spinners/Fibremakers Factory) (former) (254 Canterbury Road, Bayswater North) April 2023**

**HO152**

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### The place

The British Nylon Spinners factory complex was established in 1956 as the first manufacturing facility of its kind in Australia. Architects Stephenson & Turner designed an axial site masterplan with landscaped grounds and Modernist buildings constructed in stages between 1955 and 1970. Later known as the Fibremakers factory, and now the Fibremakers Business Park, it is no longer used for manufacturing and all nylon spinning equipment has been removed.

### Heritage management objectives

- To maintain views to the factory complex from the south along with its landscaped setting.
- To recognise the importance of Fibremakers in the Bayswater community as a former major employer and local landmark.
- To encourage interpretation of the history and operation of the factory complex for site-users and the wider community.
- To ensure that the buildings of heritage value continue to have a viable use or mix of uses, in order to support their ongoing maintenance and preservation. The possibility of prohibited uses has been triggered in the HO to allow appropriate use of the administration blocks at the front of the complex.

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### Built form and appearance

All buildings and works should:

- Be legible as new work or reinstatement of original features and thereby acknowledge the physical evolution of the building fabric as part of the historical record of the place. Support the continued industrial use of the place or where adaptive reuse of the building is proposed, the historic and aesthetic heritage values of the place should be appropriately interpreted.

Works to buildings of heritage value, built between 1955 and 1970 as set out in the statement of significance, should:

- Retain the Buildings 1, 2 and 9 that face Canterbury Road and form part of the Stephenson & Turner masterplan.
- Retain the three-dimensionality of buildings of heritage value, including roof forms that are indicative of their industrial nature, such as saw-toothed roofs and roof lanterns as well as side walls.

- Retain sound and non-hazardous building fabric. In cases where the condition of building fabric is poor or of a hazardous nature and removal is necessary, replace with new materials of the same appearance, dimensions and details.
- Reinstate lost or altered elements of buildings of heritage value based on documentary evidence, particularly to elevations visible to the public, such as the windows of the 1950s administration block and the front entrance of its 1960s extension.

New buildings and works should:

- Avoid obscuring views to the existing buildings when viewed from the south.
- Respect the north-south axis established by the Stephenson & Turner masterplan by facing the principal thoroughfares of the masterplan where possible and not obstructing their path with new built form.
- Support the visual dominance of the buildings of heritage value, particularly as viewed from the south. The nylon spinning tower should remain the tallest element of the site, as viewed from Canterbury Road.
- Reference the colour and materials palette of the buildings of heritage value, while remaining recessive and legible as new insertions.

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## Signs

Applications for signage should:

- Retain remnant historic signage from the British Nylon Spinners and Fibremakers factory eras to interpret the history of the site.
- Limit concealment of key elements of a building of heritage value or damage to such buildings during installation.
- Coordinate the placement, size and number of new signs across the site to reduce visual clutter, while allowing independent businesses to be identifiable and retain their corporate identities.

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## Landscapes, gardens and trees

Landscape applications should:

- Retain the mature plantings in the front setback along Canterbury Road, and the industrial park character of the place.

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## Subdivision

Applications for subdivision should:

- Retain the open landscaping in front of the factory complex.
- Retain on a single allotment all elements identified by the statement of significance as having heritage value.
- Not allow for future development that will visually disrupt the setting and negatively impact on the presentation of the factory complex both from the public domain and within the site.



**Primary sources:**

City of Maroondah Heritage Study Review (Built Heritage Pty Ltd): Volume 1 Post-WW2-Thematic Environmental History, 11 May 2022; Volume 2: Citations for Individual Heritage Places & Heritage Precincts, April 2023.

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This document is an incorporated document in the Maroondah Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987