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**URBIS**

# **AMENDMENT C192 TO THE BAYSIDE PLANNING SCHEME**

Statement of Expert Evidence

9 Bellaire Court, Beaumaris

Instructed by Norton Rose  
Fulbright Lawyers

A solid black rectangular box used to redact information.

19 February 2024

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director, Heritage	Carolynne Baker
Heritage Assistant	Alexander Dunmill

Project Code	P0050832
Report Date	19/02/2024

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# SUMMARY OF VIEWS

1. In summary, it is my opinion that:

- The building at 9 Bellaire Court has been altered and is no longer intact to its original design. For example, the salmon brick has been rendered, thereby obscuring the building's original materiality, and the front terrace, associated timber pergola, and low brick wall that originally enclosed the terrace have all been demolished. Views towards the dwelling are now obscured by a tall, solid brick fence that has been constructed along the front title boundary. A number of the characteristics set out in the Statement of Significance for the dwellings in the Bellaire Court Estate Group Listing do not apply to the site at 9 Bellaire Court.
- Furthermore, the proposed group listing is not considered to be consistent with the principles set out by previous Planning Panels, which require a group or serial listing to have very well-defined characteristics to enable it to be recognised as a group.<sup>1</sup> Shared characteristics that are too general – such as generic use, period of construction, or a common developer – are considered an insufficient basis on which to justify a serial listing. As previous panels have noted, serial listings should not serve as a de facto way of introducing the Heritage Overlay where individual and precinct overlays are not strategically justified.<sup>2</sup> They should not be proposed as a way of bypassing a precinct's lack of integrity.
- In my opinion, it appears that a group or serial listing is proposed for the post-war modernist buildings in Bellaire Court as too much building stock has been lost to justify a precinct control. It appears that the serial listing has been employed as a means of bypassing the would-be precinct's lack of integrity, and this distorts the point at which local-level threshold lies.
- The shared characteristics of the Bellaire Court Estate Group Listing are too general to warrant a serial listing. Beyond having been designed by a particular builder-developer – a point of commonality that previous planning panels have explicitly identified as being an inadequate basis on which to propose a group listing – there is nothing to distinguish them from other post-war Modernist dwellings in Bayside. The HO could plausibly be extended further afield to include other geographically disparate post-war Modernist dwellings in Bayside.
- The statement of significance for the group or serial listing must be capable of guiding planning decisions. As previous panels have noted, this may be difficult or impossible where the buildings included in a group listing have been altered to varying degrees.<sup>3</sup> It should be noted that this is the case for the eight buildings in the Bellaire Court Estate Group Listing.
- In reviewing the application of the assessment criteria set out in Planning Practice Note PPN01 (Applying the Heritage Overlay) for the proposed Bellaire Court Estate Group Listing, it is considered that the criteria are not met by the group of eight buildings at a level that warrants the application of the HO control.
- While not proposed by Amendment C192bays, consideration was also given to the potential for individual listing. The conclusion of this assessment was that the building does not reach the threshold for local listing in its own right as a site-specific HO.

2. Based on this, in my opinion that the Bellaire Court Estate Group Listing does not meet the threshold of significance to justify the application of the HO853. Furthermore, I believe that the application of the Heritage Overlay to the dwelling at 9 Bellaire Court is not warranted. HO853 should therefore be deleted from Amendment C192 to the Bayside Planning Scheme.

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<sup>1</sup> Planning Panel reports where the issue of serial listings have been considered include: *Planning Panel Report for Amendment C149 to the Moreland Planning Scheme* (14 May 2014); *Panel Report for Amendment C173 to the Yarra Planning Scheme Part 2* (12 July 2016); *the Panel Report for Amendment C258 for Melbourne* (21 May 2019); *the Panel Report for Amendment C305 for Southbank* (4 September 2020); *Panel Report for Amendment C320 to the Stonnington Planning Scheme* (27 Sep 2023) and the *Panel Report for Campaspe Planning Scheme Amendment C50* (16 July 2013).

<sup>2</sup> Panel Report for Amendment C149 to the Moreland Planning Scheme, 13 May 2014, p.38.

<sup>3</sup> Panel Report for Amendment C173 to the Yarra Planning Scheme Part 2 (12 July 2016), p.59.

# 1. INTRODUCTION

## 1.1. BACKGROUND

3. I have been instructed to prepare this statement of evidence by Norton Rose Fulbright Lawyers on behalf of the owners of the site at 9 Bellaire Court, Beaumaris (subject site).
4. It concerns Amendment C192bays which seeks to implement the findings of the *Bayside Post-War Modern Residential Heritage Study* (GJM Heritage, 2022). The objective of this study was to review and assess residential properties constructed in the Modern architectural style between 1945 and 1975 for potential inclusion in the Heritage Overlay of the Bayside Planning Scheme.
5. As part of Amendment C192bays, it is proposed to introduce permanent controls (HO853) over the eight properties currently included in an interim group listing described as the Bellaire Court Estate Group Listing (HO853) which is set to expire on 11/10/2024. The subject site is one of eight in Bellaire Court included as part of the group listing. The heritage overlay also includes the properties at 2, 4, 8, 10, 15, 18 and 19 Bellaire Court, Beaumaris.

## 1.2. SUBJECT SITE

6. The subject site at 9 Bellaire Court, Beaumaris, is located on the east side of the court. The site is an irregular quadrilateral shaped lot. It is located within the municipality of Bayside, on Bunurong Country.



Figure 1 – Locality map with the subject site outlined in red. The additional properties that make up HO853 are outlined in blue.

Source: Nearmap at <https://apps.nearmap.com/> (accessed Jan 2024).

### 1.3. NAME, ADDRESS AND AUTHORSHIP

7. My full name is Carolynne Maree Baker, and I am a Heritage Director at Urbis Pty Ltd. The Melbourne Urbis office is located at 10/477 Collins Street, Melbourne, 3000.
8. I have no private or business relationship with the party for whom the report is prepared beyond that associated with the preparation of this statement and previous heritage assessment for the same site.
9. I have prepared this statement of evidence myself, and the views expressed are my own.
10. Unless otherwise stated, I have prepared all drawings, illustrations and photographs myself.

### 1.4. INSTRUCTIONS

11. I have been instructed by Norton Rose Fulbright to prepare a statement of expert evidence with respect to the heritage issues relating to Amendment C192bays as they relate to the subject site at 9 Bellaire Court, Beaumaris and to give evidence at the Panel Hearing.
12. These instructions, which define the scope of the report, were provided in writing in a letter dated 15 December 2023.
13. Specifically, I have been instructed to:

*(1) Review the materials provided to me;*

*(2) Consider the appropriateness of the Proposed Amendment, having regard to relevant heritage considerations as they pertain to the Land;*

*(3) Prepare an expert witness statement explaining my opinions and the reasoning and analysis by which I have reached such opinions;*

*(4) Appear before the Panel to give independent expert evidence in this matter.*

### 1.5. PREVIOUS INVOLVEMENT

14. In March 2022, the owners of the dwelling at 9 Bellaire Court, Beaumaris, contacted me with a request to assess the significance of the place in light of the proposed heritage overlay. I undertook a detailed site inspection (including interiors) in April 2022, reviewed the relevant citations in the *Bayside Post-War Modern Residential Heritage Study*, and undertook limited additional historical and comparative analysis. I provided my heritage advice to the client in the form of an email dated 20 April 2022.

### 1.6. QUALIFICATIONS AND EXPERIENCE

15. A statement of my qualifications and experience with respect to urban conservation issues is appended to this report. I have provided expert witness evidence on similar matters in the past, and have been retained in such matters variously by municipal councils, developers and objectors to planning proposals.

### 1.7. SOURCES OF INFORMATION

16. The following analysis draws upon two inspections of the subject site at 9 Bellaire Court, Beaumaris; one conducted in April 2022, and a second in January 2024. I also externally inspected all the other dwellings in Bellaire Court, Beaumaris.
17. This report also draws on a review of the brief of material provided by Norton Rose Fulbright Lawyers including the documentation for Amendment C192bays and the submissions to Amendment C192bays.
18. Other sources are referenced throughout, and are listed in full in the Bibliography at Section 11.



## 2. AMENDMENT C192BAYS

### 2.1. BACKGROUND

19. Amendment C192bays seeks to partly implement the recommendations of the *City of Bayside Post-War Modern Residential Heritage Study 2022* and introduce permanent heritage controls to 59 proposed individual heritage places and 1 proposed group listing located throughout Bayside.
20. The amendment also seeks to include the *City of Bayside Post-War Modern Residential Heritage Study 2022* as a background document, and the statement of significance for respective places as incorporated documents within the Bayside Planning Scheme.
21. Bayside City Council commissioned GJM Heritage to undertake the *City of Bayside Post-War Modern Residential Heritage Study*, a study which assessed residential properties constructed in the Modern architectural style between 1945 and 1975 for potential inclusion in the Heritage Overlay of the Bayside Planning Scheme.
22. The *Bayside Post-War Modern Residential Heritage Study* was completed in July 2022. Council considered the study at the 19 July 2022 Ordinary Council Meeting and determined to seek authorisation to exhibit Amendment C192bays subject to the deletion of twenty-eight (28) properties from the Amendment.
23. As part of the amendment, it is proposed to introduce permanent controls (HO853) over eight properties in Bellaire Court described as the Bellaire Court Estate Group Listing. These sites are currently included in an interim group listing identified as HO853 in the schedule to the heritage overlay of the Bayside Planning Scheme (expiry date 11/10/2024). The subject site at 9 Bellaire Court is one of eight in Beaumaris included as part of the group listing, the others being the properties at 2, 4, 8, 10, 15, 18 and 19 Bellaire Court, Beaumaris.

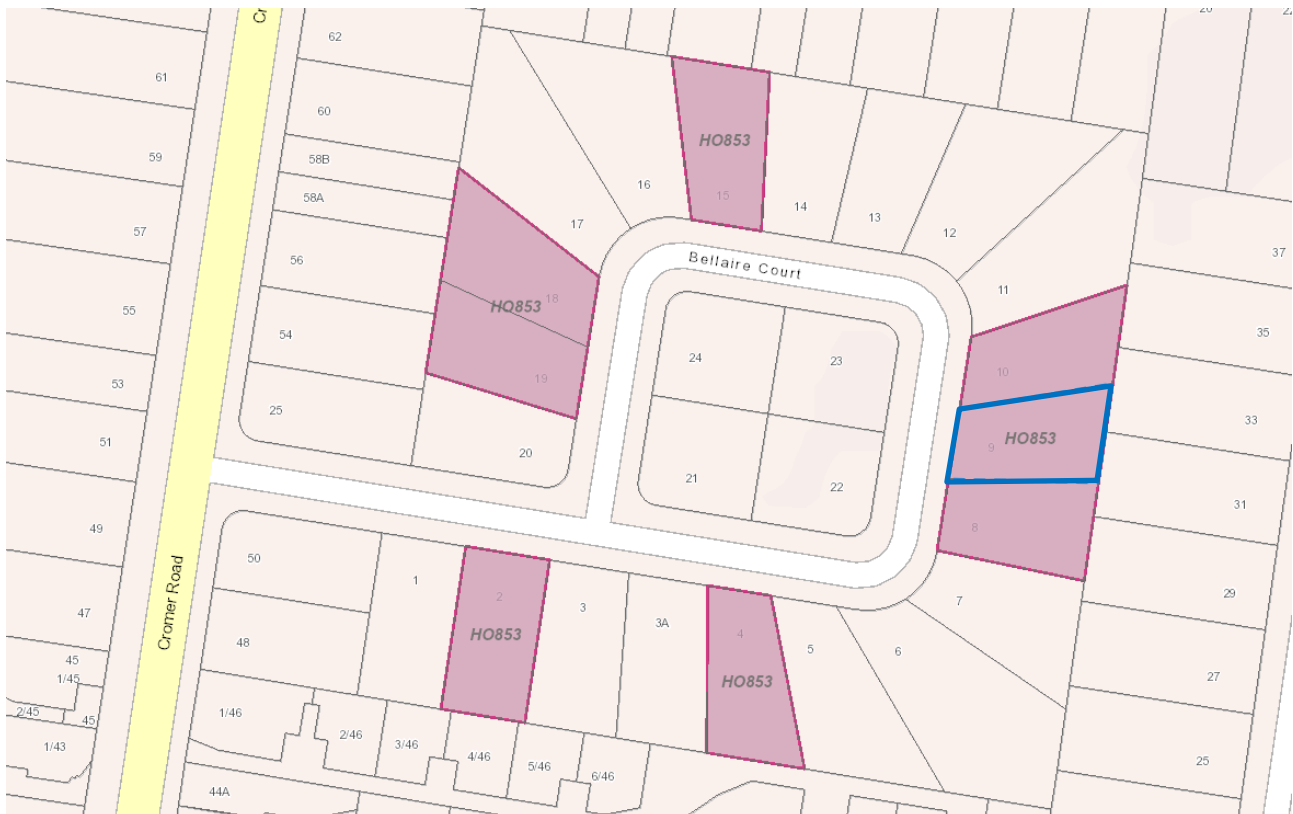


Figure 2 – Extract of the Interim Heritage Overlay Map showing location of the subject site (outlined in blue) and the extent of the listing HO853.

Source: VicPlan at [www.mapshare.vic.gov.au](http://www.mapshare.vic.gov.au).

## 2.2. EXHIBITED STATEMENT OF SIGNIFICANCE

24. The exhibited Statement of Significance for the *Bellaire Court Estate Group Listing* – as provided in Volume 3 of the *Bayside Post-War Modern Residential Heritage Study 2022* citation by GJM Heritage – reads as follows:

### ***What is significant?***

*The group of eight (8) houses at 2, 4, 8, 9, 10, 15, 18 & 19 Bellaire Court, Beaumaris, built from 1962-1968.*

*Elements that contribute to the significance of the group include (but are not limited to):*

- The original external form, materials and detailing of each of the buildings*
- The high level of integrity to each buildings' original design*
- Site-specific planning to maximise the northern aspect*
- Modernist composition and form, including rectangular planning, low single-storey box-like forms with horizontal emphasis, flat roofs and prominent integrated carports.*
- Modernist materials and detailing, including face brick walls, painted timber fascias, and expansive timber-framed glazing.*

*Later alterations are not contributory*

### ***How is it significant?***

*The group of eight (8) houses at 2, 4, 8, 9, 10, 15, 18 & 19 Bellaire Court, Beaumaris is of local historical, representative (architectural) and aesthetic significance to the City of Bayside.*

### ***Why is it significant?***

*Designed and built between 1962 and 1968 by prominent builder Martin Sachs, the houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are illustrative of post-war suburban development in the City of Bayside, when a large number of Modernist houses were constructed across the municipality for those with an appreciation for Modernist architecture and its design principles. Beaumaris in particular appealed to many architects, designers and homemakers who were drawn to settle on low-cost, but attractive land and the suburb became a centre of Modernist residential housing in the post-war period. The group of houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris make a strong contribution to this important phase in the development of the City of Bayside. (Criterion A)*

*The houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are notable as a substantially intact representative group of Modernist suburban housing constructed during the post-war period in the City of Bayside. Designed and built by Martin Sachs, the houses display a range of characteristics that are typical of Post-War Modernist housing from this period in Beaumaris and across Victoria more broadly, including site-specific orientation, rectangular planning, low box-like form with horizontal emphasis, flat roofs with broad eaves and deep fascias, expansive timber-framed glazing including full height windows, and prominent integrated carports. (Criterion D)*

*The houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are of aesthetic significance as a substantially intact collection of well-resolved and carefully detailed examples of suburban houses constructed in the Modernist style. Designed and built by renowned builder Martin Sachs in the 1960s, the houses are characterised by their similar forms and architectural expression, and their refined detailing. They demonstrate the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).*

## 3. HISTORY AND DESCRIPTION

### 3.1. DESCRIPTION

25. Constructed in c1963, the dwelling at 9 Bellaire Court, Beaumaris, is a single-storey dwelling designed in the post-war modernist style by Polish born builder Martin Sachs. The walls, originally of face salmon brick, are now finished in a light grey render.
26. To streetscape the dwelling presents as three main box-like forms: the semi-attached open carport, a central projecting form, and a recessed similar box-like mass. Much of the central bay's front facade and part of the recessed bay's accommodate full-height glazing with frames painted white. A flat metal sheet clad with projecting horizontal eaves enforces a strong linear language. Eaves are painted a darker grey. To the front boundary a high, solid painted brick fence is built on the boundary with a single crossover providing access to the site from Bellaire Court. The building is located on the eastern side of Bellaire Court, fronting west towards the central houses of the subdivision.



Figure 3 – The dwelling at 9 Bellaire Court, Beaumaris.

27. The dwelling is constructed with the protruding irregularly shaped family room to the north establishing somewhat of an L-shaped plan in what is otherwise a largely rectilinear home. The protruding family rooms allows the creation of a rear courtyard to the north-east of the site which was occupied by an inground swimming pool (constructed in May 1971, infilled in August 2014). The atypical angles of the dwelling's plan is likely in response to the irregularly shaped site which has a larger rear boundary than front.
28. The building has undergone a number of alterations since first constructed with some of these to the primary facade. These changes include:
- Rendering of the original face brick external walls.
  - Construction of the tall brick fence to the property's front boundary.
  - Removal of an original trellis and low wall that once defined the front terrace.
  - Removal of interior fittings and fixtures.

## 3.2. SITE HISTORY

29. The earliest land sales in Beaumaris took place in 1852. A Mr A.B Balcombe purchased one of these early Beaumaris allotments, Portion 49C, which he subsequently subdivided into smaller 3 acre lots between 1854 and 1867.<sup>4</sup> This original allotment extended from Balcombe Road to the north, Beach Road to the south, and along the eastern side of Cromer Road. Despite the various subdivisions, minimal development took place on and around this parcel as demonstrated by aerial photographs from the 1930s and 1940s (Figure 4 and Figure 5).
30. Bellaire Court, including its street layout and building allotments was created through a subdivision of farmland owned by Basil and Florence David in the late 1950s.<sup>5</sup> It is understood that the Davids began to on-sell the allotments from November 1958 onwards with Martin Sachs being the primary buyer. Sachs purchased the majority of the court allotments between 1958 and 1963.<sup>6</sup> The site at 9 Bellaire Court was purchased by Sachs in 1962.<sup>7</sup> In 1963 the title was transferred to Ray and Gerda Cain.
31. A 1959 aerial photograph shows the street layout established with one home constructed to the north-east of the court and another, spread across a double allotment, constructed to the south of the court (Figure 8). A later 1961 aerial photograph shows two additional houses located to the south-east of the court (Figure 9).
32. Bellaire Court first appeared in the Sands and McDougall street directory in the 1961 edition with one house – 12 Bellaire Court – already constructed, and another, 7 Bellaire Court, under construction.<sup>8</sup> These were the only two houses listed in the court until the 1964 edition where six houses were included.<sup>9</sup> No further change was listed until the 1966 edition where nine houses were existing on the court, including the subject building 9 Bellaire Court which was occupied by a Mr R Cain.<sup>10</sup>
33. Property service plans for the subject building are drawn with the dates 1963 and 1965.<sup>11</sup> This may suggest that initial plumbing works may have begun on the site in 1963, when the Cains bought the allotment, and were finished in 1965 when the home was constructed. Taking into consideration the property title, Sands and McDougall records, and the property service plans, it is likely the home was constructed c.1965-1966.
34. As shown in the 1968 aerial photograph (Figure 11) and by the Sands and McDougall records for that year, the court was largely developed by this time save for the four allotments to the centre of the court and two allotments to the north-west corner. The general footprint of the subject site is evident. The flat roofs to the modernist homes on the court are readily legible.
35. Sachs did not have a formal architectural training and instead promoted himself as a builder. He did, however, have experience working with eminent modernist architects practising in Melbourne at that time. As noted in *Beaumaris Modern* and reproduced in the citation for the group listing, Sach's design intent for the homes in Bellaire Court was to create a 'luxury modern estate.' An account of Sach's design approach is reproduced below:

*Sachs designed all the houses to suit the shape of the land and the orientation 'without the hindering of interested parties and archaic designs and building regulations current at the time'. All of Sachs' houses had a double carport and were constructed on a concrete slab with ducted heating set into the slab. They had private courtyard gardens, a cocktail bar, an ensuite bathroom and walk-in wardrobe, beautiful timber joinery and often a swimming pool.*

*The entire court was conceived as being a luxury modern estate, hence the name, Bellaire Court. His houses were built from either red or brown brick by a master Dutch bricklayer and, as Sachs says, 'you could recognise these houses by their exceptionally clean brickwork with deep raked out and square ironed mortar joints'. The houses all had a flat roof as he believed*

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<sup>4</sup> Robert Wallis, *A Study of Land Subdivision in the Beaumaris Area*, 1969, University of Melbourne, School of Architecture, Thesis, p.7.

<sup>5</sup> GJM Heritage, *City of Bayside Post-War Modern Residential Heritage Study 2022*, Vol.3, p.1330.

<sup>6</sup> GJM Heritage, *City of Bayside Post-War Modern Residential Heritage Study 2022*, Vol.3, p.1330.

<sup>7</sup> Certificate of Title, Volume 8354, Folio 435.

<sup>8</sup> *Sands and McDougall Street Directory*, 1961, p.131.

<sup>9</sup> *Sands and McDougall Street Directory*, 1964.

<sup>10</sup> *Sands and McDougall Street Directory*, 1966.

<sup>11</sup> Property Service Plans No.00354020, dated 1963 and 1965.



*'a flat roof was better for a good floor plan, which is almost impossible to achieve under a tiled roof'.<sup>12</sup>*

36. In September 1969, a real estate listing for the subject building appeared in *The Age* with Mr Ray Cain listing the property for \$45,000.<sup>13</sup> The article contained a photograph of the residence showing a since removed timber pergola to the front façade and no front fence to the property boundary (Figure 12). The dwelling was described as follows:

*All three bedrooms look out on the landscaped backyard... The bedrooms also have doors leading directly to the yard, which is well paved and drained. Windows throughout the house reach to floor level, providing a pleasant view of the garden and trees.*

*Most of the floors are parquet, but a bright linoleum covers the kitchen, and a small eating area which juts out to the front of the house. The kitchen is well appointed and includes a garbage disposal and dishwashing unit. A special work bench can be closed off by means of a sliding cupboard door.*

*The spacious living-dining room has a maple cabinet which runs the entire length of the feature wall. This incorporates a stereogram, cupboard space, a cocktail cabinet and a television set which can be pulled out on a floating base. This room has a shaped white carpet while the full length windows on either side provide good lighting and a view of the back and front yards.*

*An extra room off the entrance hall would be useful as another bedroom or a den. A bathroom is located next to this, while there is a separate shower room, bathroom and toilet near the main bedroom. This house is insulated and has oil central heating...<sup>14</sup>*

37. An inground swimming pool was constructed in the backyard in May 1971.<sup>15</sup>
38. More recently, in August 2008, the subject building was photographed once again for a real estate listing.<sup>16</sup> The images capture the original brickwork, what appear to be substantially altered internal spaces, and the rear courtyard space including the pool.
39. Further changes have occurred in more recent times. The pool had been infilled by 2014. The building's external walls were finished in a grey cement render at some time after November 2021, concealing the original brickwork.<sup>17</sup>

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<sup>12</sup> F Austin, S Reeves & A Alexander, *Beaumaris Modern*, 2018, p 121.

<sup>13</sup> Real Estate Section, *The Age*, 20 September 1969, p.25.

<sup>14</sup> Real Estate Section, *The Age*, 20 September 1969, p.25.

<sup>15</sup> Property Service Plan No.PS00354020.

<sup>16</sup> Realestate.com.au website: <https://www.realestate.com.au/property/9-bellaire-ct-beaumaris-vic-3193/> (sourced 12/01/2024).

<sup>17</sup> Nearmap website: <https://www.nearmap.com/au/en> (sourced 12/01/2024).





Figure 4 – 1939 aerial photograph of Beaumaris prior to post-war development of the area. The indicative location of Bellaire Court is outlined in red.

Source: Geoscience Australia, *Historical Aerial Photography, Military Mapping MAP3066, May 1 1939, Run 2, Frame 6962.*



Figure 5 – 1946 aerial photograph of Beaumaris. The indicative location of Bellaire Court is outlined in red.

Source: Robert Wallis, *A study of land subdivision in the Beaumaris area, University of Melbourne Thesis, 1969.*



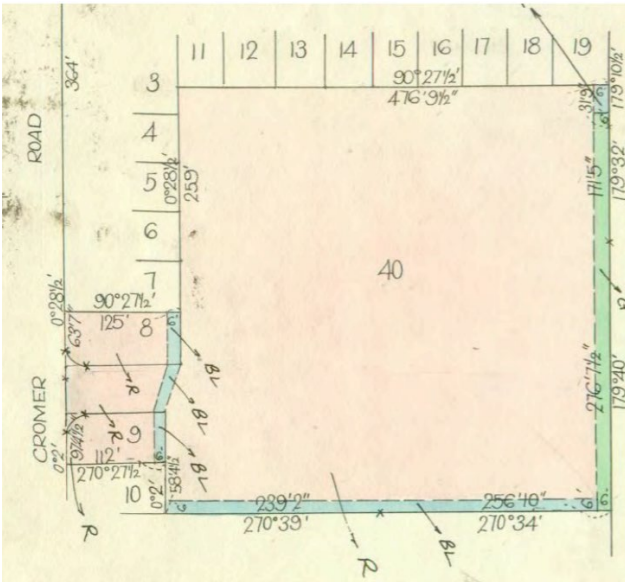


Figure 6 – The David's land holding in 1957 prior to the subdivision of allotment 40 to create Bellaire Court.

Source: Citation, Bellaire Court Estate, GJM Heritage. Landata, V8169/F996.

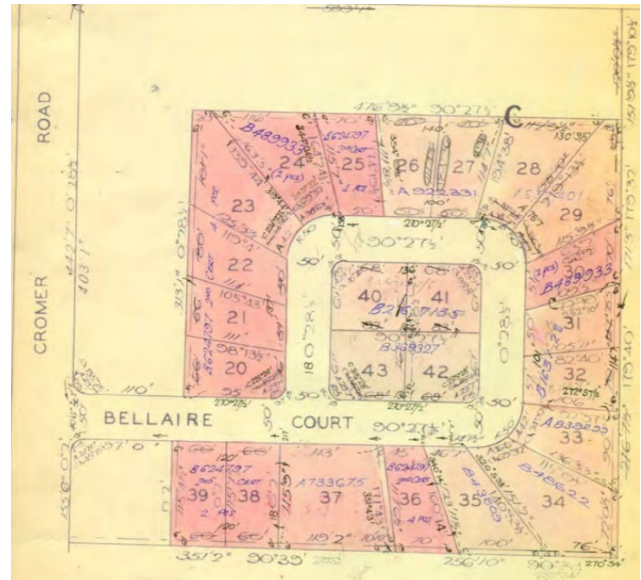


Figure 7 – The subdivision plan for Bellaire Court.

Source: Citation, Bellaire Court Estate, GJM Heritage. Landata, V8169/F996, Lodged plan 44234.



Figure 8 – Aerial photograph over Beaumaris looking at south towards Bellaire Court, Airspy, 7 May 1959.

Source: State Library of Victoria Online Picture Collection, H2010.91/216.







Figure 11 – 1968 aerial photograph of the subject site (outlined in red) and broader subdivision.

Source: Landata Historical Aerial Photography, Melbourne 1968 Project, Run 36E, Frame 174, October 1968.

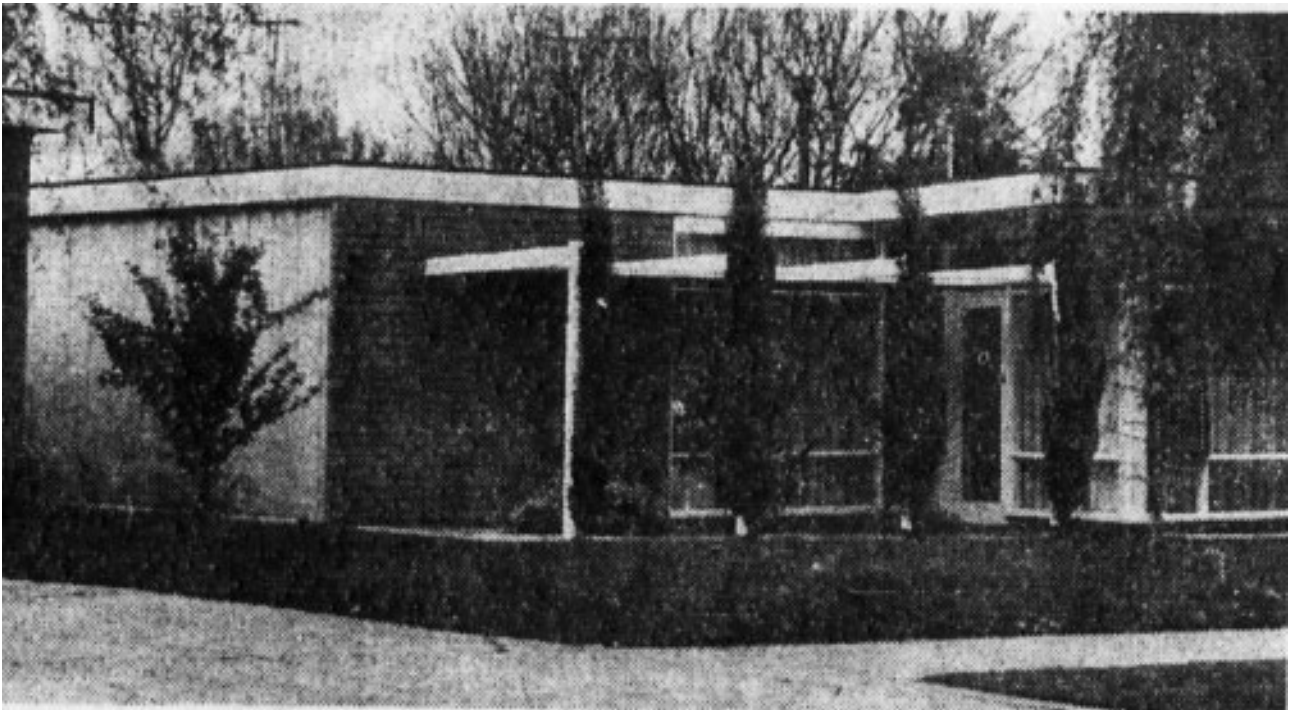


Figure 12 – A real estate advertisement showing the subject building at 9 Bellaire Court, Beaumaris, as it appeared in 1969.

Source: *The Age*, 20 September 1969, p.25.

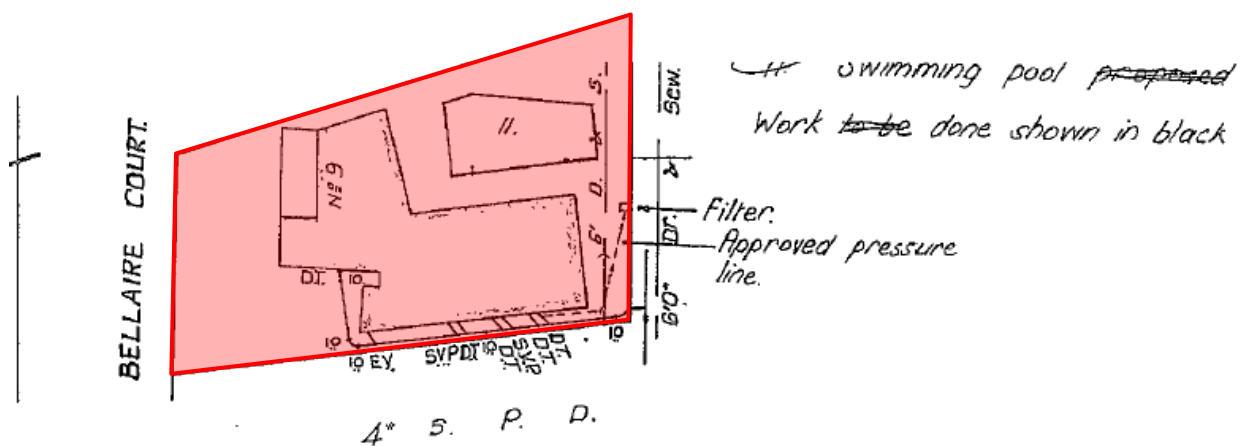


Figure 13 – 1971 property sewerage plan associated with swimming pool addition.

Source: South East Water, PS00354020



Figure 14 – 1979 aerial photograph of the fully developed Bellaire Court, Beaumaris.

Source: Geoscience Australia, Historical Aerial Photography Collection, CAD8798, Run 1, Frame 30, February 19 1979.





Figure 15 – The front façade of the subject building in 2008, as documented in real estate photographs.

Source: Realestate.com, 9 Bellaire Court, Beaumaris, <https://www.realestate.com.au/property/9-bellaire-ct-beaumaris-vic-3193/>

### 3.3. BUILDER AND DESIGNER: MARTIN SACHS

40. Except for where otherwise noted, the following biography of the builder is taken from the information provided in the *City of Bayside Post-War Modern Residential Heritage Study* (GJM Heritage, 2022).
41. Martin Sachs (1925-2020), born Maksymilian Jozef Sachs, and also known as Max was born in Poland before migrating to Australia in 1949. Originally trained as a chemist, Sachs transitioned to becoming a self-employed builder in 1954 while residing in Elwood.
42. Sachs formed a professional association with architect Harry Ernest with the two going on to collaborate on many modernist residences throughout Melbourne with work concentrated in the émigré neighbourhoods of Melbourne's south-eastern suburbs. The pair shared an office in Brighton. An example of a dwelling the two worked on can be found at 1 Sara Avenue, Brighton East (1962).

### 3.4. OTHER RESIDENCES IN THE BELLAIRE COURT ESTATE GROUP

43. As noted earlier, the property at 9 Bellaire Court, Beaumaris, has been proposed for inclusion as part of a group listing of eight as the Bellaire Court Estate Group Listing along with the properties at 2, 4, 8, 10, 15, 18 and 19 Bellaire Court, Beaumaris.
44. All the dwellings were designed and constructed by builder Martin Sachs between 1962-1968. Viewed individually, all eight houses are legible as Post-war Modernist residences with similar form and composition including their original single storey massing, flat roof composition, dedicated carports, and brick construction. Most have undergone some degree of change.
45. The citation for the Bellaire Court Estate Group offers a blanket assessment of all eight properties' integrity, assessing all residences as retaining a high degree of integrity in fabric, form and detail, and remaining substantially intact.



46. Of the seven other properties, five have no front fence, as originally intended. Only one other property – at 19 Bellaire Court – has a tall, solid front fence similar to that at the subject site. The tall front fence at 10 Bellaire Court had been partially demolished the time of the latest site visit (in January 2024), but was previously also tall and solid with the exception of the front gates. All of the seven other properties retain their original face brick finish (save for a small portion of overpainted brick at 2 Bellaire Court adjacent to the garage).



Figure 16 – The residence at 2 Bellaire Court, Beaumaris.



Figure 17 – The residence at 4 Bellaire Court, Beaumaris.





Figure 18 – The residence at 8 Bellaire Court, Beaumaris.



Figure 19 – The residence at 10 Bellaire Court, Beaumaris.





Figure 20 – The residence at 15 Bellaire Court, Beaumaris.



Figure 21 – The residence at 18 Bellaire Court, Beaumaris.





Figure 22 – The residence at 19 Bellaire Court, Beaumaris.

*Source: Google Streetview, January 2019.*

## 4. ASSESSMENT METHODOLOGY

### 4.1. INTRODUCTION

47. The heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. *Planning Practice Note 1: Applying the Heritage Overlay* (PPN01) is a state government document that provides guidance about applying the heritage overlay. This practice note states that each place should be assessed against a set of eight recognised heritage criteria to determine the heritage significance of a place. These model criteria have been broadly adopted by heritage jurisdictions across Australia and should be used for all new heritage assessment work.
48. PPN01 also states that some comparative analysis is also required to substantiate the significance of each place and apply a threshold of significance. The comparative analysis should draw on other similar places within the study area, including those previously included in a heritage register or overlay.
49. In addition to the limited comparative analysis included in the Heritage Citation, it is necessary to assess the proposed place in the context of other post-war residences in Bayside with heritage controls or proposed for heritage controls.

### 4.2. POST-WAR RESIDENCES IN BAYSIDE

50. By the beginning of the post-war era, much of what is now the City of Bayside had already been developed as suburban residential neighbourhoods. However, there was some undeveloped land, mainly farmland, to the outer eastern fringes of the area including Brighton East, Hampton East, Highett, Cheltenham and Beaumaris.<sup>18</sup> The sale of expansive tracts of land in the 1950s and 1960s including the former Dunlop-Perdieu Company site in Beaumaris and the Melbourne Orphan Asylum site in Brighton aligned with the peak of the modernist architectural movement. These landholdings, some of the last substantial allotments of suburban Melbourne, offered the opportunity for these suburbs to become an area featuring a high concentration of modernist residences.
51. Mid-Century Modernist Architecture developed out of a rapidly changing Australian design scene and society more generally. The end of the war in Europe saw an influx of European migrants, some of whom were architecturally trained during the 1920s and 30s early Modernist movement. With them they brought the modern language with them to Australia and influenced the industry significantly. At the same time, the Australian culture, family structure and living habits were changing, establishing a unique modern Australian identity. This began to be reflected in the homes people occupied through factors such as a greater accommodation of personal cars, a focus on natural light, and an introduction of new materials and technologies.<sup>19</sup>

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<sup>18</sup> GJM Heritage, *City of Bayside Post-War Modern Residential Heritage Study, Volume 2, Contextual History: Post-War Modernism in the City of Bayside*, 2022, p.4.

<sup>19</sup> <https://vhd.heritagecouncil.vic.gov.au/places/202036>

## 5. ASSESSMENT OF THE SERIAL LISTING

52. In addition to individual and precinct heritage controls, a third way of applying the Heritage Overlay is through a group or serial listing.
53. *VPP Practice Note 1, Applying the Heritage Overlay (PPN01)* states that 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.*

54. The matter of the appropriate application of group or serial listings has been considered in some depth by a number of previous Planning Panels including those for Amendments C258 and C387 to the Melbourne Planning Scheme, Amendment C50 to the Campaspe Planning Scheme, and Amendment C149 to the Moreland Planning Scheme. One key objective common to all was to define the circumstances under which a serial listing might be warranted. For example, the Panel for the Moreland Planning Scheme Amendment C149 found that:

*...Group or serial listing can be a useful educative or informative management tool revealing associations between places which are not proximate and which have a common basis of heritage significance. In the Panel's view there is no reason to view inclusion in a serial listing as a 'third rate' option – a building included in such a grouping should be seen as contributing to the grouping in a similar way that a building in a precinct makes a contribution to it. However given the buildings in a serial listing are not proximate and do not create a recognisable place in the same way as occurs with a precinct, they must have very well defined characteristics to be able to be recognised as a group. [my emphasis]*

55. In the panel hearing for Amendment C258 to the Melbourne Planning Scheme, Council submitted that the following principles derived from the Moreland C149 and Yarra C173 panel reports:

- (a) the group proposed for serial listing must be defined by a common basis of heritage significance, which may include common architectural forms, histories or association with a particular type of...ownership – past or present;*
- (b) these characteristics must be very well defined to be able to be recognised as a group;*
- (c) generic use (e.g. factories), period of construction or a common developer are insufficient to identify a group as having a particular characteristic;*
- (d) a common statement of significance must be capable of guiding planning decisions, which may be difficult or impossible where the buildings proposed to be included in a serial listing are stylistically different or altered to varying degrees;*
- (e) serial listing is not a fall-back position where individual and precinct overlays fail to be strategically justified; and*

*(f) a building within a serial listing must contribute to the group in a similar fashion as a building in a precinct overlay contributes to the overall precinct.<sup>20</sup>*

56. Melbourne City Council's submission to the Amendment C305 for Southbank planning panel reiterated these points, noting that the proper approach to serial listing requires:

*(a) that the group be defined by a common basis of heritage significance which may relate to common architectural forms, histories or associations;*

*(b) these characteristics must be very well defined;*

*(c) generic use, period of construction or a common developer are properly regarded as insufficient;*

*(d) a common statement of significance must be capable of guiding planning decisions; and*

*(e) a building within a serial listing must contribute to the group in a similar fashion as a building in a precinct overlay contributes to the overall precinct.*

57. There was general consensus that generic use, period of construction or a common developer – or, as the case may be, architect – were insufficient commonality to constitute having very well defined characteristics. It was also considered important that group or serial listings not be used as a de facto way of including places within the heritage overlay in instances where individual and precinct listings are not strategically justified.
58. It is also worth noting that the introduction of a serial listing effectively excludes adjacent properties from the heritage overlay and therefore from the need to develop these sites in a sympathetic manner.

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<sup>20</sup> Council Part B Submission for Amendment C258 to the Melbourne Planning Scheme, Paragraph 171.

## 6. ASSESSMENT AGAINST CRITERIA

### 6.1. VPP PRACTICE NOTE 1

59. *VPP Practice Note 1, Applying the Heritage Overlay* (DELWP, 2018), provides guidance about applying the HO. Crucially, the heritage process leading to the identification of the place must clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay.'
60. Each place proposed for inclusion must include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. The following eight recognised heritage criteria have been broadly adopted by heritage jurisdictions across Australia and should be used for all new heritage assessment work:

*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 understanding 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.*

*Criterion H: Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).*

61. A heritage place needs to meet at least one of the eight criteria to warrant inclusion in the Heritage Overlay. The thresholds to be applied in the assessment of significance are to be 'State Significance' and 'Local Significance'. 'Local Significance' includes those places that are important to a particular community or locality.

### 6.2. CRITERION A

62. Under Criterion A, the heritage citation states that:

*Designed and built between 1962 and 1968 by prominent builder Martin Sachs, the houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are illustrative of post-war suburban development in the City of Bayside, when a large number of Modernist houses were constructed across the municipality for those with an appreciation for Modernist architecture and its design principles. Beaumaris in particular appealed to many architects, designers and homemakers who were drawn to settle on low-cost, but attractive land and the suburb became a centre of Modernist residential housing in the post-war period. The group of houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris make a strong contribution to this important phase in the development of the City of Bayside. (Criterion A).*

63. Clearly, all eight buildings are associated with the broad theme of post-war period development in Beaumaris, and all eight are broadly legible as Modernist designs. However, all buildings are illustrative of

the period of development in which they were constructed. This in itself is insufficient to elevate the place to local-level significance.

64. The case for meeting Criterion A at a local level seems to rest on the assertion that the Bellaire Court Estate Group Listing make a 'strong contribution' to the important phase of post-war development in the development of the City of Bayside. However, the strength of the contribution is not discussed nor substantiated in the citation.
65. Many post-war buildings in Bayside would be associated with this theme.
66. Furthermore, the fact the listing is proposed as a group listing as opposed to a precinct listing means there is not necessarily a limit to which HO might theoretically be expanded on the basis of Criterion A (or many of the other criteria). There is, for instance, a post-war modernist dwelling at 51 Cromer Road, and another at 60 Cromer Road. Might the Heritage Overlay be expanded to include these buildings? Once there is no requirement for an intact heritage streetscape, the need for very well-defined characteristics beyond a common architectural form, a common developer or a common period of development to define the listing becomes clear. This is a threshold issue for the legitimacy of a group or serial listing.
67. If the Bellaire Court buildings were included in the heritage overlay on a serial basis, it begs the question why a serial listing approach is not suitable in other locations in the municipality. Using the same logic, it would be theoretically possible to introduce a heritage overlay control over every representative post-war modernist dwelling in the municipality irrespective of the fact they do not form a contiguous or cohesive precinct on the one hand, nor reach the threshold of significance required to warrant an individual heritage overlay on the other.
68. In my opinion, the place does not satisfy Criterion A at a local level.

### 6.3. CRITERION D

69. Under Criterion D (Representative significance, or importance in demonstrating the principal characteristics of a class of cultural or natural places or environments), the heritage citation states that:

*The houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are notable as a substantially intact representative group of Modernist suburban housing constructed during the post-war period in the City of Bayside. Designed and built by Martin Sachs, the houses display a range of characteristics that are typical of Post-War Modernist housing from this period in Beaumaris and across Victoria more broadly, including site specific orientation, rectangular planning, low box-like form with horizontal emphasis, flat roofs with broad eaves and deep fascias, expansive timber-framed glazing including full height windows, and prominent integrated carports (Criterion D).*

70. In the claim for representative significance, it is of particular note that the citation states the group is of significance as a 'substantially intact representative group of Modernist suburban houses constructed during the post-war period' that display a range of characteristics typical of Post-War Modernist housing from this period...including 'site specific orientation, rectangular planning, low box-like form with horizontal emphasis, flat roofs with broad eaves and deep fascias, expansive timber-framed glazing including full height windows, and prominent integrated carports.'
71. The eight houses are all legible as post-war modern houses. However, this in itself is not considered sufficient to establish representative significance at a level to warrant the identification of a serial listing.
72. It is important to note that all historical places represent the period in which they were constructed. A dwelling constructed during the post-war period is representative of this era, just as a building constructed in 2000 is representative of its time. Such a point is so universally applicable that it has no material significance in itself.
73. As all historical places are representative of 'a type', the concept of representativeness in itself cannot be considered a core definer of historic heritage value. Rather, any heritage value in a representative sample is

dependent upon whether the 'type' itself is significant. If the 'type' is of no heritage value, then it follows even an outstanding example of such a type cannot be of value either.

74. The Statement of Significance for the Bellaire Court Estate Group Listing identifies the following common elements as contributing to the significance of the group:
- The original external form, materials and detailing of each of the buildings.
  - The high level of integrity to each buildings' original design.
  - Site-specific planning to maximise the northern aspect.
  - Modernist composition and form, including rectangular planning, low single-storey box-like forms with horizontal emphasis, flat roofs and prominent integrated carports.
  - Modernist materials and detailing, including face brick walls, painted timber fascias, and expansive timber-framed glazing.
75. A number of these elements do not apply to the dwelling at 9 Bellaire Court. For example, the salmon brick has been rendered, thereby obscuring the building's original materiality, and the front terrace, associated timber pergola, and low brick wall that originally enclosed the terrace have all been demolished. Views towards the dwelling are now obscured by a tall, solid brick fence that has been constructed along the front title boundary. The dwelling is not considered to have a 'high level of integrity' to its original design.
76. Nor, upon analysis, do the buildings necessarily have all the characteristics attributed to them in the citation. For example, floor plans show that the dwellings at 9, 10 and 18 Bellaire Court do not optimise the northern aspect to the full extent possible. Although the windows to the bedrooms and study adjacent to the courtyard at 9 Bellaire Court are oriented northward, the family room has no northern aspect and minimal openings altogether. In general, living areas are typically oriented northward for optimal solar access, not bedrooms. The narrative surrounding the buildings on Bellaire Court seems to be drawn directly from the book *Beaumaris Modern* which, in turn, appears to have relied on an interview with Martin Sachs.<sup>21</sup> If so – and there are no footnotes in the book to support this – the substance should be treated with caution in relation to any unsubstantiated statements.
77. It is curious that the dwellings' rectangular planning is specifically noted in the citation, when without exception the dwellings all have angled walls that follow the boundaries of their respective irregularly-shaped sites to produce floor plans that are less rectangular than the vast majority of suburban dwellings. This fact is clearly evident in the Property Service Plan of the dwelling at 9 Bellaire Court (Figure 10).<sup>22</sup>
78. Although all eight dwellings have low box-like forms, flat roofs with broad eaves and deep fascias, and expansive timber-framed glazing including – in most cases at least, but not all – full height windows to the front facade, such characteristics are not limited to post-war modernist buildings. The 'shared characteristics' referenced can also found on dwellings constructed as early as the interwar period on, as well as on dwellings constructed in more recent times. None of these features – flat roofs, full height glazing – are of particular note. The notion of the painted fascia as an aspect of modernist language is exaggerated in its significance. The majority of the buildings retain their front integrated carports, but not all.
79. On this basis, I believe that the place as a whole does not satisfy the relevant local-level threshold in relation to Criterion D.

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<sup>21</sup> F Austin, S Reeves & A Alexander, *Beaumaris Modern*, 2018, p 121.

<sup>22</sup> Realestate.com.au website: <https://www.realestate.com.au/property/9-bellaire-ct-beaumaris-vic-3193/>



## 6.4. CRITERION E

80. Under Criterion E, the heritage citation states that:

*The houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are of aesthetic significance as a substantially intact collection of well-resolved and carefully detailed examples of suburban houses constructed in the Modernist style. Designed and built by renowned builder Martin Sachs in the 1960s, the houses are characterised by their similar forms and architectural expression, and their refined detailing. They demonstrate the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).*

81. As previously discussed, the dwelling at 9 Bellaire Court is not considered to be 'substantially intact.'
82. The proposition that the buildings are 'well-resolved' and characterised by 'refined detailing' is not explored within the body of the citation and appears only in the Statement of Significance as an unsubstantiated assertion. The comparative analysis would be an ideal place to examine this proposition, however the relative architectural distinction between the buildings in the Bellaire Court Estate Group Listing and those identified in the comparative analysis – two of which have been proposed for individual heritage overlays and a third which has been substantially demolished since the original site inspection in 2022 – is not discussed in detail beyond noting that they all 'retain a similarly high degree of integrity to their period of construction as the above examples and they remain substantially intact to clearly demonstrate a range of characteristics of the Modernist architectural style.'<sup>23</sup>
83. The assertion that builder Martin Sachs was renowned is not substantiated in the citation, and the fact remains that the dwellings were designed by a builder rather than an architect, and a builder operating as a developer at that. Some of the information provided in the citation appears to have been derived from interviews with Sachs himself, however this is not referenced in either the book *Beaumaris Modern* or the heritage citation which references the material in *Beaumaris Modern*.
84. The fact that none of the dwellings in the Bellaire Court Estate Group Listing are considered to meet the threshold for individual significance would tend to suggest that none of the dwellings are of particular aesthetic significance, nor that they 'demonstrate the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).'
85. Part of the problem arises from the fact the citation does not include a comprehensive comparative analysis. As part of any heritage assessment, PPN01 states that a comparative analysis of similar places is required to substantiate the significance of each place.
86. The citation notes that no comparable group has been identified in the City of Bayside either in previous studies or as part of this study.<sup>24</sup> As a matter of detail, this is not entirely correct, as Volume 1 of the *City of Bayside Inter-War and Post-War Heritage Study (May 2008)* identified a precinct of substantial double-storey (predominantly) architect-designed modern houses described as the Mariemont Avenue Precinct. Built between 1953 and 1963, these were erected on land that formerly comprised a large property known as San Marino, owned for several decades by Francis Xavier Dillon. The houses, which include examples by notable architects such as John Baird, Kurt Popper, Brian O'Connor and Chancellor & Patrick, are each different yet comparable in their scale, massing, form, fenestration, composition and materials. Together they were considered to form a relatively cohesive streetscape of fine architect-designed residences.
87. Although the comparative analysis contained in the citation notes that the style and form of the houses can be compared to a 'number of other substantially intact and well-resolved examples of the residential Post-War Modernist type', it recognises that the examples cited have not been tested at panel and provides no analysis of the relative significance of the various buildings under consideration.
88. On this basis, in my opinion Criterion E is not satisfied at a local-level threshold of significance.

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<sup>23</sup> GJM Heritage, *City of Bayside Post-War Modern Residential Heritage Study 2022*, Vol.3, p.1342.

<sup>24</sup> GJM Heritage, *City of Bayside Post-War Modern Residential Heritage Study 2022*, Vol.3, p.1341.

## 6.5. ASSESSMENT OF INDIVIDUAL LISTING

89. There has been no suggestion that the dwelling at 9 Bellaire Court meets the requisite threshold to warrant inclusion in the Heritage Overlay on an individual basis, and I agree with this assessment.
90. Despite being legible as a post-war Modernist building, the dwelling is architecturally undistinguished and has undergone a number of changes since first constructed, including to its front façade. The dwelling does not meet threshold of significance required to warrant an individual heritage control.
91. Although it is acceptable for a group or serial listing to include places that do not individually reach the threshold of local significance, the fact remains that a serial listing requires 'very well-defined characteristics' to be able to be recognised as a group. As previously discussed, shared characteristics that are too general – such as generic use, period of construction, or a common developer – are considered an insufficient basis on which to justify a group or serial listing.

## 7. CONCLUSION

92. In conclusion, it is my opinion that:

- The building at 9 Bellaire Court has been altered and is no longer intact to its original design. For example, the salmon brick has been rendered, thereby obscuring the building's original materiality, and the front terrace, associated timber pergola, and low brick wall that originally enclosed the terrace have all been demolished. Views towards the dwelling are now obscured by a tall, solid brick fence that has been constructed along the front title boundary. A number of the characteristics set out in the Statement of Significance for the dwellings in the Bellaire Court Estate Group Listing do not apply to the site at 9 Bellaire Court.
- Furthermore, the proposed group listing is not considered to be consistent with the principles set out by previous Planning Panels, which require a group or serial listing to have very well-defined characteristics to enable it to be recognised as a group.<sup>25</sup> Shared characteristics that are too general – such as generic use, period of construction, or a common developer – are considered an insufficient basis on which to justify a serial listing. As previous panels have noted, serial listings should not serve as a de facto way of introducing the Heritage Overlay where individual and precinct overlays are not strategically justified.<sup>26</sup> They should not be proposed as a way of bypassing a precinct's lack of integrity.
- In my opinion, it appears that a group or serial listing is proposed for the post-war modernist buildings in Bellaire Court as too much building stock has been lost to justify a precinct control. It appears that the serial listing has been employed as a means of bypassing the would-be precinct's lack of integrity, and this distorts the point at which local-level threshold lies.
- The shared characteristics of the Bellaire Court Estate Group Listing are too general to warrant a serial listing. Beyond having been designed by a particular builder-developer – a point of commonality that previous planning panels have explicitly identified as being an inadequate basis on which to propose a group listing – there is nothing to distinguish them from other post-war Modernist dwellings in Bayside. The HO could plausibly be extended further afield to include other geographically disparate post-war Modernist dwellings in Bayside.
- The statement of significance for the group or serial listing must be capable of guiding planning decisions. As previous panels have noted, this may be difficult or impossible where the buildings included in a group listing have been altered to varying degrees.<sup>27</sup> It should be noted that this is the case for the eight buildings in the Bellaire Court Estate Group Listing.
- In reviewing the application of the assessment criteria set out in Planning Practice Note PPN01 (Applying the Heritage Overlay) for the proposed Bellaire Court Estate Group Listing, it is considered that the criteria are not met by the group of eight buildings at a level that warrants the application of the HO control.
- While not proposed by Amendment C192bays, consideration was also given to the potential for individual listing. The conclusion of this assessment was that the building does not reach the threshold for local listing in its own right as a site-specific HO.

93. Based on this, in my opinion that the Bellaire Court Estate Group Listing does not meet the threshold of significance to justify the application of the HO853. Furthermore, I believe that the application of the Heritage Overlay to the dwelling at 9 Bellaire Court is not warranted. HO853 should therefore be deleted from Amendment C192 to the Bayside Planning Scheme.

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<sup>25</sup> Planning Panel reports where the issue of serial listings have been considered include: *Planning Panel Report for Amendment C149 to the Moreland Planning Scheme* (14 May 2014); *Panel Report for Amendment C173 to the Yarra Planning Scheme Part 2* (12 July 2016); *the Panel Report for Amendment C258 for Melbourne* (21 May 2019); *the Panel Report for Amendment C305 for Southbank* (4 September 2020); *Panel Report for Amendment C320 to the Stonnington Planning Scheme* (27 Sep 2023) and the *Panel Report for Campaspe Planning Scheme Amendment C50* (16 July 2013).

<sup>26</sup> Panel Report for Amendment C149 to the Moreland Planning Scheme, 13 May 2014, p.38.

<sup>27</sup> Panel Report for Amendment C173 to the Yarra Planning Scheme Part 2 (12 July 2016), p.59.

## 8. DECLARATION

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

A handwritten signature in black ink, appearing to be 'CB' with a flourish, written in a cursive style.

CAROLYNNE BAKER

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## **APPENDIX A**

## **HERITAGE CITATION**

## HERITAGE CITATION

### Bellaire Court Estate, Beaumaris



*Figure 1. 15 Bellaire Court, Beaumaris (GJM Heritage, April 2021).*

**DATE:** December 2021, updated May 2022



## BELLAIRE COURT ESTATE, BEAUMARIS

<b>Place Type:</b> Group of Houses	<b>Architect/Designer:</b> Martin Sachs
<b>Construction Date:</b> 1962-68	<b>Builder:</b> Martin Sachs
<b>Recommendation:</b> Include in the Heritage Overlay	<b>Extent of Overlay:</b> See Figure 17

*The place documented in this citation is on the lands of the Bunurong People of the South-Eastern Kulin Nation, represented by the Bunurong Land Council Aboriginal Corporation. While this citation does not specifically consider the Aboriginal heritage values of the place, the historic and ongoing cultural importance of the Bunurong People to the City of Bayside is respectfully acknowledged.*

### Contextual History

#### *The Post-War Bayside Landscape*

The period from 1945 to 1975 was one of radical transformation for the former municipalities of Brighton and Sandringham, which now make up the City of Bayside.

In 1945, suburban residential development was concentrated in Brighton and parts of Brighton East in the north and along the coastal fringe of Port Phillip Bay at Hampton, Sandringham and Black Rock in the west. Some limited development was also evident adjacent to the Nepean Highway and around railway stations to the east. However, the intervening land – approximately one-third of the total area of the current municipality – was predominantly farmland south of Dendy Street, with golf courses in the central area and a large undeveloped tract of land at Beaumaris to the south.<sup>1</sup>

By 1975 the two municipalities were completely urbanised.

Limited housing construction during the 1930s depression and throughout World War II led to a severe shortage of housing in suburban Melbourne in the immediate post-war period, when returning servicemen, post-war migration and an optimism in Australia's future fuelled an unprecedented demand for housing. As a result, large-scale residential subdivision of under-developed parts of suburban Melbourne occurred from the late 1940s. This development occurred rapidly within the municipalities of Brighton and Sandringham, particularly on the large tracts of available land further from the coastal fringe, in suburbs such as Brighton East, Hampton East, Highbury and Cheltenham and to the south in Beaumaris, where surviving rural properties were available for subdivision in the 1950s.<sup>2</sup>

At this time a particularly large tract of land at Beaumaris became available, enabling a concentration of post-war residential development to occur in this suburb. Planning to relocate operations to Beaumaris, the Dunlop-Perdieu Company had purchased approximately 300 acres (121.4 hectares) of subdivided<sup>3</sup> land in the 1930s<sup>4</sup> and developed an ambitious scheme for an industrial garden city.<sup>5</sup> The extensive block of land was bounded by Balcombe Road to the north, Cromer Road to the east, Haydens Road to the west, and went as far south as Gibbs and Nautilus streets. This land remained undeveloped in the immediate post-war period and the scheme

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<sup>1</sup> University of Melbourne, Melbourne 1945 Photo-map.

<sup>2</sup> For example, Coronet Hill and San Marino in Beaumaris and Stonehaven, Moorabbin (Allom Lovell & Associates, *Bayside Heritage Review: Thematic History*, 1999, p 19 & Heritage Alliance, *City of Bayside Inter-War & Post-War Heritage Study*, 2008, p 55).

<sup>3</sup> *Argus* supplement, 18 November 1944.

<sup>4</sup> *Herald*, 2 August 1939, p 1.

<sup>5</sup> *Argus*, 9 December 1944, p 8.

was abandoned in 1950.<sup>6</sup> When the land was finally released for sale from the early 1950s, it was one of the last substantial pockets of undeveloped land in the suburbs of Melbourne.<sup>7</sup>

A unique opportunity for concentrated post-war development in Brighton became possible when the Melbourne Orphan Asylum relocated from the suburb in the mid-1960s. The orphanage, which opened in 1877, was bounded by Windermere Crescent to the north, New Street to the east, Dendy Street to the south and Whyte Street to the west. After demolition of the asylum complex, the 20-acre (8 hectare) tract of land became available for residential subdivision and a number of fine Modern houses were constructed.

The post-war dream of suburban home ownership reached its peak in the 1960s in the middle ring of Melbourne's suburbs, and the suburbs of Beaumaris, Brighton East, Hampton East, Highett and Cheltenham, bear witness to this residential growth.

### ***Housing in the Post-War Period***

Following World War II, a severe shortage of building materials and labour, coupled with government restrictions on home building,<sup>8</sup> limited the construction of new houses demanded by the booming population. In response to these restrictive conditions, two contrasting lower-resource housing types emerged – a more conventional austere type and a Modern type.

With its L-shaped plan form and tile-clad hipped roof, the conventional austere type of housing quickly dominated the suburban landscape and, despite removal of building restrictions in 1952,<sup>9</sup> little change was made to this standard form of housing through the 1950s and 1960s. Public authorities, private development companies and individuals created residential subdivisions dominated by this housing type in suburbs such as Brighton East, Hampton East, Highett and Cheltenham. This house type – built of either timber or brick veneer – is evident throughout the suburbs of the current City of Bayside, including estates of public housing constructed by the Housing Commission.

By contrast, the Modernist house type offered a radical alternative to this conservative post-war housing type. Driven by young architects and designers embracing the Modernist architectural movement, they shunned the conservative house forms and embraced the opportunity to address housing demands in an affordable but contemporary manner. They responded to the prevailing economic constraints by experimenting with lightweight materials and simple construction methods.

With its roots in the 1930s, Modernism in Melbourne emerged with force in the post-war period aided by overseas and local publications, post-war migration<sup>10</sup> and 'rite of passage' overseas travel by young architects. Completely rejecting historic styles, young architects and designers were instead inspired by a broad range of architectural trends from overseas, including the United States, Europe, Japan and Great Britain, which embraced the principles of functionalism, simplicity and rationality. Architects utilised materials such as steel, concrete and glass, designing buildings that were characterised by plain, unadorned surfaces.<sup>11</sup> The Modernist house type, with its flat or shallow roof, box-like forms and generous glazing, flourished in the 1950s and 1960s, and came to embody the forward-looking optimism of the post-war era.

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<sup>6</sup> *Herald*, 29 September 1950, p 10.

<sup>7</sup> Heritage Alliance, *City of Bayside Inter-War and Post-War Heritage Study*, Vol 1, 2008, p 21.

<sup>8</sup> Restrictions were imposed to preserve resources for government building projects and to extend resources to maximise house construction. They included restricting the size of brick houses to 1250 ft<sup>2</sup> (111.5 m<sup>2</sup>) and timber houses to 1200 ft<sup>2</sup> (111.5 m<sup>2</sup>) (P Cuffley, *Australian Houses of the 1940s and 1950s*, Rowville, 2007, p 73) and limiting expenditure to £3000 (*Australian Home Beautiful*, January 1942 as quoted by P Cuffley, *Australian Houses of the 1940s and 1950s*, Rowville, 2007, p 55).

<sup>9</sup> P Goad, *The Modern House in Melbourne 1945-1975*, thesis, University of Melbourne, 1992, p 5/1.

<sup>10</sup> Émigré architects included Michael Feldhagen, Helen and John Holgar, Ernest Fooks, Kurt Popper, Anatol Kagan and Herbert Tisher.

<sup>11</sup> P Goad, 'Modernism' in P Goad & J Willis, *The Encyclopedia of Australian Architecture*, Port Melbourne, 2012, p 464-467.

Many Modernist houses were built in what was the City of Sandringham, with a concentration in Beaumaris – in heavily-vegetated areas where low-cost land was readily available and council regulations were less restrictive. Attractive to architects, designers and young homemakers interested in the Modern aesthetic, the suburb of Beaumaris became a centre of Modern post-war housing, particularly after the release of Dunlop-Perdieu Company-owned land during the 1950s. Even before the release of this land the suburb was described by Robin Boyd in 1949 as containing ‘the greatest concentration of first-class modern domestic architecture in Australia’<sup>12</sup> with ‘homes which have risen above the trials of current shortages...exemplifying the unpretentious, logical approach to building’.<sup>13</sup>

## Place History

Prominent Melbourne builder Martin Sachs purchased 10 acres of land in Beaumaris in the 1950s and 1960s that originally formed part of Mayfield Poultry Farm and market garden.<sup>14</sup> Mayfield Poultry Farm, Beaumaris, was owned by Basil David.<sup>15</sup> Titles indicate that Basil and Florence David of 54 Cromer Road, Beaumaris, subdivided just under 6 acres of their holdings off Cromer Road in the late 1950s, creating Bellaire Court (Figures 2 & 3). The Davids on-sold lots from November 1958, primarily selling to builder Martin Sachs. Sachs acquired a majority of the lots on Bellaire Court in stages between 1958 and 1963.<sup>16</sup>

Austin et al write about Sachs’ Bellaire Court development in *Beaumaris Modern*:

*There were over 40 blocks bought on an extended purchase plan at a rate of four block per year. Sachs tells how he financed the land: ‘I was originally offered the land at £1,000 per block but as I did not have the £50,000 required, I offered £5,000 per block, (no mistake here), which was five times in excess of the original asking price. This offer was readily accepted by the vendor and allowed me to develop the land over a number of years. There was no sewer and the roads led only to heaven or two feet deep in mud’, he explains.*

*Sachs only sold the land to a third party to design and build a house when he was ‘strapped for cash’ but he wanted to design the houses himself to ‘remove the impression of a rich man’s housing commission estate due to the same style next to each other’.*<sup>17</sup>

In June 1959, an advertisement for the ‘new “Bellaire” Court (Off Cromer Rd., Beaumaris)’ was published, exclaiming ‘What a colossal new part this “Bellaire” Court will be!!’. In February 1961, land was advertised for sale in Beaumaris, in the ‘New Estate of Luxury Homes, “Bellaire Court” Estate (off Cromer Rd.)’. Midst all new luxury homes’.<sup>18</sup> In August of the same year, two blocks were released for sale in ‘Bellaire Court Estate’, an exclusive court of ‘all luxury homes’. The advertisement noted ‘If required, owner builder will design and build’.<sup>19</sup> Advertisements were also published in the 1960s for completed luxury homes within the estate.<sup>20</sup>

Sachs built a series of houses in the court between 1962 and c1969, according to Council Valuation information.

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<sup>12</sup> *The Age*, 24 August 1949, p 6, quoted from Victorian Architectural Students’ paper *Smudges*.

<sup>13</sup> *The Age*, 24 August 1949, p 6.

<sup>14</sup> F Austin, S Reeves & A Alexander, *Beaumaris Modern*, 2018, p 121; M Doyle & Sandringham and District Historical Society, *The street where you live*, Sandringham, Vic, 2012, p 23.

<sup>15</sup> *Herald*, 9 October 1951, p 7; *The Age*, 10 October 1951, p 4.

<sup>16</sup> Landata Victoria, Certificate of Title V8169/F996 and subsequent children titles.

<sup>17</sup> F Austin, S Reeves & A Alexander, *Beaumaris Modern*, 2018, p 121.

<sup>18</sup> *The Age*, 8 February 1961, p 25.

<sup>19</sup> *The Age*, 17 August 1961, p 15.

<sup>20</sup> *The Age*, 15 September 1962, p 36.

The Sands & McDougall Directories confirm that the houses at 1-20 Bellaire Court were constructed by 1970, with the exception of nos. 16 and 17 which were listed as 'Houses being built' in 1970, and 3A Bellaire Court which was constructed by 1974. Numbers 21-24 Bellaire Court were listed in the Sands & McDougall Directories by 1974.<sup>21</sup>

Austin et al discuss Sachs' design approach for the estate in *Beaumaris Modern*:

*[Sachs] designed all the houses to suit the shape of the land and the orientation 'without the hindering of interested parties and archaic designs and building regulations current at the time'. All of Sachs' houses had a double carport and were constructed on a concrete slab with ducted heating set into the slab. They had private courtyard gardens, a cocktail bar, an ensuite bathroom and walk-in wardrobe, beautiful timber joinery and often a swimming pool.*

*The entire court was conceived as being a luxury modern estate, hence the name, Bellaire Court. His houses were built from either red or brown brick by a master Dutch bricklayer and, as Sachs says, 'you could recognise these houses by their exceptionally clean brickwork with deep raked out and square ironed mortar joints'. The houses all had a flat roof as he believed 'a flat roof was better for a good floor plan, which is almost impossible to achieve under a tiled roof'.<sup>22</sup>*

Sachs' houses were designed without fences to the front or side boundaries. The lots which Sachs sold to other developers are evident in their more traditional residential designs and pitched roofs.<sup>23</sup> An aerial photo dated 1968 shows Bellaire Court and the development of the estate by this date (**Error! Reference source not found.**). The flat-roofed houses of Martin Sachs' design can be clearly seen. Some of the houses evident in the 1968 aerial photo have since been replaced. No. 5 Bellaire Court underwent works in 2008, with a large second-storey addition constructed.<sup>24</sup> Other known alterations include the addition of a garage door to the carport of 2 Bellaire Court.

Sales advertisements published in the 1970s and '80s continued to describe Sachs' houses in Bellaire Court as executive residences in a prestigious estate or exclusive court.<sup>25</sup>

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<sup>21</sup> S&M 1965, 1970, 1974.

<sup>22</sup> F Austin, S Reeves & A Alexander, *Beaumaris Modern*, 2018, p 121.

<sup>23</sup> F Austin, S Reeves & A Alexander, *Beaumaris Modern*, 2018, p 121.

<sup>24</sup> Bayside City Council Valuation information.

<sup>25</sup> *The Age*, 31 March 1979, p 50; 17 May, 1980, p 43; 31 July 1982, p 41; 12 November 1983, p 48.

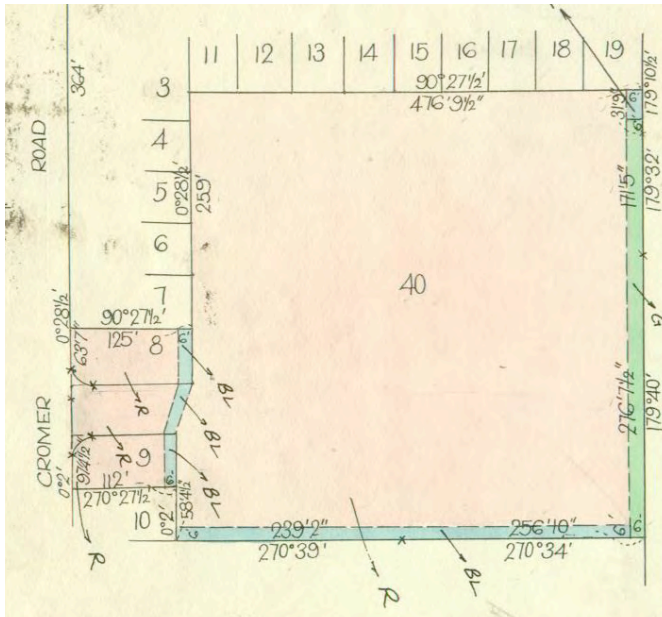


Figure 2. The David's holdings on Cromer Road in 1957 (coloured red). Lot 40 was subdivided to form Bellaire Court (Source: Landata Victoria: V8169/F996).

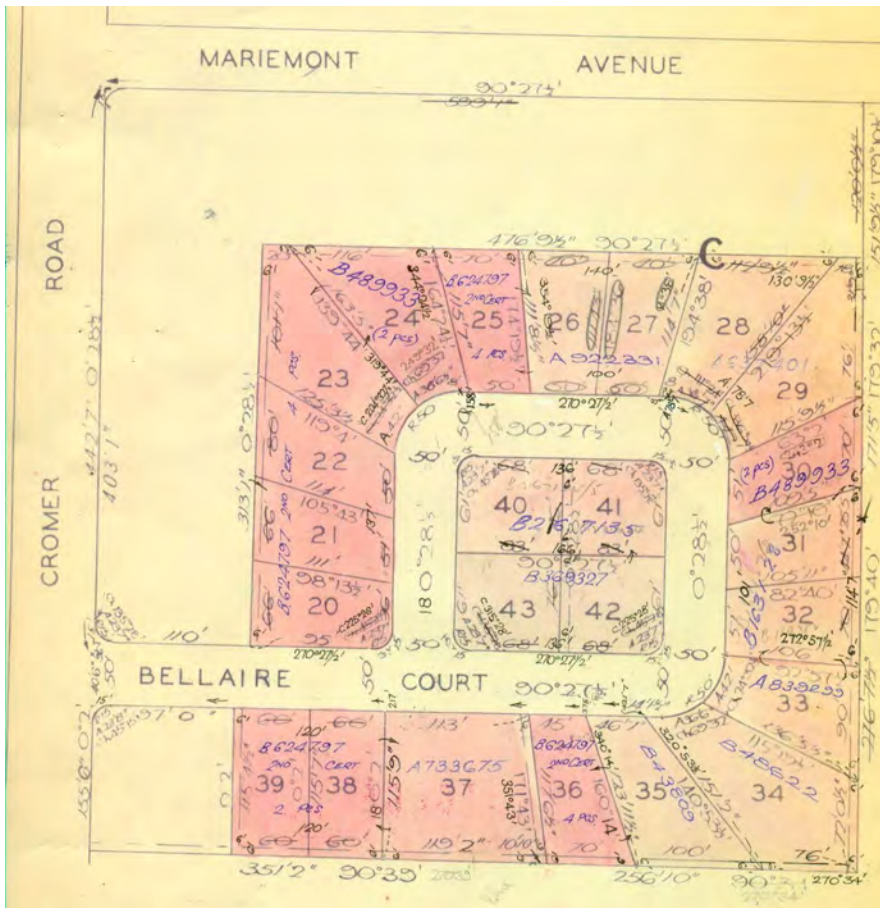


Figure 3. Subdivided lots on Bellaire Court (Source: Landata Victoria, V8169/F996, Lodged Plan 44234).





Figure 4. Bellaire Court and surrounds in 1968, annotated with the current Bellaire Court address numbers in yellow. No. 4 Bellaire Court is shown under construction (Source: Landata Victoria, aerial dated 1968).



Figure 5. Early photo of 8 Bellaire Court (undated) (Source: Beaumaris Modern archives, <<https://beaumarismodern.com.au/archive/8-bellaire-court/>>, accessed December 2021).



Figure 6. Illustration of 2 Bellaire Court, published in a 1983 sales notice (Source: *The Age*, 19 February 1983, p 37).



Figure 7. Illustration of 18 Bellaire Court, published in 1983 (Source: *The Age*, 26 November 1983, p 46).

### ***Martin Sachs, designer and builder***

Maksymilian (Martin or Max) Jozef Sachs (1925-2020) was born in Poland and worked as a chemist before migrating to Australia in 1949 and settling in the south-eastern suburbs of Melbourne. In 1953 Sachs moved to Elwood and was identified as a 'self-employed builder' by 1954.<sup>26</sup>

He soon formed a professional association with fellow Elwood resident and young Modernist architect Harry Ernest (1930–), who had established his own practice in 1955. In the 1950s and 1960s Sachs built some of Ernest's most prominent residential designs. The pair shared an office in Brighton as well as an appreciation for a similar Modernist design aesthetic.<sup>27</sup> An example of their collaboration is the house at 1 Sara Avenue, Brighton East (1962).

Sachs also operated as an independent designer and builder, working primarily in the inner south-east suburbs of Melbourne. In 1964 he formed Martin Sachs & Associates Pty Ltd. Projects where he acted as designer and builder include the houses in Bellaire Court, Beaumaris (1960s) and likely the 'craftsman built' luxury flats at 27 Ormond Road, Elwood (c1965).<sup>28</sup>

By the mid-1960s, Sachs collaborated with various architects, including Murray Nankervis and Erwin Kaldor. From c1965 Sachs also worked with property developer Nathan Beller and architect Sol Sapir. Projects with Sapir included a number of multi-storey apartment buildings in the suburbs of St Kilda, Elwood, Albert Park, Middle Park, Prahran and South Yarra.<sup>29</sup> Key examples include the flats at 60 Clowes Street, South Yarra (1968)<sup>30</sup>, 'Miami Towers' at 189 Beaconsfield Parade, Middle Park (1969) and 'Plaza 333' at 333 Beaconsfield Parade, St Kilda (1969).<sup>31</sup>

Sachs is also known to have built the flats at 14 Lansell Road, Toorak (c1965)<sup>32</sup> and 10 Affleck Street, South Yarra (c1965) (designers not confirmed).<sup>33</sup>

### **Historical Themes**

The place illustrates the following themes as outlined in *Victoria's Framework of Historical Themes*:

- 6 Building towns, cities and the garden state
  - 6.7 Making homes for Victorians

<sup>26</sup> F Austin, S Reeves & A Alexander, *Beaumaris Modern*, 2018, p 122.

<sup>27</sup> F Austin, S Reeves & A Alexander, *Beaumaris Modern*, 2018, p 122.

<sup>28</sup> *The Age*, 9 October 1965, p 52.

<sup>29</sup> F Austin, S Reeves & A Alexander, *Beaumaris Modern*, 2018, p 122.

<sup>30</sup> *The Age*, 20 April 1968, p 21.

<sup>31</sup> *The Australian Jewish News*, 15 August 1969, p 7.

<sup>32</sup> *The Age*, 17 July 1965, p 60.

<sup>33</sup> *The Age*, 16 January 1965, p 48.

## Description

*The following description has been prepared following an inspection from the public realm supplemented by information obtained from current owners, current and historical photography (including aerial imagery), real estate listings and publications noted in the reference section of this citation. An on-site inspection is required to confirm these details.*

Bellaire Court is located to the east of Cromer Road between Mariemont Avenue and Powys Drive and is a looped court accessed from Cromer Road.

The court comprises 24 houses - 20 are located around the outer loop of the court and four are located within a central island. The majority of houses are single-storey brick houses which were constructed in the 1960s and 1970s in either a Modernist style, with metal-clad flat roofs, or in a traditional style, with tiled pitched roofs. A small number of houses appear to be of more recent construction and are two-storied (nos. 6 & 11) and a second-storey has been added to the Modernist style 1960s house at no. 5.

A group of eight houses, distributed around the outer loop of the court, remain substantially intact and display a consistent set of Modernist attributes. These houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court are single-storey brick houses with metal-clad flat roofs, eaves that are finished with deep timber fascias and expansive timber framed windows. Forms are low and box-like with a horizontal emphasis and incorporate prominent carports. These houses are generally sited to maximise natural lighting by responding to each particular site.

### 2 Bellaire Court

The house at 2 Bellaire Court is located on the south side of Bellaire Court, near the entry to the court. It is positioned towards the rear of the block to enable a garden setting to the street frontage.

The house is single storey and is L-shaped in plan with an east facing courtyard located behind a prominent and integrated double garage (former carport). It is of brick construction with metal-clad flat roof and eaves that are finished with deep timber fascias.

The principal (north) elevation comprises a double garage (former carport) to the east, a set of windows above a feature panel of stacked orange brickwork to the west and a central door which provides access to the carport, courtyard and concealed house entry. Expansive timber framed full-height north and east-facing glazing to the courtyard provides abundant light to adjacent indoor spaces.

Walls are of red/orange face brick laid in a stretcher bond pattern, fascias are painted white and front window joinery is painted dark brown with white contrast.

### 4 Bellaire Court

The house at 4 Bellaire Court is located on the south side of Bellaire Court. It is positioned towards the rear of a wedge-shaped block to enable a garden setting to the street frontage.

The house is single-storey with front open space to the north-east and a prominent and integrated double carport to the front elevation. It is of brick construction with metal-clad flat roof and eaves that are finished with deep timber fascias.

The principal (north) elevation has a continuous eave-line above a carport to the west and an adjacent front bay with full-height window wall. Entry to the house is at the east elevation, adjacent to a perpendicular bay which extends to the eastern boundary. Expansive timber framed full-height windows are located at both the east and west elevations, providing connection to a small western courtyard and abundant light to interior spaces.

Walls are of deep cream face brick laid in a stretcher bond pattern, fascias are painted dark grey and window joinery is painted white with grey contrasts. Alterations to 4 Bellaire Court include partial removal of asbestos

eaves, the construction of a small kitchen addition, replacement of some windows and doors, and the replacement of the roof.<sup>34</sup>

#### *8 Bellaire Court*

The house at 8 Bellaire Court is located at the east end of Bellaire Court. It is positioned towards the rear of a wedge-shaped block to enable a garden setting to the street frontage.

The house is single storey and is approximately L-shaped in plan with rear open space to the north-east and a prominent and integrated carport to the front elevation. It is of brick construction with metal-clad flat roof and eaves that are finished with deep timber fascias.

The principal (west) elevation has a projecting central bay with a set of windows, flanked by a low-roofed carport to the south and a grey breezeblock screen to the north which conceals a small courtyard. Entry to the house is at the rear of the carport. Expansive timber framed full-height north and east-facing glazing to a rear courtyard connects the indoor and outdoor spaces and provides abundant light to the interior.

Walls are of red/orange face brick laid in a stretcher bond pattern, fascias are painted dark grey and window joinery is painted white.

Alterations to 8 Bellaire Court include the reconstruction of the carport and adjacent stone wall along the south boundary, the construction of small additions at the north-west and south-east corners of the house and recladding of the roof in 2013.<sup>35</sup>

#### *9 Bellaire Court*

The house at 9 Bellaire Court is located at the east end of Bellaire Court. It is positioned towards the rear of a wedge-shaped block to enable a garden setting to the street frontage.

The house is single-storey, of low box-like form with a horizontal emphasis and is approximately L-shaped in plan with rear open space to the north-east and prominent and integrated carport to the front elevation. It is of brick construction with metal-clad flat roof and eaves that are finished with deep timber fascias.

The principal (west) elevation has a projecting central bay with a full-height window set which wraps around the north corner and continues across a recessed portion of the front wall to the north. Entry to the house is at the rear of a low-roofed carport to the north. Expansive timber framed full-height north and east-facing glazing to a rear courtyard connects the indoor and outdoor spaces and provides abundant light to the interior.

Orange/red face brick walls have recently been rendered, with fascias painted dark brown/grey and window joinery painted white.

#### *10 Bellaire Court*

The house at 10 Bellaire Court is located at the east end of Bellaire Court. It is positioned towards the rear of a wedge-shaped block to enable a garden setting to the street frontage.

The house is single-storey and is approximately L-shaped in plan with rear open space to the north-east and a prominent and integrated carport located at the centre of the principal elevation. It is of brick construction with metal-clad flat roof and eaves that are finished with deep timber fascias.

The principal (west) elevation comprises a central low-roofed carport which is flanked by projecting bays with sets of full-height windows. Entry to the house is at the rear of the central carport. Expansive timber framed

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<sup>34</sup> Owner, personal communication via letter to Council, April 2022.

<sup>35</sup> Bayside Council Building Files, City of Brighton, Building Permit plans for 8 Bellaire Court, Beaumaris, dated 2012.

full-height north and east-facing glazing to a rear courtyard connects the indoor and outdoor spaces and provides abundant light to the interior.

Walls are of red/orange face brick laid in a stretcher bond pattern and fascias and window joinery are painted dark grey.

#### *15 Bellaire Court*

The house at 15 Bellaire Court is located on the north side of Bellaire Court. It is positioned towards the rear of a wedge-shaped block to enable a garden setting to the street frontage.

The house is single-storey and is U-shaped in plan with west-facing side courtyard and prominent double carport to the front elevation. It is of brick construction with metal-clad flat roof and eaves that are finished with deep timber fascias.

The principal (south) elevation is dominated by a double carport which is set in front of the main house with entry from the west side. A key feature of the principal elevation is a panel of broad vertical louvres set above a brick base, which lines the side of the carport and contrasts with the horizontality of the eave fascias. Entry to the house is protected by the carport. Expansive timber framed full-height glazing to the rear and to the west-facing courtyard connects the indoor and outdoor spaces and provides abundant light to the interior. Random stonework is set into a broad concrete driveway and further random stonework is used as cladding to garden edges and entrance pier.

Walls are of brown face brick laid in a stretcher bond pattern and fascias and window joinery are painted white.

#### *18 Bellaire Court*

The house at 18 Bellaire Court is located on the west side of Bellaire Court. It is positioned towards the rear of a wedge-shaped block to enable a garden setting to the street frontage.

The house is single-storey and is approximately L-shaped in plan with rear open space to the north-west and prominent and integrated carport to the front elevation. It is of brick construction with metal-clad flat roof and eaves that are finished with deep timber fascias.

The principal (east) elevation has a continuous eave-line above a carport to the south and an adjacent projecting central bay with a full-height window set. This window set wraps around the north corner of the bay and continues across a recessed portion of the front wall to the north. Entry to the house and a full-height window set are located at the rear of the carport. Expansive timber framed full-height north and west-facing glazing to a rear courtyard connects the indoor and outdoor spaces and provides abundant light to the interior. A pebblemix border and stone garden wall line the front entry path.

Walls are of dark red/orange face brick laid in a stretcher bond pattern and fascias and window joinery are painted white.

#### *19 Bellaire Court*

The house at 19 Bellaire Court is located on the west side of Bellaire Court. It is positioned towards the rear of a wedge-shaped block to enable a garden setting to the street frontage.

The house is single-storey and is approximately L-shaped in plan with open space and swimming pool to the north-west and prominent and integrated carport to the front elevation. It is of brick construction with metal-clad flat roof and eaves that are finished with deep timber fascias.

The principal (east) elevation has a continuous eave-line above a carport to the south and an adjacent projecting bay with a window set. Entry to the house is at the rear of the carport. Expansive timber framed

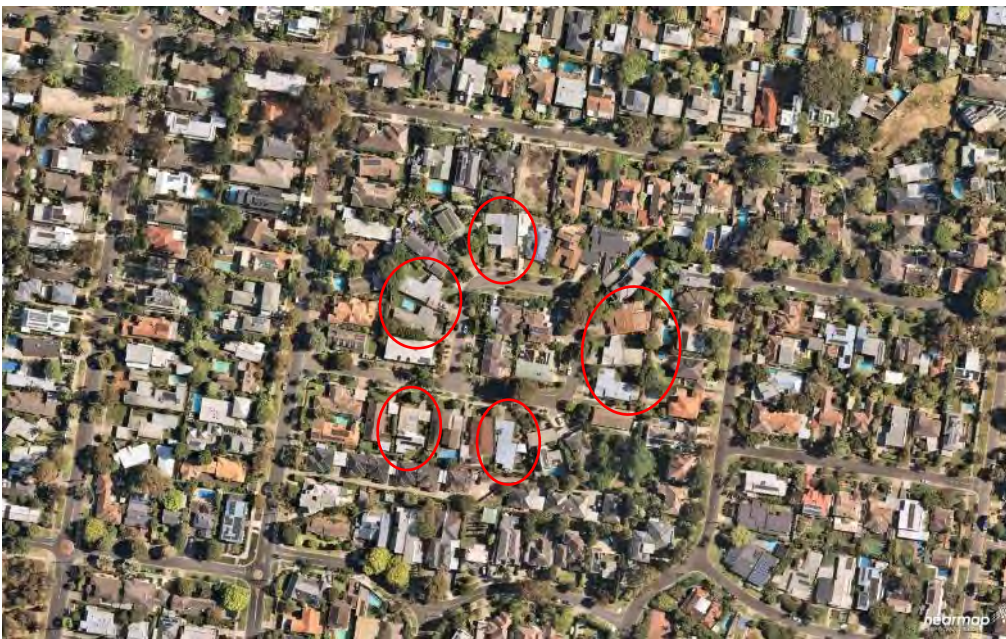


full-height north and west-facing glazing to a rear courtyard and pool connects the indoor and outdoor spaces and provides abundant light to the interior.

Walls are of red/orange face brick laid in a stretcher bond pattern, fascias are painted dark grey and window joinery is painted white.

Key features of the houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court include:

- Site-specific planning to maximise the northern aspect.
- Modernist composition and form, including rectangular planning, low single-storey box-like forms with horizontal emphasis, flat roofs and prominent integrated carports.
- Modernist materials and detailing, including face brick walls, painted timber fascias, and expansive timber-framed glazing.



*Figure 8. Bellaire Court, Beaumaris. Houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court are indicated (Source: nearmap, accessed December 2021)*



*Figure 9. 2 Bellaire Court, Beaumaris (GJM Heritage, April 2021)*





Figure 10. 4 Bellaire Court, Beaumaris (GJM Heritage, April 2021)



Figure 11. 8 Bellaire Court, Beaumaris (GJM Heritage, April 2021)



Figure 12. 9 Bellaire Court, Beaumaris (GJM Heritage, April 2022)





Figure 13. 10 Bellaire Court, Beaumaris  
(GJM Heritage, April 2021)



Figure 14. 15 Bellaire Court, Beaumaris  
(GJM Heritage, April 2021)

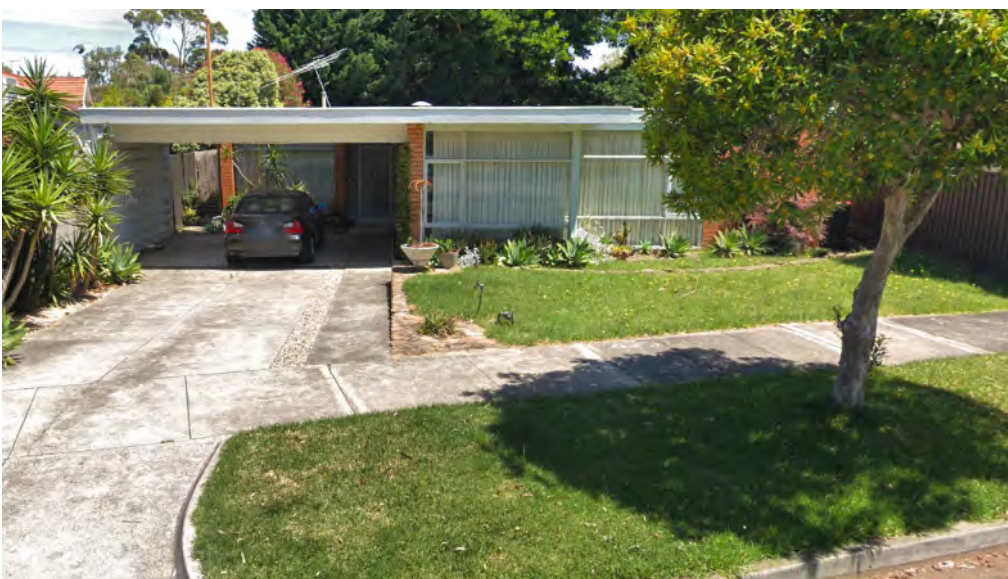


Figure 15. 18 Bellaire Court, Beaumaris  
(Google Streetview, January 2019)



Figure 16. 19 Bellaire Court, Beaumaris (GJM Heritage, April 2021)

### Intactness/Integrity

The houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court retain a high degree of integrity in fabric, form and detail. They remain substantially intact and can be readily understood and appreciated as a coherent group of 1960s houses built in the Post-War Modernist style.

### Comparative Analysis

In the immediate post-war period through to the mid-1970s, a large number of Modernist houses were constructed in the City of Bayside, often for those with an appreciation of Modernist architecture and its design principles. These houses were designed with a simplicity of structure and a sparseness of detail. The design of these houses generally responded to the orientation, topography or existing vegetation of each site. Plans were typically rectangular, with zoned wings arranged around courtyards, and forms were box-like and low with a horizontal emphasis. Shallow-pitched or flat roofs were clad with lightweight sheeting. Integrated carports were prominently placed at the front of the house while entries were commonly recessed or concealed from view. Walls were typically timber-framed and clad with timber, cement sheet or brick, or were of solid masonry construction.

Timber-framed glazing included bands of highlight windows and full-height window-walls to maximise sun penetration and provide visual and physical connection with the outdoors. Landscaping was commonly integrated into the overall design.

The houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court are a coherent group of fine and substantially intact residences built in close proximity to each other by the same builder/designer in the 1960s. They are all built in a Modernist style and display similar characteristics. The houses form a clearly identifiable group of Modernist style 1960s houses and no comparable group has been identified in the City of Bayside in previous studies or as part of this study.

The style and form of the houses have some comparison with a number of other substantially intact and well-resolved examples of the residential Post-War Modernist type not currently included in the Heritage Overlay. These places have been retained with sufficient integrity to demonstrate this particular class of place and to reflect its importance in the historical development of what is now the City of Bayside. These buildings clearly illustrate the application of Modernist principles to residential development and display the principal characteristics of the style. Those that are most comparable to the group of houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court in form, detailing and age of construction include:





1 (3) Sara Avenue, Brighton East (Harry Ernest, 1962)



89 Oak Street, Beaumaris (Sylvia Tutt, 1962-64) (substantially demolished 2022)



24 Balcombe Park Lane, Beaumaris (J Carmichael [attributed to Peter Carmichael], 1966)

Like the group of houses in Bellaire Court, the above examples comprise simple box-like forms with horizontal emphasis, flat roofs and prominent integrated carports. They are characterised by their rectangular plan forms and front facades comprising brick walls with expanses of glazing, and their siting to incorporate landscaped garden settings to the street frontage. Like the houses in Bellaire Court, these houses demonstrate a simplicity of design and lightness of material, being of brick construction with expansive timber-framed windows designed to maximise natural lighting and provide connection between the indoors and outdoors – a characteristic feature of Modernist housing design. The group of houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court retain a similarly high degree of integrity to their period of construction as the above examples and they remain substantially intact to clearly demonstrate a range of characteristics of the Modernist architectural style.

Similar to the small number of 1950s to mid-1970s buildings presently included in the Heritage Overlay of the Bayside Planning Scheme – and the other examples identified above – the group of houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris clearly demonstrate an important phase in the architectural development of suburban housing in the City of Bayside.

### Assessment against Criteria

Following is an assessment of the place against the recognised heritage criteria set out in *Planning Practice Note 1: Applying the Heritage Overlay* (August 2018).

#### ***Criterion A: Importance to the course or pattern of our cultural or natural history***

Designed and built between 1962 and 1968 by prominent builder Martin Sachs, the houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are illustrative of post-war suburban development in the City of Bayside, when a large number of Modernist houses were constructed across the municipality for those with



an appreciation for Modernist architecture and its design principles. Beaumaris in particular appealed to many architects, designers and homemakers who were drawn to settle on low-cost, but attractive land and the suburb became a centre of Modernist residential housing in the post-war period. The group of houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris make a strong contribution to this important phase in the development of the City of Bayside.

***Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments***

The houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are notable as a substantially intact representative group of Modernist suburban housing constructed during the post-war period in the City of Bayside. Designed and built by Martin Sachs, the houses display a range of characteristics that are typical of Post-War Modernist housing from this period in Beaumaris and across Victoria more broadly, including site-specific orientation, rectangular planning, low box-like form with horizontal emphasis, flat roofs with broad eaves and deep fascias, expansive timber-framed glazing including full height windows, and prominent integrated carports.

***Criterion E: Importance in displaying particular aesthetic characteristics***

The houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are of aesthetic significance as a substantially intact collection of well-resolved and carefully detailed examples of suburban houses constructed in the Modernist style. Designed and built by renowned builder Martin Sachs in the 1960s, the houses are characterised by their similar forms and architectural expression, and their refined detailing. They demonstrate the key aesthetic qualities of Modernist design in the City of Bayside to a high standard.

**Grading and Recommendations**

It is recommended that the place be included in the Heritage Overlay of the Bayside Planning Scheme as a locally significant heritage place.

Recommendations for the Schedule to the Heritage Overlay (Clause 43.01) in the Bayside Planning Scheme:

External Paint Controls?	No
Internal Alteration Controls?	No
Tree Controls?	No
Outbuildings or Fences not exempt under Clause 43.01-4?	No
Prohibited Uses Permitted?	No
Aboriginal Heritage Place?	No



### Extent of the Recommended Heritage Overlay

To the extent of the green polygons as shown in Figure 17 below.



Figure 17. Recommended Extent of Heritage Overlay  
(Basemap Source: Vicplan)

#### Key

-  Recommended extent of HO
-  Existing Heritage Overlay

## References

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## Bellaire Court Estate, Beaumaris – Statement of Significance, May 2022

<b>Heritage place:</b> Bellaire Court Estate, 2, 4, 8, 9, 10, 15, 18 & 19 Bellaire Court, Beaumaris	<b>PS ref no.:</b> H0853
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*Figure 1. 15 Bellaire Court, Beaumaris (April 2021)*

### ***What is significant?***

The group of eight (8) houses at 2, 4, 8, 9, 10, 15, 18 & 19 Bellaire Court, Beaumaris, built from 1962-1968.

Elements that contribute to the significance of the group include (but are not limited to):

- The original external form, materials and detailing of each of the buildings
- The high level of integrity to each buildings' original design
- Site-specific planning to maximise the northern aspect
- Modernist composition and form, including rectangular planning, low single-storey box-like forms with horizontal emphasis, flat roofs and prominent integrated carports.
- Modernist materials and detailing, including face brick walls, painted timber fascias, and expansive timber-framed glazing.

Later alterations are not contributory.

### ***How is it significant?***

The group of eight (8) houses at 2, 4, 8, 9, 10, 15, 18 & 19 Bellaire Court, Beaumaris is of local historical, representative (architectural) and aesthetic significance to the City of Bayside.

### ***Why is it significant?***

Designed and built between 1962 and 1968 by prominent builder Martin Sachs, the houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are illustrative of post-war suburban development in the City of



Bayside, when a large number of Modernist houses were constructed across the municipality for those with an appreciation for Modernist architecture and its design principles. Beaumaris in particular appealed to many architects, designers and homemakers who were drawn to settle on low-cost, but attractive land and the suburb became a centre of Modernist residential housing in the post-war period. The group of houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris make a strong contribution to this important phase in the development of the City of Bayside. (Criterion A).

The houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are notable as a substantially intact representative group of Modernist suburban housing constructed during the post-war period in the City of Bayside. Designed and built by Martin Sachs, the houses display a range of characteristics that are typical of Post-War Modernist housing from this period in Beaumaris and across Victoria more broadly, including site-specific orientation, rectangular planning, low box-like form with horizontal emphasis, flat roofs with broad eaves and deep fascias, expansive timber-framed glazing including full height windows, and prominent integrated carports (Criterion D).

The houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Beaumaris are of aesthetic significance as a substantially intact collection of well-resolved and carefully detailed examples of suburban houses constructed in the Modernist style. Designed and built by renowned builder Martin Sachs in the 1960s, the houses are characterised by their similar forms and architectural expression, and their refined detailing. They demonstrate the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

**Primary sources:**

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City of Bayside Post-War Modern Residential Heritage Study, GJM Heritage (2022)

