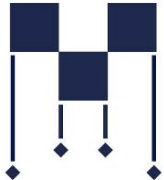


Bayside Planning Scheme Amendment C192bays

Statement of evidence by
Natica Schmeder

Prepared for **Harwood Andrews**
On behalf of the **City of Bayside**



© **Landmark Heritage Pty Ltd 2024**

Prepared by: Natica Schmeder, Principal

LANDMARK HERITAGE PTY LTD

PO BOX 507

FLEMINGTON VIC 3031

Contents

1. INTRODUCTION	5
1.1 Qualifications, experience and area of expertise	5
1.2 Instructions	6
1.3 Preparation of this statement	6
1.4 Prior involvement	6
1.5 Documents and materials relied upon	6
1.5 Declaration	7
2. SUMMARY OF MY OPINIONS	8
2.1 Changes to statutory controls	8
2.2 Changes to statements of significance	8
2.3 Non-statutory changes	8
3. MY METHODOLOGY	10
4. PEER REVIEW OF HERITAGE STUDY	13
4.1 Background to the Heritage Study	13
4.2 Peer review of Vol. 2 Contextual History	14
Background to the Contextual History	14
Topics addressed in the Contextual History	15
Gaps in the Contextual History	16
Conclusions and recommendations re: Vol. 1	16
4.3 Peer review of Vol. 1 Methodology	17
Chapter 2. Background	17
Chapter 3. Methodology	17
Chapter 4. Findings & Recommendations	20
Conclusions and recommendations re: Vol. 2	21
4.4 Peer review of Vol. 3 Citations	21
Histories	21
Descriptions	22
Intactness/Integrity	22
Comparative Analyses	22
Heritage criteria and statements of significance	23
Conclusions and recommendations re Vol. 3	29
4.5 General conclusions of peer review	30

5. RESPONSE TO SUBMISSIONS	31
5.1 General issues	31
Non-heritage issues	31
Condition	32
Post-war heritage	33
5.2 Site-specific issues raised by parties to the Panel hearing	34
5.2.1 Subs. 4 (and 3) – 82 Reserve Rd, Beaumaris	35
5.2.2 Sub. 26 – 78 Scott St, Beaumaris	40
5.2.3 Sub. 15 – 28 Towers St, Beaumaris	44
5.2.4 Sub. 16 - 1 Reid Street, Beaumaris	46
5.2.5 Sub. 31 – 21 Dudley St, Brighton	49
5.2.6 Subs. 14 (and 3) – 9 Wolseley Gr, Brighton	52
5.2.7 Sub. 23 – 27 Bolton Ave, Hampton	56
5.2.8 Subs. 2 (and 24) – 1-4/16 Gillard St, Brighton East	59
5.2.9 Sub. 12 – 9 Bellaire Ct, Beaumaris	65
5.3 Places not appearing	71
5.3.1 Subs. 7 & 22 - 13 Fifth St, Black Rock	71
5.3.2 Sub. 5 - 19 Haywood Street, Beaumaris	74
5.3.3 Sub. 6 - 86 Dalgetty Road, Beaumaris	77
5.3.4 Sub. 9 - 15 Mariemont Ave, Beaumaris	80
5.3.5 Sub. 10 - 56 Cloris Ave, Beaumaris	82
5.3.6 Sub. 13 – All properties	84
5.3.7 Sub. 17 - 175-177 Tramway Pde, Beaumaris	85
5.3.8 Subs. 18 & 19 – All properties	88
5.3.9 Sub. 21 - 11 Summerhill Road, Beaumaris	88
5.3.10 Sub. 27 - 19 Olympic Ave, Cheltenham	90
5.3.11 Sub. 28 - 165-167 Tramway Parade, Beaumaris	91
5.3.12 Sub. 30 – All properties	92
5.3.13 Sub. 32 - 4 Bellaire Court, Beaumaris	93
5.3.14 Sub. 34 (late) - 2 High St, Beaumaris	94
APPENDIX A – MY INSTRUCTIONS	104
APPENDIX B – PRELIMINARY RESPONSES	104
APPENDIX C – STATEMENTS OF SIGNIFICANCE	155

1. INTRODUCTION

1. This statement of expert evidence has been prepared in accordance with the Practice Note 1: Expert Evidence, published by Planning Panels Victoria, in relation to Amendment C192bays to the Bayside Planning Scheme.

1.1 Qualifications, experience and area of expertise

Qualifications

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

2. I am an architectural historian and buildings conservator with over 20 years' experience in architectural research and assessment, materials conservation, heritage studies, conservation management plans and heritage advice, in Australia, the United States, England and Poland.
3. I am a Full International Member of ICOMOS (International Council on Monuments and Sites), and served on the Australia ICOMOS Executive Committee 2009-12. I was a Member of the Heritage Council of Victoria 2016-22. I am a member of the National Trust Built Environment Committee, and was its Chair 2012-17.

Relevant experience

4. I have been Principal of Landmark Heritage Pty Ltd since July 2018, and have carried out a number of heritage studies, assessments and peer reviews of others' work since that time.
5. Previously, I was an Associate at Context, from 2005 until June 2018. At Context I worked on dozens of municipal heritage studies and reviews, many of which I led and/or acted as the architectural historian.
6. I have acted as the peer reviewer and expert witness at planning panels for municipal councils for the following studies:
 - City of Melbourne C426melb – peer review of the 'South Yarra Heritage Review' (GML Heritage, 2022), including its thematic history and citations, as well as responding to 41 submissions.
 - City of Stonnington C320ston – peer review of all contested places and precinct in the 'Toorak, Kooyong and Armadale Heritage Review' (Extent Heritage Pty Ltd, 2022).
 - Rural City of Horsham –peer review in 2022 of all places and precincts recommended for the Heritage Overlay by the 'Horsham Heritage Study' (Greive Gillet, 2014). Note that Council officers expect to lodge a request to the Minister for Planning for authorisation and exhibition of an associated planning scheme amendment in mid-2024.
 - City of Port Phillip C161 – peer review of all contested places and precincts in the 'Port Phillip Heritage Review Update' (David Helms Heritage Planning, 2019).
 - City of Moonee Valley C200 – peer review of all contested places and precincts in the 'Moonee Valley 2017 Heritage Study' (Context, 2019).
 - City of Maroondah C116 – peer review of all places and precincts recommended for the Heritage Overlay by the 'Jubilee Park: Heritage and neighbourhood character study' (Context Pty Ltd, 2018; NB: While I worked at Context during the preparation of this study, I was not a team member for the study.)

EXPERT EVIDENCE

- City of Boroondara C276 – peer review of places and precincts recommended for the Heritage Overlay by the ‘Balwyn and Balwyn North Heritage Study (incorporating Deepdene and Greythorn)’ (Built Heritage, 2015).
 - City of Boroondara C177 – review of the ‘Surrey Hills South Residential Precincts Heritage Study (Lovell Chen, 2014) which recommended inclusion in the Heritage Overlay of 10 individual places and three precincts.
 - City of Yarra C149 – peer review of methodology and a select number of places and precincts recommended for the Heritage Overlay by the ‘Review of Heritage Places and Precincts’ (G Butler & Assoc., 2012).
7. My area of expertise relevant to this Panel hearing is the assessment of the cultural heritage significance of buildings, structures and precincts in the Melbourne metropolitan area and country Victoria, with reference to current heritage assessment criteria and within the framework of local historical themes.
8. I have been retained by a number of councils to appear as an expert witness on heritage-related matters at Independent Panel Hearings, including: City of Boroondara (Amendments C116, C177, C178, C183, C236, C243, C263 Pt 2, C266, C274, C276, C284, C294, C305, C306, C308, C318, C333, C337 & C353), City of Brimbank (Amendments C125 & C200), Shire of Cardinia (Amendment C161), City of Maroondah (Amendment C116), City of Melbourne (Amendment C426), City of Moonee Valley (Amendments C142, C164 & C200), City of Moreland (Amendment C149), Shire of Mornington Peninsula (Amendment C214), City of Port Phillip (Amendment C161), City of Stonnington (Amendments C233, C238, C248, C249 & C320) and City of Yarra (Amendments C149, C173, C177, C183 & C198), as well as by the National Trust (City of Yarra Amendment C163).

1.2 Instructions

9. This statement of evidence was prepared in accordance with a letter of instruction from Harwood Andrews, dated 6 November 2023. It is appended to this evidence as Appendix A.

1.3 Preparation of this statement

10. This statement has been prepared by myself, Natica Schmeder, of Landmark Heritage Pty Ltd.

1.4 Prior involvement

Prior to the request from Harwood Andrews to carry out a peer review, I had no involvement in Amendment C192bays, or the associated heritage study prepared by GJM Heritage. Nor have I had any involvement in previous heritage studies or assessments for the City of Bayside.

I do note that I carried out three small projects for GJM Heritage in 2018, as a sub-consultant. I do not have any ongoing financial or professional relationship with GJM Heritage.

1.5 Documents and materials relied upon

11. In preparing this report, I have relied upon the following documents:
- GJM Heritage, ‘Post-war Modern Residential Heritage Study’, including Vol. 1. Methodology, Findings & Recommendations, Vol. 2. Contextual History: Post-War Modernism in the City of Bayside, and Vol. 3 Citations and Statements of Significance, 2022

- Heritage Alliance, 'Bayside Inter-War & Post-War Heritage Study', Vols. 1 & 2, 2008.
- Context, 'Mid-Century Modern Heritage Study - Residential Places', Stage 2, 2020.
- City of Bayside building permit and planning permit records for select places, both original plans where available and for later alterations and additions.
- Various other research sources, such as place citations for comparative examples, and historic newspapers. Sources used are cited in my responses to the individual submissions.
- Bayside Heritage Action Plan, 2020.

1.5 Declaration

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

Signed,

A handwritten signature in cursive script, appearing to read "Natica Schmeder", is written in black ink on a light-colored background.

Natica Schmeder

2. SUMMARY OF MY OPINIONS

13. I have summarised below all statutory and non-statutory changes that, in my expert opinion, should be made to the documentation and/or statutory recommendations in regard to the group listing and individual places that were the subject of submissions, to several others not subject to submissions, and to the Vol. 2 Contextual History.

2.1 Changes to statutory controls

- 78 Scott Street, Beaumaris: Remove from the amendment.
- 9 Wolseley Grove, Brighton: Remove mention of the 'brick garden walls' from the HO Schedule controls.
- 27 Bolton Avenue, Hampton: Specify in the HO Schedule that "carports" are the Outbuildings not exempt under Clause 43.01-4.

2.2 Changes to statements of significance

- 9 Wolseley Grove, Brighton: Update the statement of significance (and citation) to reflect the 2022-23 works.
- 82 Reserve Rd, Beaumaris: Update to reflect the recent physical changes to the house and remove Criterion H (associative significant) from the statement of significance.
- 19 Haywood Street, Beaumaris: Revise the statement of significance to note that the stacked stone cladding is a non-contributory element.
- 175-177 Tramway Pde, Beaumaris: Add to the statement of significance that this was a custom house plan from the *Australian Women's Weekly* home planning service.
- 21 Dudley Street, Brighton: Clarify that the three mature Eucalyptus trees in the front garden and one in the backyard are elements that contribute to the significance of this place.

2.3 Non-statutory changes

- 82 Reserve Road, Beaumaris: Update the Description and Intactness/Integrity sections of the citation to reflect the recent changes to this place.
- 9 Wolseley Grove, Brighton: Update the citation to document the 2022-23 building works.
- 27 Bolton Avenue, Hampton: Correct the citation to note that the facebrick has been "bagged" instead of "overpainted".
- 16 Gillard Street, Brighton East
 - Replace Figure 2 (sketch proposal of front façade) with the elevation of the front façade from the 1968 plans that was actually built.
 - Note in the History the conversion of a front French door to a window and replacement of all white rock-faced bricks below the window in this bay.
 - Correct reference in Intactness/Integrity section from 'a 1970s ... development' to 'a late-1960s ... development'.

- Expand the Comparative Analysis to encompass single-family dwellings that demonstrate the same architectural language as 16 Gillard Street.
- 19 Haywood Street, Beaumaris:
 - Revise citation to note the areas of stacked stone cladding is not original.
 - Add further information to the Comparative Analysis about architectural practice Clarke Hopkins Clarke's other designs in Bayside, including those listed in the History.
- 18 Hutchison Ave, Brighton: Add further information to the Comparative Analysis about architectural practice Clarke Hopkins Clarke's other designs in Bayside, including those listed in the History.
- 15 Mariemont Ave, Beaumaris:
 - Add information to the citation about the shift forward of the central window wall and associated relocation of the front door to the next bay.
 - Change the assessment of integrity from "high" to "relatively high".
- 56 Cloris Ave, Beaumaris: Refer to the *Australian House & Garden* article (Sept 1963, p. 33) to determine if the current front fence is original or not, and record this in the Description and Integrity sections.
- 175-177 Tramway Pde, Beaumaris:
 - Revise the Description to note that this is a "sloping" block, not a "flat" one.
 - Revised the Description and History to note that the stacked-stone hard landscaping in the front setback was installed post-2013.
 - Record in the History that this was a house plan from the *Australian Women's Weekly* home planning service, customised for the first owners at the Myer Melbourne Home Planning Centre on 29 November 1958. Provide contextual information about this design service.
- Add information on émigré architects to the Contextual Histories of places designed by such architects: 171 Tramway Parade, Beaumaris; 344 Beach Road, Black Rock; 56A Dendy Street, Brighton; 51 Lynch Crescent, Brighton; 9 Merton Avenue, Brighton; 3 Roslyn Street, Brighton; and 2 Davey Avenue, Brighton East.
- Vol. 2. Contextual History: Post War Modernism in the City of Bayside
 - Add a section on the contribution of émigré architects to Modernist residential development in the City of Bayside

3. MY METHODOLOGY

14. I received instructions from Harwood Andrews on 6 November 2023 to carry out a peer review in relation to Amendment C192bays. This amendment seeks to implement recommendations from the 'City of Bayside Post-War Modern Residential Heritage Study' by GJM Heritage, July 2022 (the "Heritage Study") by applying the Heritage Overlay on a permanent basis to some of the places assessed by the Heritage Study. These places are referred to as the "Nominated Properties". At that time, 33 submissions had been received in relation to this amendment, most of them objecting to its recommendations. One further, late submission, was subsequently received.
15. Prior to this time, I had not had any involvement in the Heritage Study.
16. The first part was to carry out a peer review of all three volumes of the Heritage Study, including its methodology (Vol. 1), the contextual history of post-war residential development (Vol. 2), and place citations of the Nominated Places (Vol. 3).
17. The second part was to review submissions made in relation to Amendment C192bays, and respond to those issues that sit within my area of expertise.
18. I have set out, below, the tasks I undertook for these two components of the peer review.
19. I read the three volumes of the Heritage Study, including the entirety of Vol. 1 Methodology and Vol. 2 Contextual History. Of the heritage citations in Vol. 3, I read in entirety those for which a submission was made, while I skimmed the remainder to understand their general level of quality and the approach taken by GJM Heritage in their preparation.
20. I read all submissions, objecting and supporting, and noted for each key issues of investigation required. In cases where the issue of intactness was important, I requested from the City of Bayside building permit and planning permit plans for the initial construction of these places, as well as later alterations and additions. These were made available to me for the following properties. I have noted those cases where the original plans were available:
 - 9 Bellaire Court, Beaumaris
 - 56 Cloris Avenue, Beaumaris
 - 19 Haywood Street, Beaumaris (original plans only)
 - 2 High Street, Beaumaris (including original plans)
 - 15 Mariemont Avenue, Beaumaris (including original plans)
 - 1 Reid Street, Beaumaris
 - 82 Reserve Road, Beaumaris (original plans only)
 - 78 Scott Street, Beaumaris
 - 11 Summerhill Road, Beaumaris (original plans only)
 - 165-167 Tramway Parade, Beaumaris
 - 175-177 Tramway Parade, Beaumaris (including original plans)
 - 13 Fifth Street, Black Rock (including original plans)
 - 21 Dudley Street, Brighton
 - 9 Wolseley Grove, Brighton (including original plans)

- 16 Gillard Street, Brighton East (original plans only)
 - 27 Bolton Avenue, Hampton (including original plans)
21. I made three rounds of site visits to places addressed by the Heritage Study. These were mainly places that were the subject of an objecting submission that raised issues impacting on heritage significance, such as architectural design quality, intactness and condition (particularly where it might impact upon significance). I did not visit places for which submitters solely raised non-heritage issues, such as property values or the validity of current State planning policies. I also visited a short-list of additional places as comparative examples for 16 Gillard Street, Brighton East.
 22. I carried out the first site visits on 22 November 2023. They were unaccompanied and I viewed from the public realm all those places for which submissions had raised heritage-related issues.
 23. At that time, I noted places that were difficult to observe clearly from the footpath. I then sought real estate photos, available online, both to view parts of sites not visible from the public realm and to understand recent alterations. In cases where this was not sufficient to understand the current built form of the dwelling in question, I requested that Harwood Andrews arrange on-site inspections if the owners were willing.
 24. In response to this request, I was able to make on-site inspections to most of these properties, on 22 December 2023 and 5 February, which are discussed below.
 25. Prior to those on-site inspections, I prepared preliminary responses to objecting submissions, on 7 December 2023.
 26. In regard to each objecting submission, I first considered which issues raised were related to heritage significance, and then addressed those issues as informed by my investigations (site visits, place citations, architectural plans, and any other research) and my professional experience.
 27. In addition to considering the pertinent matters raised by the objectors, I also posed the following general questions for each place subject to an objection:
 - Does the place citation demonstrate that the place meets the threshold of local significance for the City of Bayside?
 - Have alterations and additions to the dwelling, including changes to its setting, impacted its previous level of significance causing it to fall below the threshold of local significance?
 28. In considering the impact of alterations and additions on significance, I posed more detailed questions to evaluate the heritage impact of the changes:
 - Do the alterations and/or additions conform generally to good heritage practice, as defined by the *Australia ICOMOS Burra Charter 2013*, and thus would likely have been supported by Council had the property already been in the Heritage Overlay?
 - If they were not likely to have been supported, then:
 - Are the changes largely reversible, that is, can “added” material or additions be removed in a straightforward manner to reveal the undamaged original form?
 - Are the changes minor or major in nature, both in their visual impact and on the defined significance of the place? Related to this, do the changes impact key views or parts of the dwelling, or are they in a recessive and/or secondary location?

EXPERT EVIDENCE

- How robust is the original design? That is, is it a modest or very typical design whose significance is impacted to a greater degree by the same level of change than would be a more important and/or more substantial building?
 - Is the place put forward as being of local significance in its own right, or a Contributory part of a heritage place? As the threshold to be a Contributory property is lower than for local significance, often a greater level of change is acceptable so long as the relationship between the part and the whole is still clear.
 - If the changes have had a substantial impact on the architectural (representativeness and/or aesthetic) significance of the place, are there other strong and compelling reasons that still imbue it with local significance?
29. On the basis of these considerations, I wrote responses to the heritage-related issues, and made one of the following recommendations in respect of each place subject to an objection:
- No change, for places I still considered to be of local significance or Contributory to a locally significant group listing whose citation and statement of significance are appropriate and up to date, or
 - Changes to the statement of significance and/or other text in the heritage citation, but no change to the statutory recommendation to include the place in the HO, or
 - Do not introduce permanent HO controls as the place does not meet the threshold of local significance.
30. On 18 December 2023, with the permission of the owners, I made on-site inspections to the following places:
- 78 Scott Street, Beaumaris
 - 9 Wolseley Grove, Brighton
 - 16 Gillard Street, Brighton East
 - 27 Bolton Avenue, Hampton
31. These inspections were accompanied, by Bayside Council officers and the owners of the properties. They were also attended by two consultants from GJM Heritage, Jim Gard'ner and Renee Jarman. Due to the accompanied nature, they were carried out in keeping with protocols prepared by Harwood Andrews, which were as follows:
- *While you may ask property owners/submitters questions of clarification of facts, please do not engage in any discussion with property owners/submitters in relation to the Amendment.*
 - *Please do not discuss the Amendment (including the submissions or evidence) amongst yourselves [that is, with the other heritage consultants].*
 - *If any property owners/submitters ask questions in relation to the Amendment, please advise them to contact Harwood Andrews in our capacity as Council's representative.*
 - *Please seek the consent of the relevant property owner/submitter before taking any photographs whilst on-site.*
32. I followed all of these protocols during the on-site inspections.
33. During the on-site inspections, I had the opportunity to walk around all elevations of the four dwellings and take photos and notes. As there are no Internal Alteration Controls proposed for any of the four, I did not enter any of the dwellings.

34. On the basis of the 18 December site visits, I revised my preliminary responses to submissions. In the case of 16 Gillard Street and 9 Wolseley Grove, I added more detail about alterations to the two buildings, but did not change my statutory recommendations in regard to these two places. Following the on-site visit to 78 Scott Street, as well as detailed consideration of the places put forward in the Comparative Analysis for 78 Scott Street, I concluded that this place does not meet the threshold of local significance. On this basis, I changed my recommendation and proposed that it be excluded from the Heritage Overlay.
35. The third round of site visits took place on 5 February 2024. Again, these were on-site inspections granted by the owners. These visits were attended by Bayside Council officers, Jim Gard'ner of GJM Heritage, and the two PPV members. Again, I observed the protocols for accompanied site visits provided by Harwood Andrews.
36. On this date, I visited:
 - 28 Towers Street, Beaumaris
 - 21 Dudley Street, Brighton
37. Following these inspections, I added a recommendation that the Tree Controls for 21 Dudley Street be defined in more detail, but did not change my overall support for the inclusion of both places in the Heritage Overlay.
38. My Preliminary Responses to Submission table, as amended on 5 February 2024, is attached to this statement as Appendix B.
39. Note that I also requested via Harwood Andrews that Council arrange on-site inspections to several more properties, for which submitters had noted alterations not (clearly) visible from the public domain, but access was not granted within the relevant timeframe. In these cases, my opinions are based on viewing from the public domain, real estate photos, and historic architectural plans. These places are:
 - 9 Bellaire Court, Beaumaris
 - 86 Dalgetty Road, Beaumaris
 - 15 Mariemont Avenue, Beaumaris

4. PEER REVIEW OF HERITAGE STUDY

4.1 Background to the Heritage Study

40. For my own understanding of the background of this Heritage Study, and particularly why places that were the subject of previous heritage assessments and planning scheme amendments are included in it, I checked several sources. These include an overview of the previous heritage studies, set out in Vol. 1, pages 5-7, of the GJM Heritage Study, the 'Amendment C192bays – Chronology of Events' prepared by Harwood Andrews, and the previous heritage study reports by Alom Lovell (1999-2003), Heritage Alliance (2008), Bryce Raworth PL (2010), and Context (2020). I also reviewed the PPV report for Amendments C75 & C76, related to the implementation of some of the Heritage Alliance and Bryce Raworth study recommendations.
41. I have summarised the recommendations and outcomes of these previous heritage studies:
 - Allom Lovell and Associates Pty Ltd, 'Bayside Heritage Review', 1999 – recommended interwar and post-war places for the HO; interim HO controls introduced on 47 heritage

EXPERT EVIDENCE

places, nearly all dating from the interwar period; these controls were not made permanent at that time;

- Heritage Alliance, 'City of Bayside Inter-War and Post-War Heritage Study', 2008 Vol. 1 – a review of the 47 interim HO places from the Allom Lovell study; Heritage Alliance recommended that 29 of these interwar places receive permanent HO controls, as well as eight new precincts (including Mariemont Ave Precinct); 27 of the places and seven of the precincts (excluding Mariemont Ave) were the subject of an amendment and given permanent HO controls, as well as other places from the 1999 study (including a post-war Modernist house at 74 Cromer Rd, Beaumaris, HO475);
 - Heritage Alliance, 'City of Bayside Inter-War and Post-War Heritage Study', 2008 Vol. 2 – assessment of newly identified interwar and post-war places; also, a list of 120 places for future investigation; they were identified by desktop study, windscreen survey of every street in the municipality, and community consultation; Heritage Alliance recommended 65 of the assessed places for the HO. This recommendation was not implemented; and
 - Context, 'Mid-Century Modern Heritage Study - Residential Places', 2020 – Bayside City Council sought owners of post-war homes in Beaumaris and Black Rock to nominate them for inclusion in the HO; ten houses were found to be of local or state significance; in addition, eight Council-owned post-war places were found to be local significance; all were added to the HO.
42. In 2020, Bayside City Council resolved to review the post-war places assessed or identified as of potential significance in Vol. 2 of the Heritage Alliance study. To this end, they engaged GJM Heritage to prepare the 'Mid-Century Modern Heritage Study' which assessed places built between 1945 and 1975. It was completed in January 2022 and finalised following public consultation in July 2022.
43. I note that the interwar places assessed or identified in Vol. 2 of the Heritage Alliance study have not yet been re-investigated, but it appears that this will happen in the short to medium term as the Bayside City Council Heritage Action Plan 2020 contains Action H2: Review of the Inter-War and Post-War Heritage Study, which is foreseen to be a municipal-wide heritage study.

4.2 Peer review of Vol. 2 Contextual History

Background to the Contextual History

44. As noted in the introduction to the 'Contextual History: Post-war Modernism in the City of Bayside', GJM Heritage, 2022, which comprises Vol. 2 of the Heritage Study, this document 'builds upon the Thematic History contained within the City of Bayside Heritage Review (1999) by Allom Lovell & Associates (p36-39) and the Revised Thematic History prepared by Heritage Alliance in the 2008 City of Bayside Inter-War & Post-War Heritage Study.'
45. The 1999 Thematic History contains about one page of text, plus illustrations, on this topic in a chapter entitled 'Modern Architecture Hits the Bay: Housing After World War Two'. It briefly covers the population boom in Moorabbin, Cheltenham and Highett; an example of a flats complex; and the phenomenon of Beaumaris' development including designs by many notable Modernist Australian architects, with examples provided of Robin Boyd's work as well as a 1979 house by Daryl Jackson Architects.
46. The 2008 Revised Thematic History devotes four pages to key themes in the interwar and post-war development of Bayside. Sections that concern the post-war residential development are Mid-Century Sponsored Subdivisions, and The Development of the Modern

House (1945-75). The subdivisions discussed are Sol Green War Services Homes schemes in Sandringham and Brighton East, and the Housing Commission of Victoria's Castlefield Estate in Brighton, Sandringham and Hampton.

47. The section on the Modern House (1945-75) focuses on 'the previously under-developed areas of Brighton East and Beaumaris', particularly the Dunlop-Perdieu estate which comprised 'one of the last substantial pockets of undeveloped land in the inner suburbs'. The preponderance of architect-designed houses in Beaumaris is noted, as is the overall 'significance of Beaumaris as an epicentre for modern residential architecture in the post-war period'. The existence of architect-designed Modernist homes in Brighton is also discussed, with most scattered apart from a concentration at the former Melbourne Orphan Asylum site. There is also a discussion of "off-the-shelf" housing, including those by project home companies Contemporary Homes Pty Ltd, E McLean & Company, and Consolidated Home Industries, as well as designs provided by the Small Homes Service (pages 21-22).
48. There is also a discussion of the impact of émigré architects on the post-war development of Brighton East (page 21), which is reproduced here in full:

Another notable centre for modern residential architecture in the City of Bayside was the hitherto underdeveloped area of Brighton East, where the impact of European émigré architects represents an interesting sub-theme. In the years leading up to and just after the Second World War, the influx of Jewish immigrants to Australia included a number of architects who had trained and/or worked in some of the important centres of modern design in Europe. Many of these architects settled in Melbourne's inner south-eastern suburbs of St Kilda East, Caulfield and Elsternwick, where they designed houses for their compatriots as well as other community buildings such as synagogues. Their sphere of influence also spread to the nearby portions of what is now the City of Bayside, and Brighton East in particular. Houses, more often than not commissioned by Jewish clients, were designed by architects such as Herbert Tisher, Kurt Popper, Dr Ernest Fooks, Bernard Slawik, Harry Ernest, and Anatol Kagan. This sub-theme is also demonstrated by a single example of a modern synagogue, in Marriage Road, which was designed by Abraham Weinstock in 1965.

Topics addressed in the Contextual History

49. The Contextual History, prepared as Vol. 2 of the Heritage Study, takes up and expands upon the overarching themes from the 1999 and 2008 thematic histories. This includes chapters on the large subdivisions and other greenfield areas of development in the post-war period (Chapter 2), the phenomenon of architect-designed homes in the Beaumaris area and the reasons behind it, as well as other locations of scattered architect-designed homes (Chapter 5), Small Homes Services designs and project homes (Chapters 6 & 7), and higher-density developments, including flats (Chapter 8).
50. In addition, the Contextual History includes three chapters that provide an architectural history survey of the 1945 to 1975 period and beyond, including the main architectural approaches to post-war houses: the traditional austerity house vs the Modernist house (Chapter 3), the characteristics of early Modernist houses which had a strong International style influence (c1945 to mid-1960s) in contrast to the more organic late-1960s and 1970s approach (Chapter 4), and the decline of Modernism and rejection of clean functional lines and formality and transition to Post-Modernism from the mid-1970s (Chapter 9).

Gaps in the Contextual History

51. Émigré architects are only addressed by the Contextual History in a single footnote (Ft 12). This is despite the importance of this theme being indicated and discussed in the 2008 Revised Thematic History, and the presence of at least seven places assessed in the Heritage Study that were designed by émigré architects.¹ Those with an identified émigré architect are:
 - 171 Tramway Parade, Beaumaris (Anatol Kagan, 1960)
 - 344 Beach Road, Black Rock (Holgard & Holgar, 1975)
 - 56A Dendy Street, Brighton (Celina Widawski with Michael Feldhagen, 1963)
 - 51 Lynch Crescent, Brighton (Michael Feldhagen, c1964-65)
 - 9 Merton Avenue, Brighton (Ernest Fooks, 1969-70)
 - 3 Roslyn Street, Brighton (Edgard Pirrotta, 1971)
 - 2 Davey Avenue, Brighton East (Michael Feldhagen, 1968)
52. In the citations for the above places, text drawn from the Contextual History about ‘A New Generation of Architects and Modernist Design’ is included. In my expert opinion, it would be far more applicable and informative if this was replaced or supplemented by information about the origins, arrival and impact of émigré architects.
53. There is another, minor, gap in the coverage of the Contextual History that has only recently become apparent. In this case, an improved scan of the original architectural plans for 175-177 Tramway Parade, which became available in December 2023, reveals that this was a design produced by the *Australian Women’s Weekly* home planning service, in association with Myer Melbourne. If the Contextual History is revised in the future, information about this other source of off-the-shelf (and customised) architects’ plans could be added to the chapter about the Small Homes Service.
54. I note that thematic histories prepared as part of heritage studies, such as the 2022 Contextual History, are generally the first step in the project and are intended both to guide the identification of places important in the development of the study area as well as providing context for the assessment of those places. Further research is carried out in the successive stage of assessing places and precincts, during which new information arises in relation to the themes already covered, and in some cases additional themes of importance are identified. Ideally, this natural progression in the understanding of a study area and its heritage would be reflected by requiring an end-of-study revision of the thematic history taking into account new findings. However, while this was once part of Heritage Victoria’s Model Brief for heritage studies, this final step is rarely included in current heritage study briefs and budgets.

Conclusions and recommendations re: Vol. 1

55. The Contextual History is richly illustrated and clearly written allowing it to serve as a foundation for the Heritage Study as well as a document that can be enjoyed by interested members of the public.
56. The only gap of note, in my expert opinion, is the lack of information on émigré architects, which was an important theme particularly in the Brighton and Brighton East area and is

¹ Note that there may be more émigré-designed places in the Heritage Study, as some designers could not be identified. For example, the Pruzanski & Jenkie Houses, 32 Clonaig Street & 1 Meyer Court, Brighton East, were built for émigré clients and may have had an émigré architect.

represented by at least seven places in the Heritage Study. It would be valuable to add a section on this topic to the Contextual History, as well as to the citations for places that illustrate this theme. The text from the Heritage Alliance study could be updated to note the suburbs in which such work is present, and add to the list of émigré architects represented in Bayside.

57. To a lesser extent, it would be useful to add information about home design services other than the Small Homes Service to the Contextual History. As only one such design has been identified (175-177 Tramway Pde), however, in my expert opinion, it would be sufficient to add information about the *Australian Women's Weekly* design service to this place citation only.

4.3 Peer review of Vol. 1 Methodology

Chapter 2. Background

58. A detailed background to the present Heritage Study is set out at the start of this chapter (page 5). As noted there, the information was 'drawn from Council's project specification'.
59. This section is generally useful in understanding the genesis of the Heritage Study, and explaining why many properties have been investigated and assessed a second or even a third time, but do not yet have a permanent HO listing.
60. In one case the information provided is not entirely accurate:
In June 2008, Council resolved to not prepare a planning scheme amendment that would include all places identified in the Heritage Alliance Study, and only move forward with actions that related to the 47 Inter-War and Post-War buildings that had been previously identified. (page 5, emphasis added)
61. In fact, the 47 places moved from interim to permanent HO controls in 2008 (via Amendment C75pt1) were all from the *interwar* period. None were post-war in date. It was only Vol. 2 (and Vol.3) of the Heritage Alliance study that recommended post-war places for the HO, but none of the recommendations from those later volumes have been implemented since that time.
62. This explains why there are, at present, so few post-war residential places in the Bayside Heritage Overlay, with only a handful of places from the Allom Lovell study and the owner-nominated additions assessed in the 2020 Context study implemented by Amendment C178bays.²

Chapter 3. Methodology

PPN1

63. The Heritage Study appropriately references and follows the guidance of the Planning Practice Note 1: 'Applying the Heritage Overlay' 2018 (PPN01) in carrying out assessments of places and precincts and making statutory recommendations for HO controls. It also refers to the principles of the *Australia ICOMOS Burra Charter* (rev. 2013), which I consider provide best-practice guidance for heritage practitioners in Australia.

Clarification of Project Scope

64. The project scope is defined as encompassing residential places constructed between 1945 and 1975 in the Modernist style.

² The places added to the HO by C178bays still only have interim HO controls, extended once, which are recorded in the HO Schedule with an expiration date of 30 November 2022.

EXPERT EVIDENCE

65. This temporal definition of the post-war period is commonly accepted, and buildings constructed during this time have been supported as having heritage significance, for example, by the Planning Panel for Amendment C387melb in 2021 as well as the recent Amendment C426melb in 2024.

Documentation Review

66. The Heritage Study notes that Bayside City Council provided a list of all extant residential buildings constructed 1945-75, known as the Master List. In my professional experience, this represents far greater information than is commonly available to consultants carrying out a heritage study.
67. It is not clear to me from the report, however, how this information was used by GJM Heritage. Did they use it to ensure that they viewed (on Google or in person) every single surviving post-war dwelling in the municipality, which would make this an extraordinarily detailed survey? Or did they just refer to the list after a place was identified (as they suggested in section 3.6)?
68. I consider the list of heritage resources (previous heritage studies) and other references used by GJM Heritage to identify post-war dwellings of interest to be quite comprehensive, ranging from contemporary post-war sources to recent publications. In my expert opinion, this demonstrates a strong basis for their place identification and historical research.

Fieldwork

69. GJM Heritage's use of Google Streetview/Nearmaps for first-cut "fieldwork" is somewhat unusual, especially for a suburban area where most houses are visible from the street. I assume that this was necessitated by the rolling COVID-19 lockdowns across Melbourne during 2021, but this is not stated outright.
70. More commonly, in my professional experience, heritage consultants make a windscreen (drive-by) survey of the entire study area or of a select list of previously identified places.
71. Of course, I acknowledge, that Heritage Alliance carried out a street-by-street windscreen survey of the entire municipality for the 2008 'Interwar and Post-War Heritage Study' (Heritage Alliance, 2008, Vol. 1, page 8). As this key step has already been carried out, I would agree that it is not essential to have repeated it for the present Heritage Study.
72. GJM Heritage's second step, making on-foot, individual visits to all places of potential significance, is standard good practice, as is seeking other sources of information (e.g. real estate and aerial photos, historical materials) for those that are difficult to view from the public domain. This is particularly important for those Modernist houses designed to turn away or be hidden from the street. I note that these other sources were supplemented by some on-site inspections made later, as part of community consultation in 2022.
73. As I have noted above, the 2008 Heritage Study identified around 120 interwar and post-war places of potential heritage significance. GJM Heritage does not record how this existing information was used. It would be useful to know if they ensured that each of them was visited during the fieldwork.
74. In relation to the above, I also consider that it would be valuable to know the breakdown of GJM Heritage's longlisted 128 individual places and three precincts of potential significance. How many of them had been identified (and even assessed) by a previous heritage study, and how many were newly identified?

75. There is only a clear indication, in section 3.8, that an additional four places (listed by address) were first identified during the detailed assessments stage of the present Heritage Study.
76. In my professional experience, it is common for the heritage consultant who made the first formal identification (or assessment) of a place or precinct to be acknowledged in a new heritage citation. This is the case, for all heritage assessments prepared for the City of Boroondara, as well as in the suburb-by-suburb heritage reviews for the City of Melbourne (e.g. Carlton, 2021, and South Yarra, 2022). This provides, for example, information that more than one heritage consultant/consultancy considers a place to be of heritage value.

Detailed Assessments

77. This section of the Methodology report indicates that standard good practice was followed in the assessments, though it is rather brief and light on details. In my expert opinion, it would be useful to have discussed what made certain places stand out enough so that they were shortlisted for detailed assessment. Was this mostly because they had been previously identified and were still largely intact, or were there other key factors?
78. The section on **Limitations to Historical Research** describes the COVID 19-related difficulties in viewing key primary and secondary research sources. I consider it appropriate to document such constraints, which impacted many projects in 2020 and 2021. While the final sentence suggests that these sources have since been viewed,³ none of the five listed books have been referenced in place citations. For example, Simon Reeves' book *Gentle Modernist: the nine lives of Anatol Kagan* (2014) is not listed as a source for the assessment of his design at 171 Tramway Parade, Beaumaris. Were all of the sources listed in this section actually checked, or were some checked and were found not to be useful? This would be good to clarify.
79. The discussion of **Comparative Analysis** notes that 'due to the small number of post-war residential places included in the Heritage Overlay of the Bayside Planning Scheme, places were also compared against other similar places that have been retained with sufficient integrity' (page 12). These "other similar places" are drawn from the group of dwellings assessed in the current Heritage Study and recommended by it for the Heritage Overlay.
80. In my professional experience, this approach is common for heritage studies, particularly where it is the first comprehensive study for a municipality overall or the first to cover a certain typology (e.g. flats, post-war architecture). As I have noted above, there are very few post-war places in the Bayside Heritage Overlay, so comparing new places to HO places as well as others identified in this municipal-wide post-war residential study provides a more rigorous basis to determine which are of local significance.
81. This approach has been supported by previous Planning Panels, including the recent Amendment C426melb Panel Report (15 Jan. 2024), which states in regard to the 'South Yarra Heritage Review' (Context, 2022):

*Regarding the comparative analysis for postwar places and buildings, the approach taken is appropriate and adequate, subject to discussion of specific properties in other chapters of this Report. The Panel is satisfied this is effectively the 'first cut' of analysis across the precinct, as it is first time postwar buildings have been recognised as significant to the precinct. On this basis, **the comparative analysis has by necessity considered other postwar buildings across the local area that had not previously been assessed for heritage***

³ 'Following the lifting of lockdowns, physical documentation was provided where available and citations/Statements of Significance updated accordingly.' (GJM Heritage, 2022, Vol. 1, page 12)

EXPERT EVIDENCE

significance. It has also appropriately compared buildings or places from other relevant areas with a comparable development history. (page 49, emphasis added)

82. The approach to carry out comparative analysis largely between previously ungraded places under assessment was also supported by the Amendment C387melb Planning Panel (10 Nov. 2021):

The Panel concludes that in the main, the level of comparative analysis undertaken in the [Hoddle Grid] Heritage Review is appropriate and consistent with that applied in area wide studies and satisfies PPN01. The consideration of other places identified in a study where there are few in the current Heritage Overlay (as is the case with postwar buildings) as part of a comparative analysis is reasonable and also consistent with PPN01. (page iv)

83. The discussion of **Assessment by Criteria** and the associated **Statement of Significance** reiterate the guidance found in PPN1, but do not indicate the actual approach and thinking behind GJM Heritage’s use of the various heritage criteria. This would be useful to know, in my expert opinion, particularly as the same criteria have been used for nearly all places (discussed further below).
84. The approach to **Extent of Heritage Curtilage** and **Schedule to the Heritage Overlay Triggers** is, in my professional experience, in keeping with standard practice and appears to have been applied consistently. The draft HO Schedule indicates that additional HO permit triggers, such as those for external paint, trees, and outbuildings/fences, have been applied with discrimination, and those for trees and outbuildings/fences clearly indicate the element of value⁴, in accordance with PPN1 guidance.
85. The approach to **Group Listing**, discussed in relation to the Bellaire Court Estate, is in accordance with PPN1 guidance and, in my professional experience, the past application of this planning tool as well as various panel reports addressing this type of listing.

Community Consultation

86. As outlined in this section of Vol. 2, preliminary community consultation was carried out in 2022. I note that this is over and above the statutorily required consultation in relation to Amendment C192bays, which was held in 2023.
87. GJM Heritage changed their HO recommendation for 11 places after the preliminary consultation, and I consider this an indication that they seriously considered and took into account the new information provided in submissions and from on-site inspections (where requested and/or I agree to by submitters).
88. In cases where additional information was provided by submitters and/or an on-site inspection was made, and the place was still recommended for the HO, GJM Heritage added this to the place citation. In my expert opinion, this overall level of thoroughness is indicative of good heritage practice.

Chapter 4. Findings & Recommendations

89. Of the places that GJM Heritage shortlisted for detailed assessment, 34 percent of individual places and 67 percent of precincts were found to fall short of the threshold of local significance by the end of the preliminary community consultation. In my expert opinion, these percentages indicate that a good level of rigour was applied during the detailed assessment process.

⁴ This key information, identifying the subject of Outbuilding/Fence exemptions, is missing from the draft HO Schedule for 27 Bolton Avenue, Hampton, but it is correctly provided in the place citation.

90. The rigorous approach in determining whether a place met the threshold of local significance is further demonstrated in section 4.3, which details the reasons why each place was rejected.

Conclusions and recommendations re: Vol. 2

91. As I have noted above, Vol. 2 Methodology confirms that the Heritage Study was carried out in accordance with current best practice. The use of comparators both from the Heritage Overlay and from the places assessed during the present study is an appropriate approach, in my expert opinion, because there are so few post-war places in Bayside affected by the Heritage Overlay under the Bayside Planning Scheme. The outcomes demonstrate what I consider to be an appropriate level of rigour in determining which places meet the threshold of local significance.
92. While I do not consider it essential that Vol. 2 be revised in line with the recommended changes and clarifications I have discussed above, it would be of value for the following to be addressed by Jim Gard'ner in his written or verbal evidence to the panel:
- How was the Master List of 1945-75 dwellings used to inform the Heritage Study?
 - Provide more detail about the fieldwork stage, including cross-over with the 2008 Heritage Alliance work as well as the number of places newly identified by GJM (by fieldwork or other means).
 - Provide more detail about the process GJM used to prepare a shortlist of places for full assessment.
 - Were all of the sources listed in the 'Limitations to Historical Research' section checked once Covid lockdowns ended?
 - What was the thinking behind the application of Criteria A & D to all places assessed?

4.4 Peer review of Vol. 3 Citations

Histories

93. For each citation, GJM Heritage included at the start of the History section text from the Contextual History covering themes that apply to the place under assessment. In my professional experience, this is standard practice for heritage citations.
94. For the most part, this contextual history text is applicable and useful in understanding how a place sits within Bayside's post-war development.
95. The exception, as I have discussed in section 4.2 above, are those places designed by émigré architects. The text on 'A New Generation of Architects and Modernist Design' is not particularly applicable to this subset of post-war designers, as they had different formative influences, and often their overseas credentials were not recognised by the RAI.A.
96. The individual histories for each place provide the key information, such as who designed the place, for whom, where it was located, and changes to it over time (if any). In my professional experience, this is the standard coverage for place histories.
97. In some instances, images from the original architectural places are included as illustrations. This is generally very useful, though in one instance (16 Gillard Street, East Brighton) the wrong version of the front elevation was included (Figure 2), giving the impression that that these flats have been substantially altered since their construction.

EXPERT EVIDENCE

98. Each place history provides a brief history of the designer, if known, which again provides context to assist in the assessment of the place's architectural merits as well as determining if the place is of associative significance (Criterion H). The City of Bayside retains extensive building permit archives from the post-war period, leading to a higher proportion of "known" designers than is typical for heritage studies. This enriches the histories and our understanding of these places.

Descriptions

99. In my expert opinion, the place descriptions are very comprehensive, starting with the setting, then a description of the built elements and landscape features. Each of them closes with a summary of the key features of the place, which is the first step in identifying "what?" is significant about those places found to meet the threshold of local significance.

Intactness/Integrity

100. For almost every place recommended for the HO, the citation states that they retain or appear to retain 'a high degree of integrity in fabric, form and detail'. This is even the case where this section includes a list of later alterations and/or additions (e.g. 26 Anita Street, 2 Clonmore Street, 19 Gramatan Avenue, 11-13 Lang Street, 15 Mariemont Avenue, 50 & 78 Scott Street, 11 Summerhill Road, 171 & 175-177 Tramway Parade, 21 Vardon Avenue, 50 Wells Road, 13 Fifth Avenue, 3 Seaview Crescent, 56A Dendy Street, 3 Roslyn Street, 9 Wolseley Grove, 7 Roosevelt Court, 1(3) Sarah Avenue, 14 Fairway Avenue, 27 Bolton Avenue, 28 Gladstone Street, 57 Royal Avenue).
101. There is only once exception to the use of the term 'high degree of integrity'. In the citation for 56 Cloris Avenue, the house is described as having 'a fair degree of integrity', before summarising the changes and then concluding that the house is 'sufficiently intact'.
102. While the term 'a fair degree of integrity' or similar is more appropriate for the places noted as having been altered, in each citation the Intactness/Integrity section summarises the main alterations and additions and concludes that despite them 'the house remains substantially intact and retains the ability to be understood and appreciated as an example of xxx'.
103. In conclusion, while I do not consider the undifferentiated use of the term 'high degree of integrity' to be appropriate for all the places assessed, the citations of altered places clearly indicate that GJM Heritage did, indeed, taken into account these changes when they were assessed.

Comparative Analyses

104. As discussed in section 4.2 of this evidence, seeking comparators from post-war dwellings already affected by the Heritage Overlay under the Bayside Planning Scheme as well as places assessed in the current Heritage Study, is a well justified approach for assessing places whose typology or era is not yet well-represented in the local HO. This is also in keeping with the guidance of PPN1, which states: 'The comparative analysis should draw on other similar places within the study area, including those previously included in a heritage register or overlay.'
105. Each comparative analysis section provides a relatively extensive overview of post-war dwellings already in the Bayside HO (and in the Victorian Heritage Register), which is repeated in each citation. This is followed by a selection of photos of the most closely comparable examples of other places assessed in this Heritage Study. Finally, there is a detailed discussion of how the place under assessment compares to the other places. In my expert opinion, this thoughtful analysis is key. It goes beyond a mere list of purportedly

similar places, to provide a useful comparative analysis which is rigorous enough to determine whether a place meets the threshold of local significance or not.

106. While most of the comparative analyses are both comprehensive and thoughtful, in my expert opinion, the use of additional comparators would greatly improve at least one of them: for the flats at 16 Gillard Street, Brighton East. This is one of the briefest comparative analysis sections in the Heritage Study, as it focuses solely on the building's typology (flats) and neglects to consider its architectural presentation. As there are no post-war flats currently affected by the Heritage Overlay under the Bayside Planning Scheme, the only comparative examples are the three flats assessed in the Heritage Study. In my expert opinion, none are particularly similar to 16 Gillard Street in appearance.
107. In my expert opinion, the front façade of the 16 Gillard Street flats is similar in appearance to single-family homes of the time which sit above a deep undercroft, such as 74 Cromer Road, Beaumaris (HO475, c1965), or 2 Davey Ave, Brighton East (M Feldhagen, 1968) and 51 Lynch Crescent, Brighton (M Feldhagen, c1965), both of which are recommended for HO by the Heritage Study. These comparisons demonstrate the flats' up-to-date design, the attempt to make the building look like a more prestigious single-family dwelling, as well as its aesthetic relationship to émigré architecture. This is discussed further in relation to Submission 2 (section 5.2.7 of this evidence).
108. In my expert opinion, the comparative analyses of houses at 19 Haywood Street and 18 Hutchinson Avenue could also be usefully expanded by adding a discussion of how they compare to other designs by the same architects, Clarke Hopkins Clarke. In this case, there is a disconnect between the place histories and the comparative analyses, which has introduced confusion (as evidenced by Submission 5). The histories provide a list of the practice's other work in Bayside, but none of these appear in the comparative analysis to assist in understanding where the two places under assessment sit in relation the practice's oeuvre. While adding these places would strengthen the two citations, in my expert opinion, the current comparative analyses already establish their local significance well enough.

Heritage criteria and statements of significance

109. The Heritage Study employs the three-part format for statements of significance that is recommended by PPN1 (what, how and why), as well as using the model heritage criteria set out in PPN1. Note that these criteria are equivalent to the HERCON Criteria that were adopted by all Australian governments (including those of States and Territories) in 1998.
110. For most of these statements, the "what?" section displays the most careful thinking, with the 'elements that contribute to the significance of the place' (to quote PPN1) precisely defined in dot points, closing with a more general indication of elements that are not significant.
111. The "why?" sections and the application of the heritage criteria, however, are far more standardised amongst the places assessed by the Heritage Study and there is frequent repetition between the paragraphs for Criteria D and E.

Criterion A

112. As defined in PPN1, Criterion A is defined as: 'Importance to the course or pattern of our cultural or natural history (historical significance).'
113. Every place (and group listing) recommended for the Heritage Overlay by the Heritage Study is attributed local historical significance in relation to Criterion A. There are several distinct subsets of places with different reasons historical significance is attributed.

EXPERT EVIDENCE

114. Some of these subsets are small and relatively distinct, while others are larger and more general in nature. They can be divided into three groups: those related to the designer of the dwelling, one in relation to building typology (multi-dwellings), and those related to the location of the dwelling (for those in two key subdivisions).
115. The subsets related to the designer are:
- Small Homes Service designs and project-homes. They are said to illustrate the post-war 'unprecedented demand for affordable suburban family homes combined with an increase in the appreciation of Modernist architecture and its design principles'.
 - Houses custom-designed by an architect (that is, not a standardised design). They are said to be of local significances as they illustrate 'when a large number of architect-designed Modernist houses were constructed across the municipality'. For those in Beaumaris, there is additional text explaining that the suburb 'was particularly attractive to architects, designers and young homemakers interested in the Modern aesthetic and it became a centre of Modernist post-war housing.'
 - Dwellings that architects designed as their own home are attributed an additional dimension of historical significance, in addition to merely being architect-designed. This is expressed as: the area 'appealed to many architects and designers who were drawn to settle on available land that was low-cost but attractive, and provided the opportunity for them to experiment with Modernist principles and new construction methodologies in their own residences.' For six of the eight architect's-own residences assessed, the place is also attributed associative significance (Criterion H) as well (discussed further, below).
116. I acknowledge that the theme of architect-designed Modernist house is one of demonstrated importance in Bayside, and especially in Beaumaris. I also agree that the availability of standardised but well-designed houses (such as Small Homes Service and project-homes) was an important theme of post-war residential development both in Bayside and Victoria more generally. Both of these themes have been explored in detail in the Contextual History.
117. In my own professional practice, I am hesitant to attribute historical significance under Criterion A in relation to a place's architectural design. It can, in my expert opinion, result in circular reasoning, in which the thresholding test is drawn solely from issues of design quality and intactness/integrity which are really related to heritage Criteria D and E (as well as F). In other words, how does one determine if a place is an above-average example of an architect-designed Modernist house (or a Small Homes Service house)? Most likely, this will be in regard to its representative (Cr. D) and/or aesthetic values (Cr. E), with consideration of its intactness and integrity. In such circumstances, I would personally move the key points that GJM Heritage have set out in Criterion A to the discussion of Criterion D.
118. That said, I acknowledge that the application of Criterion A in such cases is a matter of disagreement among Victorian heritage consultants. This is excellently illustrated by the summary of views on the topic in the Amendment C387melb Planning Panel report (10 Nov. 2021). Melbourne's peer reviewer and expert witness, Jim Gardner, supported the attribution of historic significance to all the post-war office buildings for their 'clear association with the postwar building boom which transformed central Melbourne into a modern high-rise city' (C387melb, page 49), though many other heritage experts appearing at the panel hearing opined that Criterion A should be used more selectively (page 50).
119. The C387melb Panel concluded, in relation to Criterion A (page 54), that:

There is some risk that if the pattern or theme is too generic any building consistent with it could meet the criterion. This clearly is not satisfactory, the theme or pattern in itself needs to be important to the municipality and then the place needs to clearly demonstrate it. The Panel is satisfied that for this Amendment the pattern (phase or era) or themes of significance have been appropriately established in the Melbourne Thematic History and Postwar Thematic History. The question is how well each place demonstrates or has a clear association with that theme to be considered important.

The Panel acknowledges that many of the statements for Criterion A were largely the same, other than nuanced to include additional information about architects and builders or occupants where known. ...

The Panel considers that to meet Criterion A requires importance to the theme, place or era to be clearly established. To be important at the local level requires a building or place to be better than typical, but not necessarily better than most, particularly if there are few extant comparators. Within the local context there can be places that are exceptional and outstanding, but this is not the benchmark that has to be achieved.

120. Considering the C387melb Panel's discussion, I agree that the themes of architect-designed Modernist dwellings and of standardised designs are demonstrably important in Bayside. Further, the general rigour and selectiveness of the Heritage Study's statutory recommendations indicate that the places it has put forward for the Heritage Overlay are, indeed 'better than typical' (to quote C387melb). On this basis, the use of Criterion A for these design-related subsets is acceptable practice.
121. The subset of architect's own homes is less controversial. This is a sub-category of residential development that is frequently recognised as having a special place in architectural history, as own-commissions can be the purest expression of an architect's work, limited only by finance and statutory requirements.
122. The subset of flats and other medium-density developments is also a very distinct group, and in my expert opinion it is appropriate to recognise their historical significance under Criterion A.
123. The subsets related to location are those built within:
 - the Dunlop-Perdieu subdivision, or
 - the Brighton Orphanage subdivision
124. Each assessed house located in the Dunlop-Perdieu subdivision is said to be of historical significance as it 'clearly illustrates this important phase of development in Beaumaris', and those built on the former grounds of the Brighton Orphan Asylum subdivision are similarly recognised as having an extra dimension to their historical significance (each has 'clear associations with the subdivision of the Melbourne Orphan Asylum, which provided a unique opportunity for concentrated post-war development in Brighton.').
125. The Contextual History has detailed, in Chapter 2, the importance of these two subdivisions, which provided a rare opportunity for greenfield development during the post-war era, resulting in unusually dense development of post-war houses.
126. While I am in full agreement that the theme of these two subdivisions is an important one, again I consider the attribution of historical significance to be a circular one, based in reality on the place's representative (Cr. D) and/or aesthetic significance (Cr. E). If this was not the case, wouldn't every surviving post-war house in these two subdivisions be of local significance?

EXPERT EVIDENCE

127. In my own practice, I would consider precincts or group listings to be a better way to recognise and illustrate the importance of these two subdivisions. For scattered places, a group listing with a shared statement of significance and HO number would indicate connections between the houses not immediately apparent to the observer.
128. As shown by the maps on the following page, the significant properties within the two subdivisions do not form contiguous precincts, though there is a distinct cluster on Tramway Road in the Dunlop-Perdieu subdivision. In my expert opinion, the group listing option would be most appropriate to apply in both cases.
129. However, I consider this issue to be very similar to the matter discussed by the C387melb panel in relation to Criterion A, so I acknowledge that GJM Heritage's approach has been supported in the past.

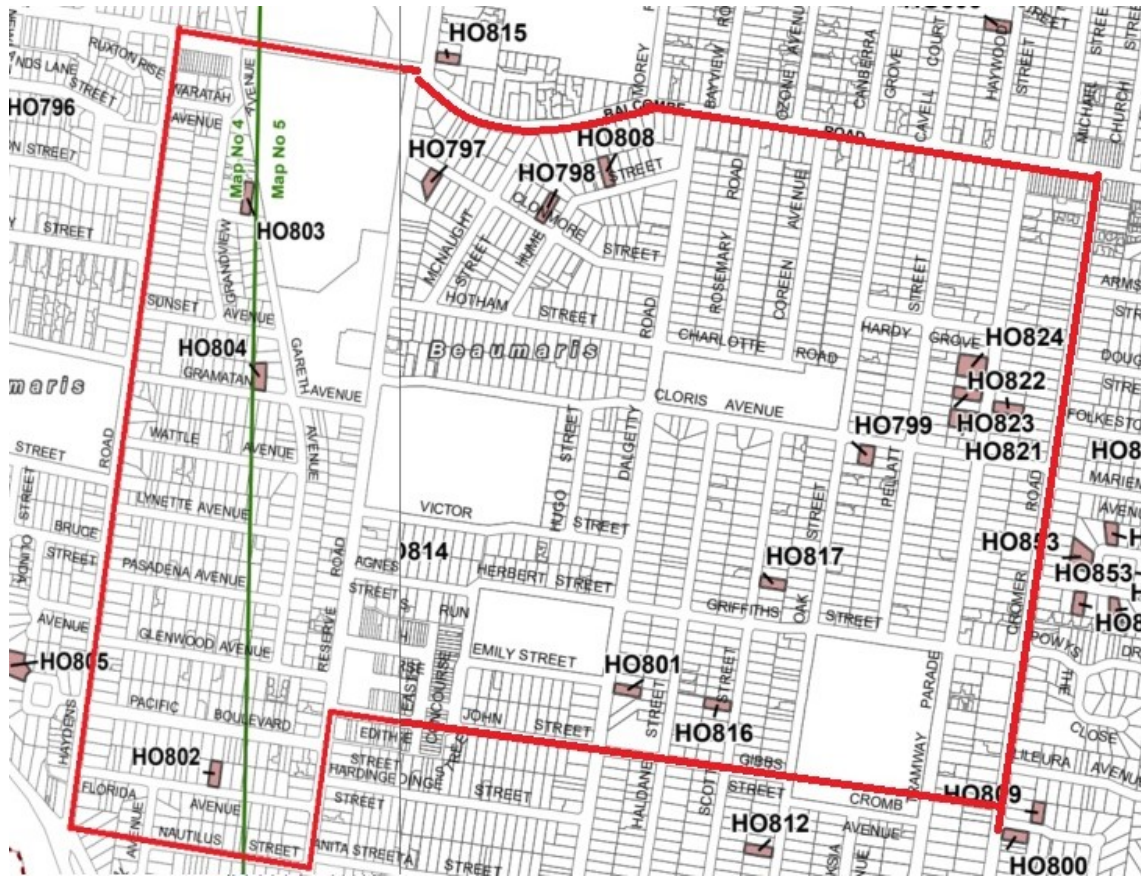


Figure 1. Places recommended for the Heritage Overlay within the Dunlop-Perdieu subdivision (red subdivision boundary added).

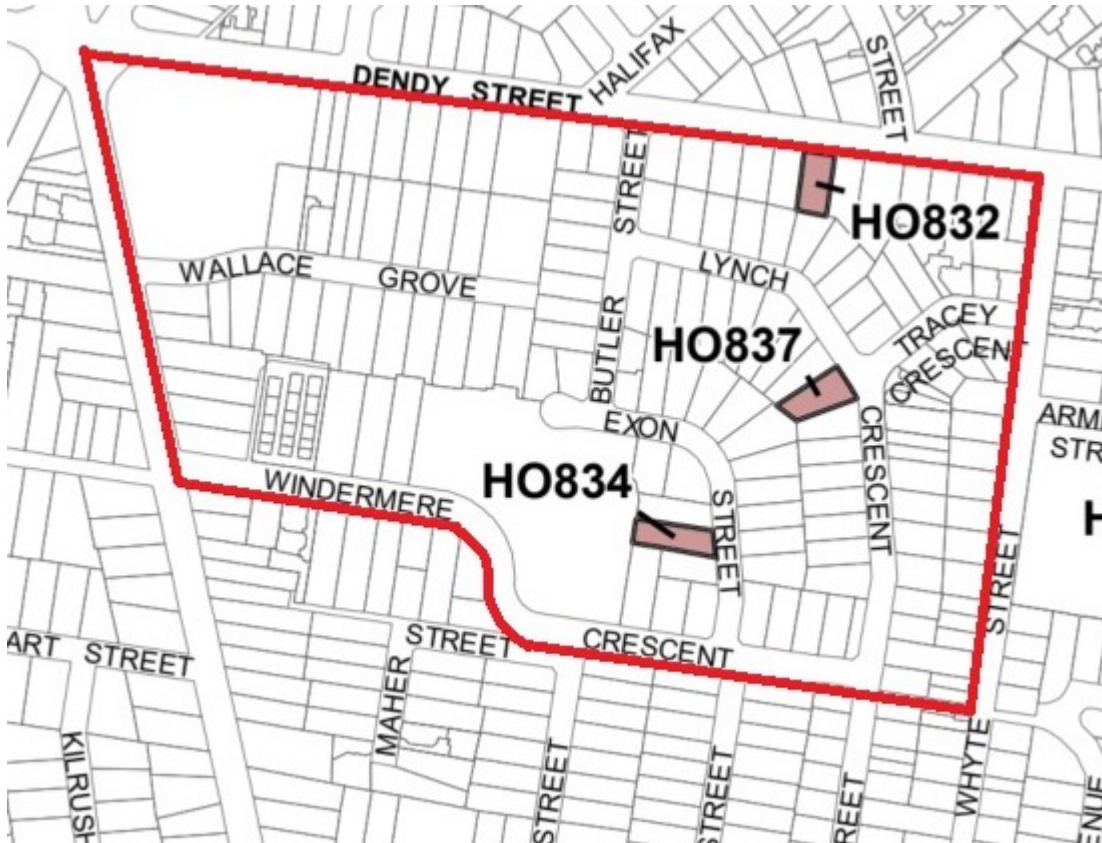


Figure 2. Places recommended for the Heritage Overlay within the Melbourne Orphan Asylum subdivision (red subdivision boundary added).

Criteria D & E

130. As with Criterion A, every place (and group listing) assessed in the Heritage Study was found to meet Criterion D at the local level. This criterion is defined in PPN1 as: ‘Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).’
131. The *majority* of places assessed (and the group listing) were also found to meet Criterion E, defined in PPN1 as: ‘Importance in exhibiting particular aesthetic characteristics (aesthetic significance).’
132. Places assessed as *solely* meeting Criterion D fall into two general categories: project homes and Small Homes Service designs, and flats or units for which no architect has been identified.
133. In my expert opinion, it is appropriate to apply (solely) Criterion D to intact standardised designs such as these that are “typical” of their class and era. (This is, of course, subject to a comparative analysis demonstrating that they are above-average examples of this type.)
134. Criterion E, on the other hand, indicates that a place has particular aesthetic characteristics that go beyond what is usual for its class. Most of the places to which this criterion is applied in the Heritage Study are known or suspected to be architect designed, and their “particular aesthetic characteristics” are identified in the statement of significance.
135. In many cases, I agree that this use of these two design-related criteria (D & E) for a single place is justified. These are places that display some of the typical features of post-war

EXPERT EVIDENCE

- Modernism, but then go beyond this with distinctive and accomplished design elements characteristic of the architect.
136. In some cases, the additional attributes are related to landscaping (including mature trees). In my professional experience, this is an aspect of significance frequently expressed in relation to Criterion E.
137. In other cases, details are provided about public recognition (e.g. awards or publications) of a design, suggesting that it is one of the highest quality places of local significance in Bayside. This is closely related to the way Criterion E is applied in relation to Victorian Heritage Register. The State-level thresholding test for Criterion E includes 'critical recognition' and 'wide public acknowledgement ... in publications, print or digital media' ('VHR Criteria and Threshold Guidelines', rev. 2022).
138. There are twenty-plus examples, however, where in my expert opinion the two criteria have been used in an undifferentiated fashion that suggests either that only one of them is applicable or further refinement of the statement is required. Two examples are provided below.
139. In the cases of 15 Hume Street, below, it would seem that the house's aesthetic significance rests solely on an undefined "refined detailing", as all other "particular aesthetic characteristics" are repeated as "typical" characteristics in relation to Criterion D:

Baird House at 15 Hume Street, Beaumaris is notable as a substantially intact representative example of Modernist suburban housing constructed during the post-war period in the City of Bayside. Designed by architect John Baird, it displays a range of characteristics that are typical of Post-War Modernist housing from this period in Beaumaris and across Victoria more broadly, including rectangular planning, low box-like form with horizontal emphasis, shallow-pitched metal-clad gabled roof with broad front gable, expressed structural elements including timber posts and beams, and expansive timber-framed glazing (Criterion D).

Baird House at 15 Hume Street, Beaumaris is of aesthetic significance as a well-resolved and carefully detailed example of a suburban house constructed in the Modernist style. Designed by renowned architect John Baird as his own residence, the house is characterised by its low broad gabled form, its expressed timber structure, and its refined detailing. 15 Hume Street, Beaumaris demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

140. Similarly, 22 Harold Street also appears to be distinguished in relation to Criterion E solely by its "refined detailing":

Armstrong House at 22 Harold Street, Sandringham is notable as a substantially intact representative example of Modernist suburban housing constructed during the post-war period in the City of Bayside. Designed by architect Leslie Gordon Armstrong, it displays a range of characteristics that are typical of Post-War Modernist housing from this period in Sandringham and across Victoria more broadly, including a low box-like form with horizontal emphasis, rectangular planning, broad shallow-pitched gable roof, and expansive timber-framed glazing including full-height windows (Criterion D).

Armstrong House at 22 Harold Street, Sandringham is of aesthetic significance as a well-resolved and carefully detailed example of a suburban house constructed in the Modernist style. Designed by architect Leslie Gordon Armstrong, the house is characterised by its shallow gabled form, its north-facing, timber-framed window wall and its refined detailing. Armstrong House demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

141. While I expect that a careful reconsideration of the application of Criteria D & E would result in the conclusion that some of these places do not actually meet Criterion E at the local level, or their statements of significance would be refined to better support both types of

significance, I note that if such places meet only one criterion (e.g. Criterion D), they still warrant inclusion in the Heritage Overlay.

Criterion H

142. Criterion H is defined in PPN1 as: ‘Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).’
143. The Heritage Study found that six places meet Criterion H at the local level. All of them are houses that an architect designed as his or her own residence. As noted above, these places are also attributed historical significance under Criterion A for this same reason. Generally, there is recognition that a house an architect designs at their own home has a “special association with the life [and] works” of that architect.
144. The second issue in the definition of Criterion H is whether that architect (and/or their practice) is ‘of importance in our [Bayside’s] history’.
145. In one case, 82 Reserve Road, Beaumaris, there is very sparse information about the owner-architect John Kirk. In my expert opinion, there is not enough justification in the place citation to conclude that he was “of importance” in Bayside, beyond living there.
146. In this case, while the place has not been demonstrated to meet Criterion H at the local level, in my expert opinion, it is still appropriate to express its illustration of the strong Bayside theme of architect’s own houses in relation to Criterion A (‘Beaumaris in particular appealed to many architects and designers who were drawn to settle on available land that was low-cost, but attractive and provided the opportunity for architects to experiment with Modernist principles and new construction methodologies in their own residences.’).
147. For the remaining cases, I consider the application of Criterion H reasonably well founded, though there is no information about any other work in the Bayside area by architect Ken Atkins (53 Scott St, Beaumaris), instead there is enough information to indicate he worked on some important commissions elsewhere.

Conclusions and recommendations re Vol. 3

148. In general, in my expert opinion, the heritage citations have been prepared in a thorough and professional manner in keeping with good heritage practice, and they demonstrate that the places assessed meet the threshold of local significance.
149. I do note the strong pro-forma nature of the statements of significance, particularly the “why?” sections. This is not uncommon for large heritage studies, particularly when there are many places of the same class under assessment (as is the case with this Heritage Study, which is looking solely at post-war dwellings). The Planning Panel in relation to Amendment C387melb commented on the acceptability of this approach in regard to the statements of significance for post-war in the Hoddle Grid area:

The Panel acknowledges that many of the statements for Criterion A were largely the same, other than nuanced to include additional information about architects and builders or occupants where known. (page 54)

While the statements for Criterion D in some of the Statements of Significance may be written in a generic way, the Panel is generally comfortable that the Heritage Review (including the Postwar Thematic History) provides a sound basis for understanding the principal characteristics of postwar Modernist commercial buildings. (page 55)

150. As discussed above, while there is dispute amongst heritage professionals about the application of Criterion A in a “generic” way or one that closely overlaps with design-related

EXPERT EVIDENCE

significance, the approach taken by GJM Heritage has been supported by a previous planning panel.

151. While some statements of significance have excessive overlap between the rationale for applying both Criteria D and E, suggesting the place might only meet one of these criteria, this would not change the overall assessment of local significance (as a place only needs to demonstrably meet one heritage criterion at the local level).
152. More detailed comments about specific places and how they do (or do not) meet certain heritage criteria are set out in Chapters 5 and 6.

4.5 General conclusions of peer review

153. The Heritage Study appropriately references and follows the guidance of the Planning Practice Note 1: 'Applying the Heritage Overlay' (PPN01), and contains all key elements of what is current standard practice for carrying out heritage studies in Victoria.
154. Importantly, the threshold of local significance has been determined on the basis of extensive comparative analysis – against places already affected by the Heritage Overlay under the Bayside Planning Scheme and those recommended for inclusion in the Heritage Overlay by the Heritage Study.
155. While there is undue overlap between characteristics defined as important in meeting Criteria D and E for some places, there is a clear demonstration that the places assessed meet the threshold of local significance in relation to at least one heritage criterion. An exception to this, in my expert opinion, is 78 Scott Street, Beaumaris, in its present state (discussed in section 5.2.2).
156. The Contextual History is a valuable and generally comprehensive document, but it would be strengthened if a section on émigré architects were added, adopting or expanding upon the work of Heritage Alliance (2008). This could then be used for the contextual history section of the relevant place citation.
157. While a number of improvements could be made, in my expert opinion, the methodology, contextual history, and citations provide a sound basis for the permanent inclusion of the remaining places and one group listing in the Bayside Heritage Overlay.

5. RESPONSE TO SUBMISSIONS

5.1 General issues

Non-heritage issues

158. In responding to submissions, in this and Chapter 6, I largely restrict my response to topics that impact on heritage significance. This means that I do not address issues of property value (or other perceived or actual financial impacts on property owners), maintenance costs, future development plans, or planning permit requirements. This is in keeping with the principle set by numerous planning panels, that heritage significance is the key issue when considering whether to apply the Heritage Overlay. It has been expressed in the Ballarat Amendment C58 Panel Report and repeated in the Southern Grampians Amendment C6 Panel Report:

Panels have consistently held that whenever there may be competing objectives relating to heritage and other matters, the time to resolve them is not when the Heritage Overlay is applied but when a decision must be made under the Heritage Overlay or some other planning scheme provision. The only issue of relevance in deciding whether to apply the Heritage Overlay is whether the place has heritage significance. (page 20)

159. This position was also confirmed in the Planning Panels Advisory Committee report ‘Review of Heritage Provisions in Planning Schemes’ (2007). In City of Yarra Amendments C156 and C163 the Panel supported the view that impediments to development, costs or impact or property prices do not constitute a reason to exclude a place, providing that the threshold of significance is met. For Greater Geelong Amendment C49 the Panel noted that the effect on property values, which can vary with circumstance, should not be considered when determining whether a place is of heritage significance. Additionally, in Greater Geelong Amendment C71 the Panel upheld the view that the key issue at amendment stage is the heritage significance of a property, and other matters such as competing policy settings or owner hardship should be considered at the planning application stage.
160. While there is a requirement under the Planning and Environment Act 1987 to consider economic and community impacts when applying the Heritage Overlay, as noted in the Cardinia Amendment C242 Panel report:
- It is accepted practice in Victoria for consideration of social and economic effects to relate to the broader community rather than private financial effects, particularly in the Planning Scheme amendment process. Where the heritage significance is established, requirements for permits to manage impacts on heritage values is justified. (Executive Summary, n.p.)*
161. This position has been consistently adopted in Panel reports such as Amendments C91, C101, C103 C222 to the Stonnington Planning Scheme, Amendments C129, C149 and C78 to the Moreland Planning Scheme, Amendment C53 to the Frankston Planning Scheme, Amendment C207 to the Melbourne Planning Scheme, and *Dustday Investments Pty Ltd v Minister for Planning* [2015] VSC 101.
162. The above principles have been confirmed by recent panel reports. For example, the Amendment C387melb Panel Report of 2021 concluded:
- *That development opportunity, building alterations and maintenance are not relevant when assessing the heritage significance of an individual place or a precinct.*

EXPERT EVIDENCE

- *That property value and financial implications are not relevant when assessing heritage significance or when deciding whether to apply a Heritage Overlay. (page 29)*

163. And the Amendment C403melb Panel Report of 2023 concluded that:

Building condition and development potential are not referenced as relevant criteria in Planning Practice Note 1 for assessing the heritage significance of an individual place or a precinct. (page 24)

164. A number of submissions in regard to Amendment C192bays state that the Victorian Planning system is faulty in relation to heritage protection and in regard to this Submission 14 purports to quote from the recent Victorian Parliamentary 'Inquiry into the protections within the Victorian Planning Framework'. I have checked the Interim Report from this Inquiry (August 2022) and cannot find the quoted material. On this basis, I assume that the submitter's material is from submissions to the Inquiry, and thus does not represent the Inquiry's findings or recommendations.

165. While I agree that support for municipal councils and owners of properties affected by the Heritage Overlay could be improved, in line with the findings of the Heritage Council of Victoria's 'State of Heritage: Local Heritage' report (2020), in my expert opinion, it is appropriate to apply the Planning & Environment Act 1987 and associated Victorian Planning Scheme policies as they stand today, regardless of potential changes in the future.

166. Similarly, Submission 3 discusses a purported PPV finding for 'the Grayling Street Heritage Overlay' about financial hardship that an HO would bring. There are Grayling streets in Belmont (City of Greater Geelong), Seymour, and Officer (Shire of Cardinia), but I could not find any references to these streets in relation to heritage amendments.

Condition

167. Generally, the poor condition of a place is not a factor when considering whether to apply the Heritage Overlay, as this is properly considered at the planning permit phase. This position has been expressed by numerous planning panels (e.g. Southern Grampians C6, Ballarat C58, Boroondara C99, Melbourne C186, Whitehorse C140, Boroondara C333).

168. The one exception is where poor condition has a major impact on the intactness and ongoing existence of a place. This position has been expressed in panel reports including Melbourne Amendment C207, which stated:

... we do acknowledge that condition may sometimes be relevant in extreme cases of dilapidation where demolition is an inevitable outcome. In such circumstances, the case for demolition would have to be irrefutable. (page 27)

169. Guidance on how to determine whether 'demolition is an inevitable outcome' has been provided by the VCAT decision CBA Building Designers v. Greater Bendigo CC [2010] VCAT 2008, as follows:

... to support demolition of a building with heritage values and a reasonable level of significance, its physical condition should be beyond repair, both physically and economically. It should be in a ruinous condition. Whilst this is not defined, it would reasonably mean that parts of the building would likely (50% probability) to collapse in the short to medium term if no remedial works are undertaken. The applicant is required to demonstrate the building has reached this threshold of disrepair. The assessment should also be undertaken by heritage practitioners ...

170. Evidence accepted by municipal councils to demonstrate such an eventuality is usually a detailed report by a structural engineer with recognised experience in assessing and remediating traditional buildings.
171. This approach was accepted by the Shire of Mornington Peninsula Amendment C214 Panel (2018), which stated:
- The Panel accepts Ms Schmeder’s evidence that there must be evidence that the building is at a point where demolition is inevitable so that it can be considered during the Amendment stage. (Page 15)*
172. In another case, a report by a building surveyor was presented at the Amendment C306boro Planning Panel in regard to a Contributory 1920s timber house. It identified major structural defects that affected the roof, subfloor, internal walls and roof joists and rafters and stated that sections of internal ceiling areas could collapse. The C306boro Panel (31 Jan. 2020) concluded in this case:
- The Panel considers that the appropriate time to consider the condition of a property such as 9 Hale Street and whether demolition is justified is at the planning permit application stage. During that process, the owners and Council can consider the extent to which demolition is appropriate, potential for retention and reuse of any fabric and the [sic] whether a replacement building is justified.*
- Despite the structural condition of the building, the house still presents as an Inter-war Californian Bungalow with a high degree of integrity. The Panel considers that the property contributes to the Precinct. (page 45)*
173. To conclude, if poor condition for which ‘demolition is an inevitable outcome’ is not demonstrated, it is generally not appropriate to consider condition at the planning panel stage. If the Heritage Overlay is introduced on a permanent basis this can be considered among other issues during the planning permit application process
174. In my expert opinion, no evidence has been provided by any of the submitters that their house suffers extreme dilapidation making its demolition inevitable. This is discussed in relation to Submission 23 (28 Towers Street, Beaumaris) and Submission 28 (165-167 Tramway Parade, Beaumaris).

Post-war heritage

175. The subject Heritage Study is one of a number prepared over the past 15 years that has focused largely or solely on post-war places. This reflects the evolution of what is considered to be heritage, which broadens with each generation. While the National Trust sought only to protect stately Victorian homes when first formed in the 1950s, and the first conservation studies focussed on Victorian-era places and the occasional Edwardian place, there is now a firm acceptance in the wider community that interwar places can also be of heritage value. A segment of the community now also has a strong appreciation for what is termed ‘Mid-Century Modern’, and the post-war era’s value is firmly entrenched among heritage and planning professionals.
176. Assessment of the heritage significance of post-war places was initiated in large part by Heritage Victoria, with their commissioning of a ‘Survey of Post-War Built Heritage in Victoria’, Stage 1 (2008) and Stage 2 (2010).
177. The ‘City of Bayside Inter-War & Post War Heritage Review’ (2008) was prepared at the same time, and by the same authors – Heritage Alliance. Since that time, there have been many heritage studies with a focus on the post-war period, including those for Frankston (2012 &

EXPERT EVIDENCE

- 2015), Balwyn (2013), Whitehorse (2015), Glen Eira (2020), Maroondah (2020), and Melbourne's Hoddle Grid (2020).
178. There are also other heritage reviews that have been carried out in recent years that are not specifically focussed on post-war places, but which have assessed them along with places of other eras. An example is the recent City of Boroondara Municipal-Wide Heritage Gap Study (eight volumes, 2016-2021).
179. The Amendment C387melb Planning Panel report (10 Nov. 2012) for the 'Hoddle Grid Heritage Review' (Context, 2020) made some general comments about post-war heritage:
- ... overtime [sic] there is a greater appreciation or understanding of particular themes and eras. For example, many of the postwar buildings in this Amendment are now over 60 years old and there is a greater level of contemporary understanding of the importance of the postwar era to Melbourne's historical development (page 32)*
- ... the loss of many [post-war] buildings means that some are now rarer than they were 20 or 30 years ago and now of greater importance (page 32)*
- Buildings within the postwar Modernist period are of an appropriate age to be considered for heritage controls where the thresholds for heritage significance can be met (page 36)*
180. In its 'State of Heritage: Local Heritage' report of 2020, Heritage Council of Victoria identified a gap in the protection of worthy post-war places, and urged municipal councils to identify and protect them:
- The most common place-type gaps [in municipal Heritage Overlays] are trees and gardens (37), post-war residential (36) and historic landscapes (31). Post-war residential was the most common place-type gap for metropolitan councils, while trees and gardens were the most common for rural councils. ...*
- The most common built form gaps are post- and inter-war residences and industrial heritage. Again, this is not surprising, as these types have not traditionally been covered in heritage studies. However, both of these types of heritage are important and will become more so over time, and more guidance should be provided to assist councils to address these type gaps. (pages 26-27)*
181. In conclusion, the Contextual History has demonstrated the very high importance of post-war Modernist residential development in the City of Bayside, and this gap in the Bayside Heritage Overlay should be remedied.

5.2 Site-specific issues raised by parties to the Panel hearing

182. This section responds to submissions for which an objecting submitter or their representative is appearing, and site-specific heritage-related issues have been raised. They are in the order of appearance at the panel hearing.
183. I note that Submission 25 does not, in my professional opinion, raise any issues that relate to heritage significance, so I have not provided a response to it here.
184. In my responses, direct quotes or summaries of the points raised by a submitter are provided in *italics*, followed by my response to each heritage-related issue raised.

5.2.1 Subs. 4 (and 3) – 82 Reserve Rd, Beaumaris



Figure 3. 82 Reserve Road, December 2023. (N Schmeder)

C192bays proposed statutory change

185. Site-specific HO, with application of HO Schedule controls for Solar Energy Systems and Outbuildings or Fences not exempt from advertising (in regard to the carport).
186. The statement of significance prepared by GJM Heritage and dated May 2022 is found in Appendix C.

Response to submission

187. The submitters oppose the place's inclusion in the Heritage Overlay under the Bayside Planning Scheme.

Intactness of house

188. *Sub. 4: Demolition of key features, including enclosing the carport, rendering face bricks, clearing gardens, demolishing the letterbox and removing the concrete paved driveway have irreversibly changed its fabric, form, and detail.*
189. *Sub. 3: The property has deviated significantly from its original form, with the absence of a carport and deteriorating timber rafters, plus new rendered brickwork, modern colorbond iron cladding on the west-facing wall have destroyed its original integrity.*
190. To start with, the description in the heritage citation appears to be accurate in regard to the appearance of the house in November 2021, when GJM Heritage visited it. This is illustrated in real estate photographs that date from that time (<https://www.realestate.com.au/property/82-reserve-rd-beaumaris-vic-3193/>).

EXPERT EVIDENCE



Figure 4. View of the subject house prior to alterations, with an open side carport and exposed brickwork to the entire front façade, Nov. 2021 (realestate.com.au)

191. It is only since that time that a series of unsympathetic external changes have been made, including enclosure of the attached carport (with Colorbond and vertical boarding), and installation of dark blue boards over part of the brickwork of the front facade.
192. While I consider it unlikely that such changes would be supported had this house already been in the HO, I consider them to be reversible in nature (that is, they have been installed and can be removed with little damage to the original fabric of the house). While there is a loss of the interplay of void and solid wall, due to the enclosure of the carport, the remainder of the design is still legible to the viewer. On this basis, in my expert opinion, the house is still fundamentally externally intact, and it is not the case that the changes to the house are “irreversible”.
193. All four elevations of the house are visible from the public domain, fully or partially, and I could not see any locations where *render* had been applied to the brickwork. I note that cement render is often harder to remove without damage, unless it is applied over an underlayer (such as insulation board).



Figure 5. Brickwork to part of the front elevation and the east side elevation, Dec. 2023. (N Schmeder)



Figure 6. Rear elevation, as partially visible from Reserve Road, Dec. 2023. (N Schmeder)

Intactness of setting

194. In the statement of significance, the list of elements that contribute to the significance of the place includes: 'Landscape elements, including mature native garden plantings, concrete paved driveway and freestanding letterbox.'
195. While I agree that the freestanding letterbox has been removed since Nov. 2021, as has the concrete driveway to the (now-enclosed) carport, I consider these to be minor changes. The driveway, in particular, is an element of minimal heritage value and I would expect such paving to be replaced regularly in the life of a dwelling.
196. While there may have been some "clearing" of gardens, as mentioned by Submission 4, the native plantings in the open area facing Reserve Road still survive. These include tea trees, a mature Eucalypt and other plantings. There is also a (non-native) Jacaranda tree in front of the house.



Figure 7. Tea tree and mature Eucalypt in the west side garden of 82 Reserve Road, as well as a Jacaranda in front of the house. (N Schmeder)

EXPERT EVIDENCE

Architectural design

197. *Sub. 4: Even when new, the house was unrefined, lacked detail and was finished to a simple standard. The homes lack of significance is reinforced by Kirk's own opinion that the home was "very modest ... [and] merely suited to his needs".*
198. While I agree that the house is modest in size, I consider it an excellent example of the simple, gable-fronted Modernist houses that characterised the 1950s and early 1960s.
199. It is not uncommon for architects to dismiss the heritage value of their own designs. For example, one of the designers of Federation Square, Donald Bates, opposed the inclusion of this place in the Victorian Heritage Register. Despite that, the Heritage Council found that it was of State-level significance.

Associative significance

200. *Sub. 4: Like his home, Kirk himself was also not 'important' in Bayside's history ... Kirk was not a registered Architect when he built the home (i.e. Kirk had not completed his practical experience or passed the practice examination and could not practice as an Architect) and records show he only practiced as a registered Architect for five years from 1975 to 1980, hardly a significant career.*
201. *Sub. 3: The omission of John Kirk from the reports list of architects and designers, along with the lack of details about his career and work, raises questions about the property's historical significance. ... Regarding the designer, Beaumaris does not possess a special association with John Kirk. He designed only one house, which he resided in with his family until 1975 when his children moved away. There is no record or evidence of a meaningful career as an architect for Mr. Kirk. Apart from residing in Beaumaris for an extended period, John Kirk does not have a unique association with Bayside. His life was quiet and unremarkable, and his surviving daughter quotes him as expressing his desire not to have his home listed.*
202. There is no requirement for a building to be the work of an architect for it to have heritage significance for its design (representative and/or aesthetic). Furthermore, there are many designers with architecture training but no registration who are recognised as accomplished in their field.
203. I agree that the lack of detail about owner-occupier-designer John Kirk does suggest he had a modest career or worked almost solely under the name of the architectural practice that employed him. On this basis, I agree that the information provided in the heritage citation does not support the importance of John Kirk within Bayside or more broadly to the level that his house would be significant due to this association (under Criterion H).
204. It does, however, illustrate the important theme for Bayside of the 'architect's own residence', so the creation of this house as an architect's own residence is still appropriately expressed in relation to Criterion A.

History

205. *Sub. 3: ... the heritage citation is poorly researched, basic, and generally weak. The contextual history, historical themes, and place history appear to be generic and not specific to this property.*
206. The submitter is correct that the contextual history part of the citation is "standard and not specific to this property". This is common and accepted practice in the preparation of heritage citations in Victoria. The contextual history applies to an entire area and era of development, and is intended to place the development of the subject property in context. In my expert opinion, the text of the contextual history is applicable to this place.

207. As is usual practice, this contextual history is followed by a Place History that includes specific research into the subject property. There is also a discussion of architect-owner Kirk. While this section of the history is shorter than the contextual history, in my expert opinion, it is standard for heritage citations and contains the essential information needed to understand the place.

Comparative analysis

208. *Sub. 3: The Comparative Analysis also falls short of substantiating that the property meets the threshold for significance. It neglects to adequately reference objectively similar homes in the study area that are comparable and already included in a heritage register. These homes not only lack inclusion in a Heritage register or overlay but also exhibit significant differences in terms of structure, design, materials, construction, and overall appearance.*

209. The heritage citation references six post-war houses that are already in the Heritage Overlay under the Bayside Planning Scheme (two of which are also in the Victorian Heritage Register). As these do not provide enough closely comparable examples, it then goes further to compare it with other houses under assessment in the current Heritage Study, both those that have a similar architectural form and those designed as architects' own residences. Overall, in my professional experience, this is an extensive comparative analysis. Most importantly, in my expert opinion, it closes with a thoughtful qualitative analysis of how 82 Reserve Road compares to the other examples.

210. Note that while Planning Practice Note 1 'Applying the Heritage Overlay' (2018) states that comparative analysis should be carried out drawing upon 'other similar places within the study area, including those previously included in a heritage register or overlay'. The word "including" indicates that examples not in a register or the Heritage Overlay can also be used. This is accepted practice, particularly in the case that few comparable places already have statutory protection. This is discussed further in section 4.3 of this evidence, in the discussion of 'Detailed Assessments'.

Conclusion and recommendation

211. In conclusion:

- Recent changes, enclosing the carport and applying cladding to one part of the front brick wall, are generally reversible and have little impact on the fundamental heritage value of this place. While not reversible, the letterbox and driveway paving were elements of minor importance, so their removal has a low heritage impact.
- The important elements of the house's setting, being the native plantings facing Reserve Road, are still extant.
- While modest, the house is an excellent example of the simple, gable-fronted Modernist houses that characterised the 1950s and early 1960s.
- While the architect's own home origins of this house illustrate an important theme, and should be recognised in relation to Criterion A, the citation has not demonstrated that John Kirk was important in Bayside. For this reason, reference to Criterion H should be removed.
- The History and Comparative Analysis in the subject place citation meet the standard required for heritage studies.

212. On this basis, in my expert opinion, it is appropriate to permanently include 82 Reserve Road, Beaumaris in the Heritage Overlay.

EXPERT EVIDENCE

213. I recommend that the following changes be made:

- Update the Description, Intactness/Integrity, and Statement of Significance to reflect the recent changes to this place.
- Remove Criterion H from statement of significance.

214. No other changes are recommended in response to these submissions.

5.2.2 Sub. 26 – 78 Scott St, Beaumaris



Figure 8. Front and part of the north side elevation of 78 Scott Street, Dec. 2023. (N Schmeder)

C192bays proposed statutory change

215. Site-specific HO, with application of HO Schedule controls for Solar Energy Systems.

216. The statement of significance prepared by GJM Heritage and dated May 2022 is found in Appendix C.

Response to submission

217. The submitter opposes the place's inclusion in the Heritage Overlay under the Bayside Planning Scheme.

Intactness

218. *The property has been substantially changed and does not have a sufficient intactness in line with the post-war modernist design principles. [The submitter also notes incorrect points in the Description, particularly that the large north-facing windows are all recent enlargements.]*

219. The GJM Heritage citation documents alterations to this 1950s house including: a chimney added in 1981, a two-storey rear addition that partially sits over the rear of the original house built in 1984, and 'replacements of sections of weatherboards and replacement of some windows and doors'. The upper storey is largely hidden when viewed from the street.

- 220. The submitter notes that most windows have been replaced over time. The building permit plans held by the City of Bayside are not detailed enough to confirm this, or even reveal whether window sizes and configurations along the north side elevation have changed, apart from the replacement of the rearmost north window, replaced since 1984 with sliding doors in the same or similar opening.
- 221. The submitter notes that the front window (to the kitchen) is original, and that the front-most north window (to the living room) is in the same position as the original but was replaced in the 1980s. The 1981 and 1984 plans suggest that the front north window was previously full-length, but it is since been replaced with a smaller, high-set window of the same width. These are the two key openings, intended to be part of the public presentation of the house, with the front one only of high integrity.
- 222. The changes to north side windows to the recessed rear wing have no impact on the public presentation, and a lesser impact on significance.
- 223. The 1984 addition involved the addition of a wider room to the rear of the house, and an upper floor that sits above the new room and part of the original house. It has a low gabled roof and vertical timber cladding, in keeping with the original house.

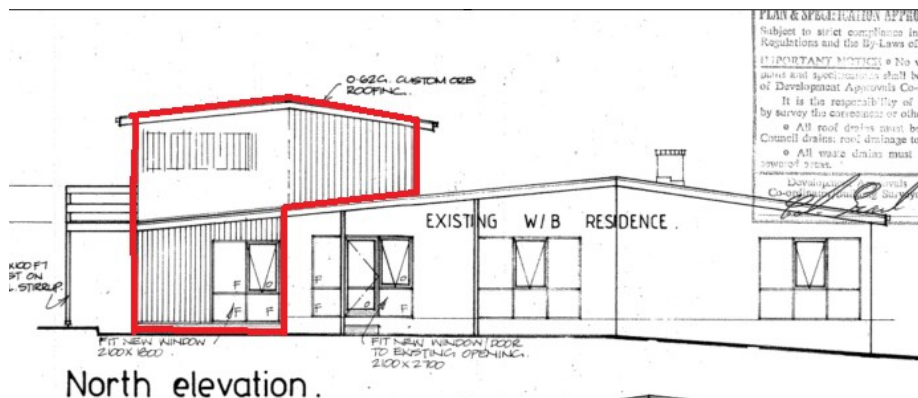


Figure 9. North side elevation, with the 1984 elevation outlined in red. (City of Sandringham, BP 9021/1984)



EXPERT EVIDENCE

Figure 10. View of the 1984 addition (left) and the north elevation of the original house, Dec. 2023 (N Schmeder)

Criterion E – aesthetic significance

224. 78 Scott Street “the property” has no substantial or aesthetic heritage significance.

225. In the statement of significance, the reasons that the subject place is said to meet Criterion E are almost identical to those listed in relation to Criterion D. The only additions are noting of the architects (John & Phyllis Murphy with G Stuart Warmington) and “its refined detailing”. This is one of the many cases, discussed at length in section 4.4 of this evidence, where there is little differentiation in discussion of the two criteria:

Andrews House at 78 Scott Street, Beaumaris is a substantially intact representative example of Modernist suburban housing constructed during the post-war period in the City of Bayside. Designed by architects John & Phyllis Murphy, with G Stuart Warmington, it displays 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, shallow-pitched metal-clad gabled roof, groups of full height windows facing private open space to the north, and the use of materials such as vertical timber cladding. A second-storey addition made to the rear of the house is not contributory but does not detract from the key characteristics of the original house (Criterion D).

Andrews House at 78 Scott Street, Beaumaris is of aesthetic significance as a well-resolved and carefully detailed example of a suburban house constructed in the Modernist style. Designed by renowned architects John & Phyllis Murphy, with G Stuart Warmington, the house is characterized by its low box-like form, shallow-pitched gabled roof and its refined detailing. Andrews House demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

226. In the heritage citation, this house was considered most closely comparable to:

- 54 Haldane St – brick house with only a garage door to front façade, architect designed, apparently intact apart from replacement of garage door (NB: Council decided not to include it in Amendment C192bays)
- 242 Beach Road – brick house with only clerestory window to front façade, architect designed, highly intact
- 11-13 Lang St – brick house, architect designed, extended by original owner-architect, minor (sympathetic) changes in 2009
- 23 Clonmore St – brick and window-wall house with retained native vegetation, architect designed, early minor alterations by original clients only, otherwise highly intact
- 19 Haldane St – brick house, architect’s own home, small and early addition (by same architect-owner), otherwise intact apart from rendering of a visible side wall (NB: Council decided not to include it in Amendment C192bays)

227. Compared with the above comparative examples, as well as other houses assessed in the GJM Heritage study, I consider this to be one of the most modest houses in terms of its design, materials and detailing.

228. I also note that the place does not retain any original elements of its setting, such as fencing, hard landscaping or trees, that might lend it aesthetic significance.

229. In my expert opinion, there is no indication that it is of aesthetic significance (Criterion E) at a local level.

Criterion D - representativeness

230. To some extent, I agree that the subject house meets Criterion D, representativeness, but not as well as many other houses in the study. With the changes to its public presentation

(change in window size on the north elevation), and changes to the rear wing (extension to side and upper level with loss of rear verandah), I consider the argument for representative significance to be greatly weakened.

231. I note that Criterion D is considered to be very strongly based in building fabric and intactness, much more so than other heritage criteria (with the exception of Criterion C).
232. In my expert opinion, due to the alterations, the place does not meet Criterion D at the local level.
233. Overall, its greatest point of interest appears to be its authorship by John and Phyllis Murphy, who are regarded some of the founders of the heritage conservation movement in Victoria. This house, however, does not illustrate that important side of their life's work.

Criterion A – historical significance

234. *Criterion A: Importance to the course or pattern of our cultural or natural history. This section could apply to hundreds of properties in the "Dunlop-Perdieu Company subdivision".*
235. I agree that the rapid post-war development of the Dunlop-Perdieu subdivision would be best illustrated by streetscapes or groupings of post-war development in this area.
236. However, I discuss at length in section 4.4 of this evidence, it is accepted practice to attribute historical significance, under Criterion A, to all above-average examples of places that illustrate an important historical theme for a suburb or municipality. The Dunlop-Perdieu subdivision has been demonstrated, in the Contextual History, to be an important part of Beaumaris' post-war residential development.
237. The key question then, is whether this is an above-average illustration of the post-war development of this subdivision. As its design, in its current state of intactness, does not – in my expert opinion – meet either Criterion D or E at the local level, then I conclude that it is not locally significant in relation to Criterion A either.

Conclusion and recommendation

238. In conclusion:
 - The house at 78 Scott Street is a very modest example of a post-war house, with no indication that it possesses particular aesthetic characteristics that would allow it to meet the threshold of local significance in relation to Criterion E.
 - While the house may have met Criterion D, as a representative example, in its original state, it has been too altered to satisfy this at the local level.
 - While the house could have illustrated the important theme of the Dunlop-Perdieu subdivision if it was demonstrably an above-average example of post-war residential development in this area, its failure to meet other – design-related criteria – indicates that it is not above-average.
239. On this basis, in my expert opinion, 78 Scott Street, Beaumaris, should be removed from the amendment.

5.2.3 Sub. 15 – 28 Towers St, Beaumaris



Figure 11. Front façade and carport of 28 Towers Street, Feb. 2024. (N Schmeder)

C192bays proposed statutory change

240. Site-specific HO, with application of HO Schedule controls for Solar Energy Systems, Outbuildings or Fences not exempt from advertising (in regard to the carport), and Tree Controls (Eucalyptus and Melaleuca sp. in front garden).

241. The statement of significance prepared by GJM Heritage and dated May 2022 is found in Appendix C.

Response to submission

242. The submitter opposes the place's inclusion in the Heritage Overlay under the Bayside Planning Scheme.

Condition

243. *The home at 28 Towers Street Beaumaris has major integrity issues including;*

- *Rotted timber window frames, fascias and awning*
- *Corroded metal decked roof*
- *Internal damage to ceilings, walls and skirting due to water ingress*
- *Foundation subsidence*

244. *... A current condition report for this property and quote of \$560,000 to replace/repair damaged items ... A second quote of \$160,000 is provided to replace only the rotted timber window frames and fit safety glass ...*

245. *Master builder's report (Nicholas Wallis, Proline Construction PL): I have conducted a site inspection and compiled a high level order of cost to bring the dwelling up to current National Construction Code requirements, and other repairs that would need to be undertaken.*

246. The submitter has provided photos illustrating the decay of timber elements, such as windows, fascias, front door, and slatted shading, surface rust to the metal roof decking, and minor foundation subsidence.
247. As stated in the accompanying report by Mr Wallis, which estimates repair costs, 'The house has had minimal maintenance over its life'. This has been compounded by the lack of eaves.
248. I do not question the need to replace the roof cladding, particularly in light of the leaks allowing water into the house, however, I note that this is an element of cyclical maintenance that should be expected every few decades. Metal roofing is a type that needs far more frequent replacement as compared to terracotta tiles or stone slates.
249. The largest estimated cost is for replacing all windows and doors, with double-glazed units that 'comply with NCC requirements for energy efficient design.' It is not necessary to upgrade existing elements of the house to meet current NCC requirements unless a current or future owner undertakes extensive alterations to the current house and/or builds an extension that enlarges the house by more than 25 percent. If less than half of the house is altered, then there is no requirement to bring the entire house into conformity with current standards. Similarly, if a new addition has a floor area less than 25 percent of the existing building, there is only a requirement to consider partial compliance for the existing house.⁵
250. Mr Wallis' report clearly indicates that the house is repairable, requiring replacement of windows, external doors, roof cladding (in 3-5 years), and most likely timber cladding currently hidden under metal sheet on the side elevations.
251. While the works set out in Mr Wallis' report are substantial (assuming all are actually required), and it would be advisable to subtly improve flashing and eave details to shed water better to avoid future problems, there is no indication that the house is structurally unsound much less liable to require full rebuilding to avoid collapse. Only one area of minor (hairline) cracking was noted in the brickwork during my on-site inspection held on 5 February (to the rear of the east side elevation), and small areas of salt damage to the concrete slab at some corner locations.
252. In such a case, there is a strong precedent in panel reports to consider solely the heritage significance of the place at the amendment stage, and leave consideration of condition to any future planning permit assessment.
253. Note that as not Internal Alteration Controls are proposed for this place, the refurbishment of the kitchen and bathroom should not be considered.

Conclusion and recommendation

254. In conclusion:
- The subject house is highly intact to its original form.
 - There has been deferred maintenance, requiring the replacement of the roof sheeting and many areas of timberwork (including to many windows).
 - It is possible that the many large window walls would need to be replaced with double-glazing to meet current National Construction Code standards, but this will depend on if the house is enlarged (in floor area) by more than 25 percent or if alterations are made to more than 50 percent of its volume.

⁵ Victorian Building Authority Building Practice Note, 'Building permits and other exemptions BP 12 | Exemptions for compliance with Regulations', 31 Jan. 2024, pages 6-7.

EXPERT EVIDENCE

- There is no suggestion in Mr Wallis' report that the building is structurally unsound, or that it is in danger of imminent collapse. Therefore, the issue of condition should not be taken into consideration at the amendment stage.

255. On this basis, in my expert opinion, it is appropriate to permanently include 28 Towers Street, Beaumaris, in the Heritage Overlay.

256. No changes are recommended in response to this submission.

5.2.4 Sub. 16 - 1 Reid Street, Beaumaris



Figure 12. 1 Reid Street, Beaumaris, Dec. 2023. (N Schmeder)

C192bays proposed statutory change

257. Site-specific HO, with application of HO Schedule controls for Solar Energy Systems, Outbuildings or Fences not exempt from advertising (in regard to the front brick garden wall and carport).

258. The statement of significance prepared by GJM Heritage and dated May 2022 is found in Appendix C.

Response to submission

259. The submitter opposes the place's inclusion in the Heritage Overlay under the Bayside Planning Scheme.

Multiple heritage studies

260. *Bayside City Council has twice abandoned heritage studies that have included our property at 1 Reid Street Beaumaris over the last twenty years following an outcry from residents. The obvious question that needs to be raised is "What substantial change has occurred to instigate the current third attempt?"*

261. The history of the many heritage studies focussing partly or solely on post-war development is outlined in 4.1 of this expert statement.

262. The key change, prompting the current Heritage Study was an open letter from (then) Minister for Planning, the Hon. Richard Wynne, to Bayside City Council informing them that

they were not fulfilling their statutory obligation under the *Planning and Environment Act 1987* to identify and protect places of heritage significance. This third study and the associated amendment is an effort to meet those obligations.

Intactness/Integrity

263. ... the following building form changes with relation to the exiting dwelling and carport on the property which differ from the original form of the building ... [includes change to roof tile profile and colour, carport, rear balcony balustrade, front door] ...

264. Building permit plans, dated 14 July 2020, illustrate the works carried out to the carport at the subject property. They appear to have been necessary for structural strengthening, with the insertion of a new steel beam, replacement of a timber ridge beam, and replacing or making good all other timber beams.

265. In my expert opinion, the works were sensitively designed and did not change the roof form of the carport (which remained in situ), though its underside was relined with cement sheet. Apart from the timber roof beams, the timber fascia to the front of the carport was replaced 'to match existing', and the side wall of the carport was rebuilt to 'match existing. Re-use bricks where possible'.

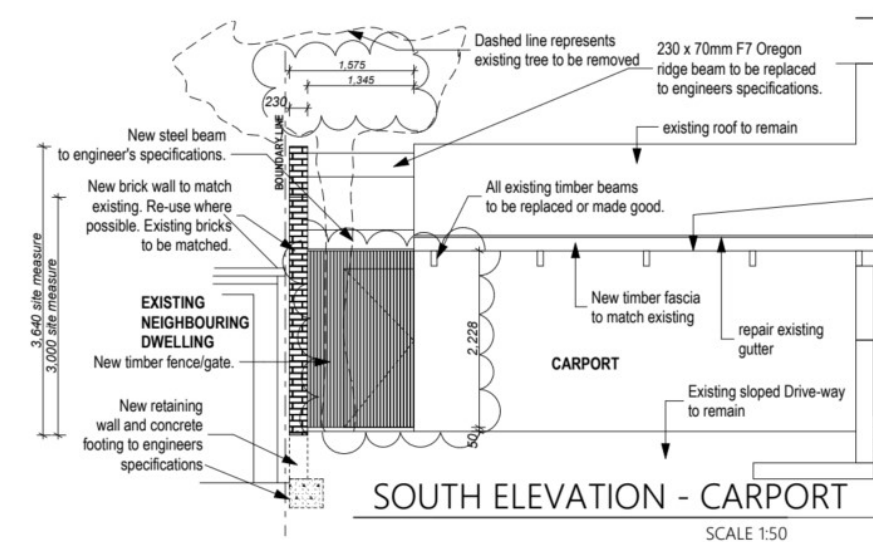


Figure 13. Detail from building permit plans for 'Carport Renovation, 1 Reid Street Beaumaris', showing no visual change to the carport. (Makro Design, 2019)

266. Following these repairs and partial reconstruction of the carport, it retains its original form, appearance and integrity. From the street there is no discernible difference to its form from the 1968 photo found in the GJM heritage citation (viz. Figure 2, page 515).

267. The submitter also notes changes to:

- Roof tiles in profile and colour – roof cladding must be changed cyclically, so this is quite common for heritage places. In my expert opinion, this change has low impact on heritage value.
- Painting of joinery in a different colour – no External Paint Controls are proposed, and colours can change without a permanent impact on heritage significance.

EXPERT EVIDENCE

- Front door replaced – while the current front door may be new, the only apparent visual change to today is its colour and installation of a decorative plaque or handle (see 1968 and 2023 photos). In my expert opinion, this has no impact on the integrity of the house.

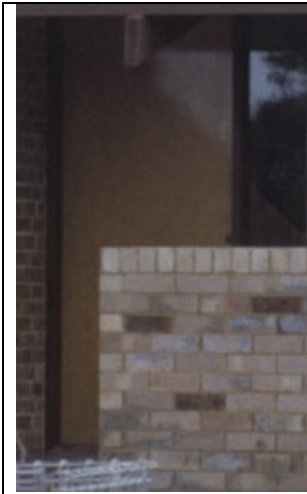


Figure 14. Detail of 1968 photo showing original front door (Peter Wille, SLV)



Figure 15. Current front door (N Schmeder, 2023)

- Change to rear balcony balustrade – In my expert opinion, this is a very minor change, with minimal impact on the heritage value of the house.
- Replacement of mailbox – there is no indication in the heritage citation that the current mailbox is of importance, so its replacement has had no heritage impact.

Condition

268. ... certain dwelling deterioration factors as outlined below [particularly timber elements]

269. This issue does not directly impact on heritage significance, as there is no indication that the house is in a condition warranting its demolition. As has been established by numerous panels, condition is properly considered at the planning permit stage. See further discussion of this issue in section 5.1.

Site-specific Heritage Overlays

270. *Heritage Overlays are generally imposed on a group of adjoining homes located within the same vicinity and within close proximity of each other, generally within a street or within a block of adjoining residential properties.*

271. As set out in PPN1, there are multiple ways of protecting places in the Heritage Overlay: individually, as geographic areas (precincts), and as disparate group listings. Site-specific listings of single places, not in a precinct, is generally the most common approach, and certainly most common in Bayside. In my expert opinion, it is appropriate to apply a site-specific Heritage Overlay to an individually significant property, such as 1 Reid Street, in cases that it does not site within a cohesive area of development that illustrates a common theme or themes.

Assessment process

272. *The importance placed on our property via the heritage study is simply a fancy of someone's imagination, a made-up construction period and circumstance by an individual or individuals.*

273. This heritage study has been carried out by a group of heritage professionals with expertise in architectural history, including that of the post-war period. The recommendation for this

place to be included in the Heritage Overlay is based on research and comparative analysis by appropriately qualified people, following the guidance of PPN1.

Conclusion and recommendation

274. In conclusion:

- The subject house and integral carport have high integrity to their original form.
- The place was assessed by heritage professionals, following the guidance of PPN1, and their work has demonstrated that this place is of local significance.
- The condition of the house should not be taken into account during this planning panel stage.
- It is appropriate to include individually significant places in site-specific Heritage Overlays.

275. On this basis, in my expert opinion, it is appropriate to permanently include 1 Reid Street, Beaumaris, in the Heritage Overlay.

276. No changes are recommended in response to this submission.

5.2.5 Sub. 31 – 21 Dudley St, Brighton



Figure 16. Front façade and garden of 21 Dudley Street, Feb. 2024. (N Schmeder)

C192bays proposed statutory change

277. Site-specific HO, with application of HO Schedule controls for Solar Energy Systems, Outbuildings or Fences not exempt from advertising (in regard to the carport), and Tree Controls (mature Eucalyptus sp.).

278. The statement of significance prepared by GJM Heritage and dated May 2022 is found in Appendix C.

Response to submission

EXPERT EVIDENCE

279. The submitter opposes the place's inclusion in the Heritage Overlay under the Bayside Planning Scheme.

Setting & visibility from public realm

280. *The particular characteristics of the dwelling which diminishes its contribution to local heritage include the high front boundary wall which has concealed the dwelling from the street from its construction. We note that this front wall collapsed in early 2022 prior to the application of the interim Heritage Overlay. Notwithstanding the longstanding concealing effect of the front boundary wall, the front elevation of the dwelling when viewed from inside the site is dominated by the carport which projects considerably further forward than the balance of the dwelling. The view of the dwelling even from within the front of the site is largely limited to building fascia and shadowed windows, noting the significant front setback.*

281. *In keeping with a recent building order, the high front brick fence to this house has been recently demolished.*

282. The submitter notes that views to the house are dominated by a projecting front carport, particularly as it could previously only be viewed from the public realm through the driveway gates.

283. I agree that this is the case, but the carport is part of the original design of this house. During the late post-war period it was common for a greater sense of privacy to be provided to houses by setting them behind a parking structure, sometimes even with blank street walls. This is a characteristic of the architectural design, and in my expert opinion does not detract from its heritage value.

284. I note that there are many heritage places that are concealed from or turn their back to the street, but they are still included in the Heritage Overlay. These include mansions hidden within extensive gardens, early houses in an area in a later subdivision that hides their front façade, buildings in large complexes that are not visible from the public domain, and late post-war dwellings that are designed to present a blank street wall.

285. The loss of the original high front brick fence does have an impact on the heritage value of this place, but one that is very minor when compared to the remaining intact setting and house.

286. My on-site inspection, held on 5 Feb. 2024, confirmed that the house is highly intact, on all four sides, as is the carport, and that it retains rubble stone landscaping and three mature Eucalyptus trees in the front garden and one in the back yard. The statement of significance only mentions 'mature tree plantings (Eucalyptus sp.)' and the proposed Tree Controls state 'Yes – mature Eucalyptus sp.' The place Description notes 'stands of large Eucalyptus trees' in the 'garden setting'.

287. It is not clear from these references if it is only the three Eucalypts in the front garden that are covered by the Tree Controls, or if they also cover the equally mature Eucalypt in the backyard and perhaps the Paperbark tree also in the backyard. This should be clarified, and at minimum the mature Eucalypt in the back yard also specifically recognised and protected.

Architectural design

288. *We submit that there are many dwellings of this kind throughout Melbourne and that this dwelling does not exhibit any exemplary elements that would warrant its recognition with a site specific Heritage Overlay with this particular dwelling being a very ordinary example.*

289. *We submit that there are much more highly credentialled examples of post war modern dwellings from this period. We understand that this particular dwelling was not identified in 'The Modern House in Melbourne, 1945-1975' by Dr Phillip Goad and are not aware of any*

other specific recognition of this dwelling in the press or magazine publications, which we submit is reflective of it being a lesser example of homes of this period.

290. The submitter does not name any other of the “many dwellings” of this type. I note, as well, that local significance is based on how important this place is in its local context, not across the entire Melbourne metropolitan area.

291. I note that there is no requirement for a place to be represented in Dr Goad’s PhD thesis to be of local heritage significance. Attention in the contemporary press is always of interest, and while such accolades are considered necessary to demonstrate aesthetic significance at the State level, this is not the case for local-level significance.

292. The Amendment C387melb Planning Panel addressed the issue of setting the threshold too high for places of local significance, here in relation to Criterion D:

While places do not need to meet superlatives such as ‘landmarks’, ‘exceptional’, ‘remarkable’ or be notable (including pivotal or influential) at the local level, they should be better than typical. Again, the level of intactness and integrity and the comparative analysis plays a key role in demonstrating this or setting an appropriate benchmark. (page 55)

293. While this house shares characteristics with other environmental-Modernist houses of the later post-war period, and a number were built across Melbourne’s suburbs at that time, they are gradually being lost or seriously altered. This is a highly intact example of its type, by a skilled designer. On this basis, I agree with GJM Heritage’s assessment that the place meets Criteria D and E at the local level.

Architect

294. *The dwelling was designed by a well known and highly regarded building designer in Alastair Knox, however this designer is much better known for his mudbrick dwellings constructed in the Shire of Nillumbik area. The association of the site with this well known designer may have influenced its inclusion in the proposed Heritage Overlay even though this association is not explicitly acknowledged in the citation. We submit that the association of a well regarding building designer with this dwelling should not tip the scales in favour of its inclusion given that the designer is associated with a different type of dwelling construction.*

295. The small number of Knox’s best-known and most acclaimed designs are likely to be of State significance, while many of his other intact designs may be of local heritage significance.

296. While best known for his unusual use of mud-brick construction, this type of building comprised less than a third of Alastair Knox’s output, some 300 out of a total 1000 (<https://alastairknox.org/>). The subject house demonstrates his consistent interest in natural materials, such as face brick and timber, not only mud brick.

297. Comparing the subject house to others of the same type in Bayside, I do not see any indication that it has been put forward for the Heritage Overlay due to the name of its designer. It is an accomplished and highly intact design.

Conclusion and recommendation

298. In conclusion:

- The loss of the original high front brick fence has had a minor impact on the heritage significance of the place.
- Apart from the fence, the setting is highly intact, retaining mature trees and volcanic rubble hard landscaping.

EXPERT EVIDENCE

- The house is a highly intact and accomplished example of an environmental-Modernist house.
- A building does not have to be one of the best known of an architect's oeuvre to be of local significance. It only needs to be a demonstrably above-average example of its type in a given locality or municipality.
- Its designer, Alastair Knox, is well known for using natural materials such as mud brick, as well as timber and face brick as seen at the subject house.
- The visibility, or lack thereof, of a heritage place does not impact upon its significance.

299. On this basis, in my expert opinion, it is appropriate to permanently include 21 Dudley Street, Brighton, in the Heritage Overlay.

300. I recommend the following change:

- Specify in the statement of significance that the three mature Eucalypts in the front yard and one in the backyard are all significant elements of this place.

301. No other changes are recommended in response to this submission.

5.2.6 Subs. 14 (and 3) – 9 Wolseley Gr, Brighton



Figure 17. 9 Wolseley Grove, December 2023. (N Schmeder)

C192bays proposed statutory change

302. Site-specific HO, with application of HO Schedule controls for Solar Energy Systems, Outbuildings or Fences not exempt from advertising (in regard to the carport and brick garden walls), and Tree Controls (mature Eucalyptus sp.).
303. The statement of significance prepared by GJM Heritage and dated May 2022 is found in Appendix C.

Response to submission

304. The submitters oppose the place's inclusion in the Heritage Overlay under the Bayside Planning Scheme.

Heritage Victoria refusal

305. *Sub. 14: Consistent with a prior assessment of the Property by the Executive Director of Heritage Victoria "the place is not in original condition". We therefore submit that the Property is not a good example of a dwelling that is representative of the post-war era.*

306. The submitter is correct that in 2020, Heritage Victoria refused to accept a nomination to assess the place for potential inclusion in the VHR, as the Executive Director 'consider[ed] that the place or object has no reasonable prospect of inclusion in the Victorian Heritage Register'.

307. It is also correct that Heritage Victoria stated that the 'place is not in original condition' and then listed alterations made in the 1980s. For this reason, other places in the State of Victoria were considered to better represent McGlashan and Everist's work.

308. Heritage Victoria then concluded that: 'The evidence provided suggests that the place may be potentially significant at a local level to the City of Bayside.' On this basis, it is entirely appropriate to assess its significance in the Heritage Study. There have, however, been further alterations since 2020, which are discussed below.

Intactness/integrity

309. *Sub. 14: ... further significant changes that have occurred to the Property since the 2020 GJM Study was completed. ... the vast majority of the elements of the Property that are visible from the street, and which could be capable of providing any perceived community benefit, are not original and were added after the post-war period in the mid-1980s and throughout 2023. ... There have been significant alterations to the Property carried out pursuant to building permits issued in 1985, 1986 and 2022 and other undocumented changes ... the only original external elements of the house are 3 x bedroom walls (which are east/west facing and not seen from the street), 2 x bathroom walls (one of which is also not visible from the street) and one small garden wall ...*

310. *Sub. 3: ... several substantial modifications have been carried out on the property in 1985, 1986, and 2022-23. ... the only remaining original external elements of the house consist of three bedroom walls (not visible from the street), two bathroom walls (one of which is also not visible from the street), and a small garden wall.*

311. *Sub. 3: [Changes listed as part of the 2022/23 works:] the eastern courtyard has been removed. Three large trees were removed with Council approval in 2022 due to safety concerns. ... The prominent integrated carport was removed to facilitate building works as part of a 2022/23 Building Permit. ... The original dark stained/painted timber fascias were removed as part of the 2022/23 Building Permit. All original timber windows have been replaced.*

312. As discussed in the GJM Heritage citation, the sensitive 1980s alterations and additions to the place including the front brick fence, by architect Sean Godsell, are considered a Contributory part of this place. I agree with their conclusion that these alterations do not diminish the heritage value of the place.

313. In my expert opinion, it is the heritage impact of changes made since that time, begun in 2022 and still not completed, that requires consideration.

314. The currently permitted (and progressing) works include the following partial demolition:

EXPERT EVIDENCE

- Demolition of the Hobby Room (the original carport, enclosed in 1972)
- Demolition of the rear half of the current carport
- Bricking up one window opening on east side
- Demolition of the rear wall of the kitchen area, to allow an extension to it
- Removal of a large window and small area of wall to rear of master bedroom, facing courtyard, to be replaced with a bay window
- Replacement of all other windows, in the same openings

315. And additions:

- Garage replacing the carport, with a wider footprint
- Bedroom and a lounge added to the east side, where the Hobby Room was
- Together, these additions will extend along the entire east wall of the house (replacing the eastern courtyard)
- Addition of a bay window to the courtyard elevation of the master bedroom

316. The timber fascias to the roofs were to be “restored”, but the owner noted (pers. comm. during site visit) that they were found to be too decayed and instead have been replaced in-kind.

317. The 2022 plans (Willow, 2022) do not show any alterations to the front (south) façade, though all windows to be replaced ‘to match existing style’ and the timber roof fascias are to be ‘restored’ and ‘extend existing fascia over en suite’.

318. The submitter has provided a shaded plan indicating the parts of the buildings that are original, altered and ‘demolished and replaced with new design’. While most of this reflect the building permit plans from 1966 through 2022, in locations where windows and window-walls are to be replaced by new units (in the same configuration) this is shown as full demolition/replacement of that wall. If the replacement of windows is set aside, this reveals a house that retains much more of its 1960s-80s contributory fabric. The main change is the creation of an addition to the east side – new garage and several rooms.

319. As shown on the plans, the appearance of the house from the street will not change, apart from the presence of the new garage, which will sit behind a retained portion of the carport. The roofline of the new additions behind the carport is low, so this may be entirely hidden from the street. The house will also retain its original U-shaped plan around the west-facing courtyard, even with the new additions, though the eastern courtyard will be lost.

320. On the following page drawings of the front (north) elevation of the house are set out to illustrate its evolution over time, as well as the planned impact of the current works.

321. Overall, the current design is sympathetic to the house, with effort taken to retain the same street presence. On this basis, I consider the current works to be of the type that is often approved for houses in the Heritage Overlay.

322. As a substantial house of sophisticated original design, in my expert opinion, it will retain its local significance following the works.

Setting

323. *Sub. 3: [Changes listed as part of the 2022/23 works:] Three large trees were removed with Council approval in 2022 due to safety concerns. ... The front brick fence that previously*

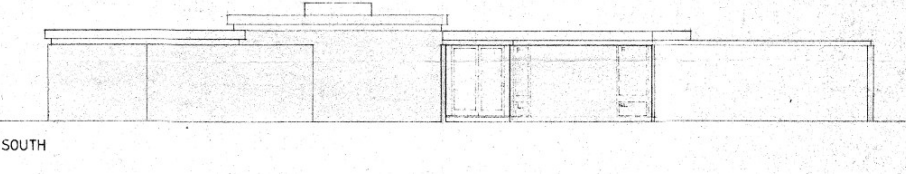
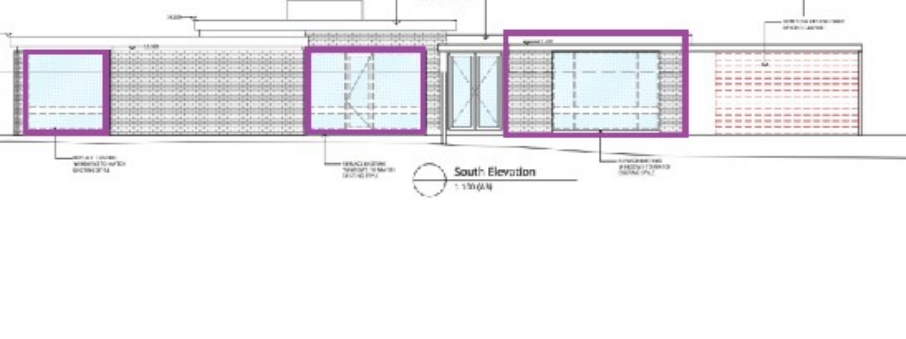
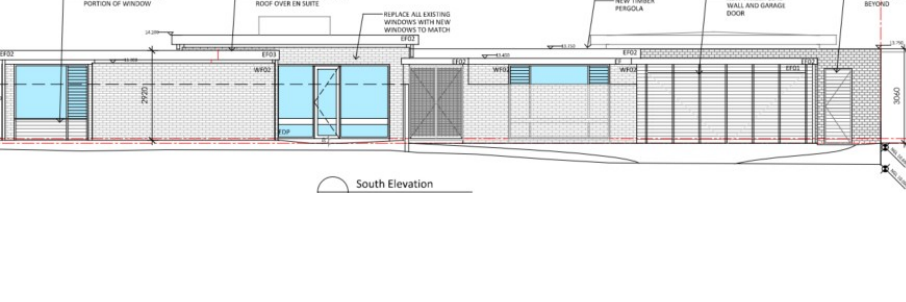
dominated the frontage, accounting for 50% of the street frontage, was removed due to an Emergency Order by the Council in August 2022.

- 324. The submitter noted a number of locations from which mature Eucalypts were removed, from the west courtyard and the backyard of the house.
- 325. Mature Eucalypts have, however, been retained in the front yard, still providing an important element of the house’s setting.

Conclusion and recommendation

326. In conclusion:

- The 1980s alterations to the front elevation by Sean Godsell contribute to its significance.
- The alterations that are currently underway have been sensitively designed and will have a very limited impact on its appearance from the public domain.
- While some mature Eucalypts have been removed from the main courtyard and backyard, the house still retains several in the front yard.

	<p>Original appearance of front elevation, McGlashan & Everist, 1966</p>
	<p>Front elevation after insertion of front windows (1986) and small front addition (left, 1985) by Sean Godsell, outlined in purple (annotated plan from Willow Architecture & Design, 2020)</p>
	<p>Permitted alterations to front elevation: left-hand window sill raise, right-hand window behind new wall, new garage and addition behind truncated carport. (Willow, 2020)</p>

327. On this basis, in my expert opinion, it is appropriate to permanently include 9 Wolseley Grove, Brighton, in the Heritage Overlay.

328. I recommend the following changes:

EXPERT EVIDENCE

- Document the 2022-2024 works to the house in the Description, and note that the additions are non-contributory in the Statement of Significance.
- Remove the 'brick garden walls' from the HO Schedule controls.

329. No other changes are recommended in response to these submissions.

5.2.7 Sub. 23 – 27 Bolton Ave, Hampton



Figure 18. 27 Bolton Avenue, December 2023. (N Schmeder)

C192bays proposed statutory change

330. Site-specific HO, with application of HO Schedule controls for Solar Energy Systems, and Outbuildings or Fences not exempt from advertising("Yes").

331. The statement of significance prepared by GJM Heritage and dated May 2022 is found in Appendix C.

Response to submission

332. The submitter opposes the place's inclusion in the Heritage Overlay under the Bayside Planning Scheme.

Intactness/Integrity of house

333. *... the building is very altered, most notably in terms of how it is seen from the street. ... the front carports have been rebuilt, an addition has been constructed between the carports, and the brickwork at the rear of the carports has been bagged and painted. This means that no original, unaltered fabric is visible from the street. the house and its courtyards have been the subject of numerous changes over time, and the rear of the building has been altered and no longer reads as originally designed.*

334. The City of Bayside hold the original 1963 plans and specifications for this house.

335. The original specifications call for white silica lime bricks with recessed square tooled pointing to external walls. As noted by the submitter, the visible walls of the carport have been bagged and painted since that time. As shown by an on-site inspection, the rest of the house has also been bagged, with an area of bare brick visible inside the store/workshop between the front carports.

336. Note that the History and Intactness/Integrity sections in the place citation currently mentions that there has been ‘overpainting of the original exposed white brick walls’, but not the cement bagging.
337. The City of Bayside also holds plans for the addition of a games room to the rear in 1974, which is noted in the GJM Heritage citation. This plan also shows that, between 1963 and 1974, the Store & Workshop, set between the two carports, was extended forward to serve as a Study.
338. The 1974 rear addition is not visible from the street, but it was viewed during an on-site inspection. The junction between the two sections is legible, but the addition continues the flat-roofed form and materiality of the original house, making it a sympathetic change.
339. The addition to the front of the Store/Workshop, to convert it to an office, is quite small in scale and set deep within the carports. The original walls of the Store/Workshop survive.
340. The submitter mentions alterations for which the City of Bayside has not provided me with building permit records, such as rebuilding of the carport walls, and “numerous changes” to the house and its courtyards. Many of the changes refer to internal alterations and to the landscaping (e.g. swimming pools, paving, plantings, mailbox). As there are no Internal Alteration Controls proposed, the internal changes will not be considered here.
341. Those alterations that concern external built features are mostly in regard to the front carports: reroofing, replacement of posts, painting, and the above-mentioned extension to the shed. While the submitter states that the carport posts are quite different to the original, they are still simple square posts as shown in the 1963 plans, though it is possible their dimension has changed. Changes to the house include bagging and painting of the brickwork, a new front door, and replacement of windows (in the same configurations).
342. The external changes documented to this house are not substantial in nature. The most visually intrusive one is the bagging and painting of the brickwork, but this could be removed by a future owner if desired. Currently, as the bagging is painted white, the house has largely the same appearance, except when viewed in close proximity.

Setting

343. *In addition, the landscaping to the front has been altered, and the letterbox, which is mentioned in the statement of significance, has been replaced in a different format and relocated after the original was vandalized. ...*
344. The letterbox is a minor element, so its loss has only had a very minor impact on the heritage value of this place.

Architect

345. *... this house has not been seen as a key example of his [Bernard Joyce’s] work in the past. [discussion of Modernist buildings that don’t really have a front façade that can be appreciated by the public] Given the limited extent to which this is in any sense able to be appreciated by the community of Bayside, one would hope that only the highest and best, and the most intact, examples would warrant the introduction of heritage controls.*
346. There is no requirement that a building be one of the best of an architect’s oeuvre to be of local heritage significance. In my expert opinion, this test is more appropriate when assessing the State-level significance of a place, as expressed in the ‘VHR Criteria and Threshold Guidelines’ (rev. 2022), which calls for places of State-level aesthetic significance to be ‘beyond the ordinary’ or ‘outstanding’.

EXPERT EVIDENCE

347. The Comparative Analysis for this place demonstrates that this is an above-average example of its type, and thus meets the threshold for local significance.

348. Furthermore, the suggestion that a heritage place must be visible from the public realm to warrant heritage protection is also one frequently rejected by planning panels.

349. For example, Amendment C142 & 143 to the Moonee Valley Planning Scheme (2 Dec. 2014) Panel Report also noted that:

... it is clear that other buildings have been identified as individually significant [in municipal Heritage Overlays] even though they are not visible from the street. (page 9)

350. The Panel for Whitehorse C172 Pt 2 (2 May 2016) commented on this issue:

In the Panel's view it would be advantageous from a local community education perspective, if a heritage place had a clear visible presence to or from a street or other public vantage point. However this element is not a specific requirement to determine heritage significance of a place. (page 11)

351. They then stated unambiguously that:

The Panel concludes that lack of visibility of a heritage place to a street or from other public realm is not a matter that determines whether the place has or does not have heritage significance. (page 11)

352. As the house at 27 Bolton Avenue is of a Modernist type specifically designed to turn its "face" away from the street and provide a series of wholly private outdoor spaces, in my expert opinion, this is all the more a case where heritage significance is not dependent on visibility from the public domain.

Conclusion and recommendation

353. In conclusion:

- The house is largely intact, retaining its front carports, private courtyard set behind them, and a central courtyard within the house volume.
- The bagging of the brickwork is currently minimally visually intrusive, and could be removed in the future, as is the small extension to the Store/Workshop.
- The rear addition is hidden, and does not impact upon the courtyard-form of the house. Its form and materiality are sympathetic to the original house.
- The assessment of representative and aesthetic significance of this place has been demonstrated, and does not require that it is a key example of the architect's oeuvre.

354. On this basis, in my expert opinion, it is appropriate to permanently include 27 Bolton Avenue, Hampton, in the Heritage Overlay.

355. I recommend the following changes:

- Correct the citation to note that the facebrick has been "bagged" instead of "overpainted".
- Specify in the HO Schedule that "carports" are the Outbuildings not exempt under Clause 43.01-4.

356. No other changes are recommended in response to this submission.

5.2.8 Subs. 2 (and 24) – 1-4/16 Gillard St, Brighton East



Figure 19. 1-4/16 Gillard Street, December 2023. (N Schmeder)

C192bays proposed statutory change

- 357. Site-specific HO, with application of HO Schedule controls for Solar Energy Systems, and Outbuildings or Fences not exempt from advertising (in regard to the front fence).
- 358. The statement of significance prepared by GJM Heritage and dated May 2022 is found in Appendix C.

Response to submission

- 359. The submitters oppose the place's inclusion in the Heritage Overlay under the Bayside Planning Scheme. As Submission 2 contains a letter from the owners and a report by Trethowan Architecture, dated 17 October 2023, while Submission 24 comprises the same Trethowan Architecture report, I have responded to them as if to a single submission.

Intactness/ Integrity

- 360. *... the building furthermore appears to be of poor integrity to the original design. ... the original design featured in the Citation shows a more symmetrical design that does emphasize horizontal expression and suggest more expansive glazing. The Citation notes the difference, but oddly does not explain why it is nonetheless considered to have integrity to the original design.*
- 361. As Trethowan Architecture point out, there is a great difference between the preliminary plans, reproduced in the Heritage Study citation as Figure 2, and the current composition of the front façade. While this suggests that there have been major alterations to the building, my further investigation into Council's building records reveal that the plans were changed prior to construction. The final endorsed plans for these flats are identical to the current appearance of the building (apart from a door, discussed below).

EXPERT EVIDENCE

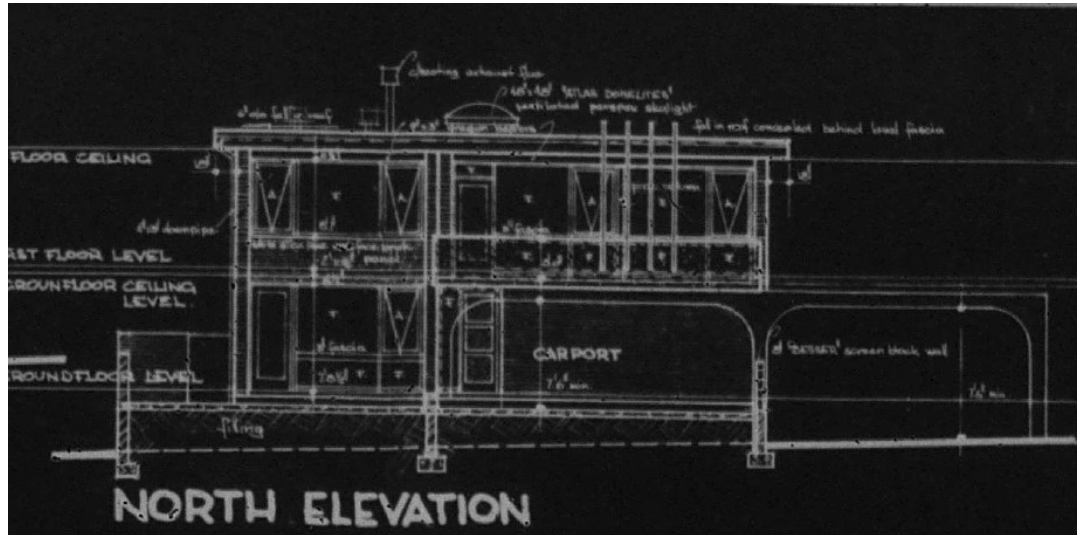


Figure 20. Endorsed building permit plan, showing the final design for the north (front) elevation of 16 Gillard Street. Note the glazed ground-floor door, at left, which has since been altered. (BP 11354/1968)

362. The archway over the tenants driveway has previously been struck by a vehicle and reconstructed.
363. I agree that there is a seam visible between the driveway arch and the carport arch, so it was probably replaced due to poor condition. Importantly, the new archway is identical to that shown in the original plans, this these works have not detracted at all from the overall integrity of the place.
364. In terms of integrity, a major change is evident in the front façade of the building, with the removal of the doorway that originally faced the street. It is understood this was removed as the timber doorway had rotted. The original concrete step is still evident. The window at this level was also replaced, and a new brick panel placed along the ground level under the new windows. Close inspection reveals a slightly different shade and quality of the brick panel compared to the original.
365. This alteration is confirmed by the original plans and my on-site inspection on 18 Dec. As Trethowan note, the works also included the replacement of the white, rock-faced brickwork below this bank of windows, with closely matching but not identical brickwork and pointing. While I conceded that this does impact on the overall intactness and integrity of the place, it is a relatively minor change, increasing the area brick infill but retaining glazing above. It has also been carried out with apparent care, matching materials as closely as possible, so it is not intrusive.

Comparative analysis

366. The Comparative Analysis has not compared the property to other Modernist buildings on the HO, nor has it established the local significance of the architect David Sapir, who appears to be comparatively obscure and more notable for commercial architecture.
367. I agree that the comparative analysis for this place draws solely upon other blocks of flats that are not in the Heritage Overlay. This is reflective of the difficulties when a place-type and era is under-represented in the HO, and previous panel reports have supported the use of non-HO comparators when necessary, so long as they are based on a municipal-wide survey, as is the case with the GJM Heritage study.

368. Despite this, I also agree that the comparative analysis could be expanded and improved to include examples of other post-war residential buildings that are not necessarily flats. In this case, the block of flats was designed to resemble a single-family home when viewed from the street, and the front section was indeed a two-level townhouse for the owners.

369. Its front façade is similar to single-family homes of the era which sit above a deep undercroft. There are a number of such examples in the City of Bayside, most of the have been assessed in the current Heritage Study:

370. 171 Tramway Parade, Beaumaris (Anatol Kagan, 1960)



- 56A Dendy Road, Brighton (Celina Widawski with Michael Feldhagen, 1963) - note the similar blockwork front fence



EXPERT EVIDENCE

- 51 Lynch Crescent, Brighton (Michael Feldhagen, c1964-65)



- HO475 74 Cromer Road, Beaumaris (c1965, no architect identified but Allom Lovell citation says it shows 'the influence of European Modernism' and compares it to the work of émigré architect Harry Siedler) (photo from Heritage Study)



- 2 Davey Ave, Brighton East (Michael Feldhagen, 1968) – note the similar balcony details



- 3 Exon Street, Brighton (Walters, Grodski & Associates, 1969) – note the similar blockwork front fence



371. The above comparators indicate a strong influence on David Sapir’s design for 16 Gillard Street from the many émigré architects working in the City of Bayside. There is an especially close resemblance to Michael Feldhagen’s house at 2 Davey Avenue, Brighton East.
372. I note that while Trethowan Architecture refer to 51 Lynch Cr and 21 Vardon Ave as ‘recognised examples of domestic Modernist architecture in Bayside’, it should be noted that both were assessed by the current Heritage Study and currently have interim HO controls only.
373. In addition, in my expert opinion, their comparison with the flats at 11 Tooronga Road, Malvern East (no HO), only demonstrates the superiority of 16 Gillard Street to standard blocks of flats of that period.

Flats in Bayside

374. ... *the subject site is a poor representative and does not reflect either the historical pattern of post-war development dominant in Bayside (that tended towards strata titled single residences or at most single storey or court development)*
375. While there is not a large number of post-war flats in Bayside, the Contextual History indicates that this was a theme of importance at that time. There was, however, the continuing idea that flat-living was sub-par or un-Australian in middle-ring suburbs such as Brighton. The resulted in the attempt to disguise multi-family dwellings as more prestigious single-family homes, which was seen in middle ring suburbs in the interwar and post-war periods.

Architect

376. ... *architect David Sapir appears to be comparatively obscure and more notable for commercial architecture*
377. I agree that architect David Sapir is not well known, particularly as compared to his cousin Sol Sapir, and it appears that no other buildings identified as his designs have heritage protection.
378. This is accurately reflected in the statement of significance for the place, which does not attribute heritage significance to the place due to his authorship (Cr. H).

EXPERT EVIDENCE

379. As demonstrated by the comparative examples provided above, David Sapir did have strong links with émigré architects working in the area, and this aspect of his work could be expanded upon in the citation.

Aesthetic and representative significance

380. ... the building does not demonstrate most of the principal characteristics of Modernist design. ... [It] is idiosyncratic rather than characteristic of Modernist design where form followed function and which eschewed non-functional ornamentation. [Cr. D]

381. ... the subject property does not demonstrate importance as a Modernist design but instead consists of several typical elements of 1960s-70s domestic architecture

382. I consider the above two statements by Trethowan Architecture to be contradictory. The first suggests that the subject flats are too different to represent the standard approach, but the second denigrates it as too typical of its era.

383. More importantly, in my expert opinion, Trethowan Architecture have set out too restrictive a definition of what comprises Modernism, ignoring the more decorative designs and variation in materiality (colour and texture) that characterises 1960s design, particularly among flats and houses design by émigré architects. The connection with the work of émigré architects is clear from my comparative examples.

384. I note that there is a growing recognition of this sub-set of Modernism, which might have been dismissed in the past as merely “Featurist” and not true Modernism. Work in this vein by émigré architect Michael Feldhagen has recently been recognised as significant in the City of Melbourne (31-37 Millswyn Street, South Yarra in HO3) and in the City of Port Phillip (101 Westbury Street, St Kilda East; 169 Hotham Street and 247-249 Inkerman Street, Balaclava⁶).

Conclusion and recommendation

385. In conclusion:

- The flats at 16 Gillard Street are highly intact to their original appearance, with the only changed being the sensitive replacement of a door with a window.
- If the Comparative Analysis is expanded beyond other examples of flats, it becomes clear that the subject building and bears close similarities to the work of Michael Feldhagen and other émigré architects.
- The subject flats are an excellent example of the ambivalence with which such developments were treated in middle-ring suburbs such as Brighton, as it is disguised to look like a single-family home.
- The significance of this place does not rest on its association with architect David Sapir.
- The subject flats demonstrate a side of Modernism often referred to as Featurism, which is also worthy of protection.

386. On this basis, in my expert opinion, it is appropriate to permanently include 1-4/16 Gillard Street, Brighton East, in the Heritage Overlay.

387. I recommend the following changes:

- Replace Figure 2 (sketch proposal of front façade) with actual design of front façade.

⁶ 169 Hotham Street is currently in the Port Phillip Heritage Overlay (HO7), while the others have been recommended for protection by ‘Review of Heritage Precinct HO7 Elwood, St Kilda, Balaclava and Ripponlea’ (RBA, 2022).

- Note in the History the conversion of a front French door to a window and replacement of all white rock-faced bricks below the window in this bay (a close match for the original brick and pointing).
- Correct reference in Intactness/Integrity section from ‘a 1970s ... development’ to ‘a late-1960s ... development’.
- Expand the Comparative Analysis to encompass single-family dwellings that demonstrate the same architectural language as 16 Gillard Street.

388. No other changes are recommended in response to these submissions

5.2.9 Sub. 12 – 9 Bellaire Ct, Beaumaris



Figure 21. 9 Bellaire Court, December 2023. (N Schmeder)

C192bays proposed statutory change

389. Inclusion in a group listing HO, with application of HO Schedule controls for Solar Energy Systems.
390. The statement of significance prepared by GJM Heritage and dated May 2022 is found in Appendix C.

Response to submission

391. The submitter opposes the place’s inclusion as part of a group listing in the Heritage Overlay under the Bayside Planning Scheme.

Intactness/integrity

392. *The building on the Land has been substantially altered and is no longer intact.*
393. The submitter states that the house has been “substantially altered”, but the only apparent change has been the recent rendering of the face brickwork (since Jan 2019, see Google Maps). The floorplan, windows, carport and flat roof of the house all appear to be as original.
394. While rendering has replaced a high-quality original finish with a typical modern finish, in my expert opinion, the house is still easily recognisable as one of Martin Sach’s designs around Bellaire Court.

EXPERT EVIDENCE

Group listings

395. *It is important that group or serial listings not be used as a de facto way of including places with the heritage overlay when individual or precinct listings have failed to be strategically justified. They should not be proposed as a way of bypassing a precinct's lack of integrity. ... The purported justification for the Land in HO853 is inaccurate and not strategically justified. Inter alia, buildings within a serial or group listing must have very well-defined characteristics to be able to be recognised as a group. A common period of construction or developer are quite clearly insufficient to justify the application of the HO853.*
396. The concept of 'group, thematic and serial listings' was introduced by the 'Review of Heritage Provisions in Planning Schemes - Advisory Committee Report' (2007), which recommended that:
- Thematically related buildings or sites that do not adjoin each other or form a geographical grouping should, where appropriate, be able to be treated as a single heritage place and share a statement of significance and HO number.*
397. PPN1 defines and discusses this approach as follows:
- 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.*
398. Since 2007 a number of such group listings have been added to municipal heritage overlays. Examples include Beaufort Houses in Pascoe Vale South (Moreland HO425), Electricity Substations (Melbourne HO1215, and Boroondara HO682), Miner's Cottages (Ballarat HO220, and Bendigo HO999), Late Victorian Timber Residences (Ballarat HO221), and Late Federation Residences (Ballarat HO222).
399. A number of panels have defined the way in which this tool is appropriately applied.
400. The Moreland (now Merri-bek) C149 Planning Panel (13 May 2014) set out some of the advantages of the group listing, as well as requirements to define one that is of local significance:
- 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. (pages 38-39)*

401. The Moreland C149 Panel supported a group listing of Moderne flats buildings, but not a group of interwar factories, which the Panel considered to be ‘lacking’ in very well defined common characteristics (page 39).
402. Expert witness for a number of submitters to Amendment C258melb, Bryce Raworth, proposed a number of potential group (or serial) listings, described as ‘industrial buildings in the City North Area’, ‘wool warehouses’, ‘South Yarra contributory buildings’, ‘low significance buildings’, ‘contributory buildings in Carlton/South Carlton’ and ‘lowly graded site-specific Heritage Overlay places’. This was in relation to a number of places proposed by the Amendment for site-specific inclusion in the Heritage Overlay.
403. The City of Melbourne, in its Part B Submission (14 Aug. 2018, page 44) did not support this approach and opined that Mr Raworth ‘fail[ed] to identify an appropriate common basis for heritage significance, ... [and] no common characteristics have been defined at all.’
404. The Amendment C258melb Planning Panel (15 May 2019, page 38) agreed with Melbourne’s position, and found the properties within the groups to be ‘insufficiently linked in terms of history, or particular or distinctive aesthetic characteristics to warrant being grouped in this way ... and very much a fall-back or third rate grading’.
405. At a general level, the Amendment C258melb Planning Panel confirmed that the elements/properties that form a group or serial listing can be Contributory, that is, they do not each have to be individually Significant:

The Panel notes that if group or serial listings were to be used, the places in the group could be listed as a Contributory place in the same way as for precincts. (page 38)

406. In relation to Amendment C387melb Planning Panel, the City of Melbourne sought (in their Part C Submission, 18 Sept. 2021) to codify the lesson learnt from previous panel reports, including C258melb, in regard to the “proper approach: to group and serial listings:
- (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.*

407. Applying this lens to the Bellaire Court Estate group listing, we find:

- *Does the group proposed for serial listing have a common basis of heritage significance, which relate to common architectural forms, histories or association?*
Yes, the eight properties have a common architectural significance, being variants on a theme by a single designer-builder, and have a common history as the designer-builder was also the developer who created the distinctive circular court around which they are ranged.
- *Do the eight properties/houses have very well defined characteristics to be able to be recognised as a group?*
The houses are very distinctive within their setting, with well-defined common characteristics such as flat roofs with wide timber fascias, large window walls facing the

EXPERT EVIDENCE

street, integrated side carports, irregular plans, lack of front fence (originally, and still in some cases), and masonry walls (originally face brick). In my site visits to Bellaire Court, I could immediately visually identify them from the other houses in the court.

- *Are the eight properties only linked by a generic use, period of construction or a common developer?*

No, while they are all linked by a common use (dwelling), period of construction (1962-68), and developer (Martin Sachs), they are also readily recognisable amongst their neighbours due to their shared design approach.

- *Can a common statement of significance usefully guide planning decisions for the group, or are they too stylistically different or altered to varying degrees?*

The houses are quite similar in their style, forms and materiality, as well as their complex rectangular plans. Key differences are all non-contributory alterations, being the presence of non-original front fences, and the rendering of the face brick to No. 9 (the subject house).

- *Does each building in the group listing contribute to the group in a similar fashion as a building in a precinct overlay?*

Yes, all of them are – in my expert opinion – intact enough to contribute to the group, and they all are closely linked to the statement of significance.

408. In my professional experience, the City of Melbourne’s codification of the group listing approach has found general acceptance amongst heritage professionals. For example, it was cited at the recent Amendment C320ston Planning Panel hearing. I consider it useful when considering the validity of new group listings, though I note that it does not address the possibility of using the group listing approach for a “dispersed precinct”, discussed below.

409. The Campaspe C50 Planning Panel (16 Jul 2013) examined the issue, in relation to a proposed heritage precinct of saw millers’ cottage, in which there was a small number of Contributory properties amongst many Non-contributory ones. They opined, that in such cases a group listing approach would be more appropriate:

If the buildings and other associated heritage items are reasonably proximate then the delineation of a heritage precinct is perhaps the preferable approach. It allows heritage input to decisions about changes to non-contributory properties adjoining or near the buildings that are of significance. This can reinforce and enhance the values of the precinct as a whole by ensuring that extensions, alterations and redevelopments of non-contributory properties are done in a way which complements the contribution made to the place as a whole by the contributory buildings.

If instead the significant buildings are very dispersed and well in a minority in the totality of buildings in the area in question, it may be better to give them a serial or group listing in order to avoid the inclusion in a precinct of an excessive number of intervening non-contributory properties. Too many non-contributory buildings can lead to a dilution of the sense of precinct and cause an unnecessary administrative requirement for permit processing. (pages 49-50)

410. The Campaspe C50 recommendations are, in my expert opinion, very applicable to Bellaire Court, as the eight Contributory houses by builder Sachs are scattered amongst 16 Non-contributory ones. While the circular court setting is quite distinctive, and assists in illustrating the relationship between the eight houses, the proportion of Non-contributory properties excessive for a precinct, so a group listing is more appropriate than a precinct.

411. In conclusion, Max Sach's eight houses on Bellaire Court, form a distinctive grouping with their Modernist design, window walls, and irregular plans made possible by the use of flat roofs. On this basis the group of houses, including No. 9, form a group listing of local significance.

Conclusion and recommendation

412. In conclusion:

- The house at 9 Bellaire Court is sufficiently intact to contribute to the group listing.
- The houses included in the group listing have very well defined common characteristics, including their architectural form, history and associations.
- Their connection is enhanced by their location around the circular court subdivision created by their designer-builder, Max Sachs.
- It is appropriate to recognise and reinforce the shared significance of these properties by the use of a group listing and shared place citation and HO number. This approach has been supported by planning panels, such as Campaspe C50.

413. On this basis, in my expert opinion, it is appropriate to permanently include 9 Bellaire Court in the Heritage Overlay as a contributory property in the group listing.

414. No changes are recommended in response to this submission.

EXPERT EVIDENCE

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

5.3 Places not appearing

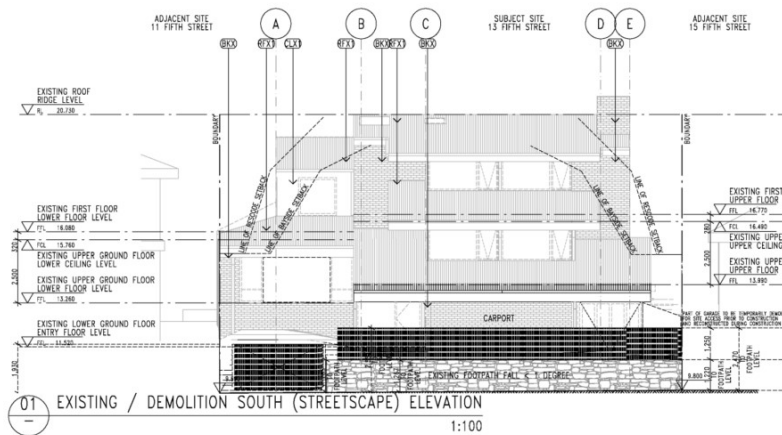
415. For those places for which an objecting submitter or their representative has not asked to be heard at the panel hearing, my response to the heritage-related issues raised in their submission are found below.

416. Submissions 11 and 20, in my expert opinion, do not raise any heritage-related issues, so I have not responded to them here.

5.3.1 Subs. 7 & 22 - 13 Fifth St, Black Rock

<p>Submission:</p> <p>Sub. 7: We had obtained planning permits well before the study, and are currently in the middle of a substantial renovation. ... Although our house was built by a well known architect, Chancellor and Patrick, it's style and type is not something that is celebrated. It is not a well known house of theirs. It is not one that is talked about as significant. It is not featured in any publications or referred to when discussing their significant houses. ... There have been significant alterations made to the house, which are visible from the street. These include addition of rooms to the front of the house, rendering of brick at the front of the house, changes to front windows, removal of volcanic rock retaining walls, garage door alterations, and additions of fences. ...</p> <p>The streetscape has changed significantly, rendering this house out of place in the street.</p> <p>Sub. 22: We have an ongoing renovation, which is expected to take 18 to 24 months. This timeframe underscores the substantial changes the property has undergone. This renovation addresses critical issues, such as asbestos, structural problems, collapsed retaining walls, outdated electrical systems, and the need to meet modern energy efficiency standards.</p>	<p>My response:</p> <p><i>Importance in architect's oeuvre</i></p> <p>To meet the threshold of local significance, a place must be an above-average example of its type in a given locality at minimum. As set out in PPN1, this is determined by comparative analysis.</p> <p>There is no requirement for a building to be a "well known" or "celebrated" example by a certain architect. That is a higher threshold, which might be required for a house to be of <u>State-level</u> significance (as is required for inclusion in the Victorian Heritage Register). In my expert opinion, is not an appropriate test for local significance.</p> <p><i>Intactness/integrity of house and setting</i></p> <p>The submitter has provided photos illustrating some alterations to the house, including:</p> <ol style="list-style-type: none"> 1) Small ground-floor addition to west side of house (legible by a vertical joint in the brickwork), including enlargement of a window. The larger replacement window is similar in form, but lacks a broad horizontal division to the picture window. Building permit plans indicate that this 2.4-metre-wide addition was made in 2002, and it extends along the entire north side of the ground floor. 2) Replacement of original garage door on the RHS of the front façade, changing from one with vertical ribs to a current timber one.
---	--

Demolition plan for front façade (Bower Architecture, 2023):

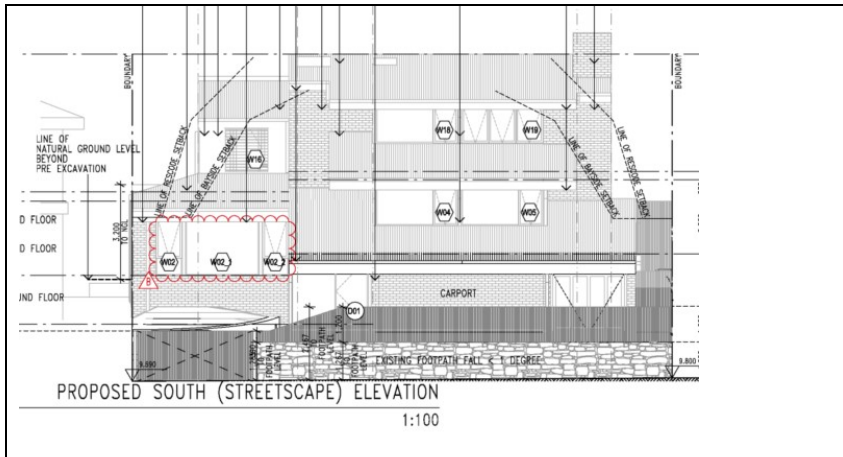


Proposed appearance of front facade (Bower Architecture, 2023):

assessment.

My recommendation: No changes

EXPERT EVIDENCE



5.3.2 Sub. 5 - 19 Haywood Street, Beaumaris

Submission:

... lack of original mid-century modern features following a substantial renovation in 1987 and cladding added early 1990's. ... It involved the entire back end of the home being demolished and rebuilt, including two bedrooms, a bathroom, and living area.

Additionally, there were substantial works to the front of the house, including the installation of stacked stone cladding beside the front door and above the master bedroom window, which was popular in the 1980s and early 1990s. [also mention of internal alterations]

Additionally, the location of our home is not in a traditional heritage area.

...

other properties in Brighton by the same architect, Clarke Hopkins Clarke, are not included in the Heritage Listings or noted as significant in the study, including 2 Ballara Court, Brighton (1961), 14 Cavell Court, Beaumaris (1964), 2 Ramsay Street, Brighton (1960), and 25 Billson Street,

My response:

Intactness/Integrity

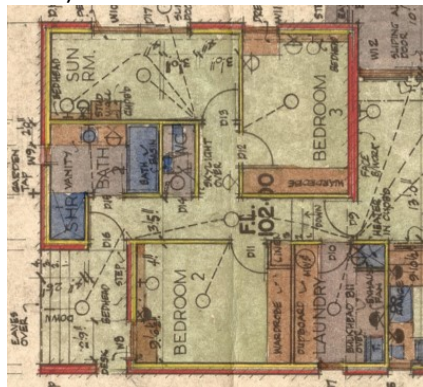
Comparing the original architectural plans for this house with those for alterations in 1987, and current plans (from a 2015 realestate.com.au listing), it is apparent to me that there has been only very minor change to the floor plan of this house. The 1987 alterations involved a small area at the rear of the house, with an extension enclosing a back porch to allow for the creation of an ensuite. There were also minor internal changes to the layout as part of these works. This renovation did not impact the important north side elevation, as illustrated by 2015 real estate photos. The area affected is shown shaded (at left) on the 1987 plan.

The submitter has provided photos of the stacked stone cladding added in the 1990s to two discrete areas of the front façade: a strip above a window, and an area around the front entrance. It is not clear on the original plans what the original appearance/cladding of these two areas

Brighton East (1964).

My illustrations:

Detail of rear section of house as originally built (Clarke Hopkins & Clarke, 1969):



Alteration to rear section of house with enclosure of back porch, 1987:

was, though the wall on the RHS of the front entrance appears to have been face brick. In my expert opinion, the partial recladding is a minor change when considering the house as a whole. As the house has otherwise high integrity, in my expert opinion it still meets the threshold of local significance.

Currently, the stacked stone above the front window is noted in the citation as an original feature, and the stone around the front entry is not mentioned at all. This should be corrected in the heritage citation, noting this as a 1990 alteration.

While the submitter notes internal changes to the house, as there are no Internal Alteration Controls proposed, in my expert opinion they should not be taken into account in the assessment.

Intactness of street and area

This house has been assessed as an individual place, not part of a precinct, so the mixed development seen on Haywood Street should not be taken into account.

Other work by the architects

I agree that there is no clear indication in the citation of why this house by architects Clarke Hopkins Clarke has been recommended for inclusion in the Heritage Overlay and others mentioned in the place history have not.

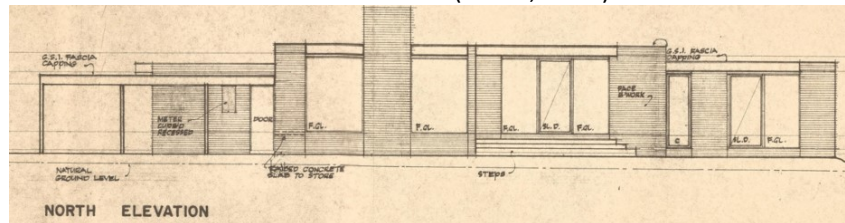
I have made my own, preliminary investigations, using Google Maps. The house at 2 Ballara Court was demolished (c2009-13), and the house at 25 Billson Street has been extensively altered, so it is clear to me why they have not been recommended for the Heritage Overlay.

The two houses at 14 Cavell Court and 2 Ramsay Street appear to survive intact (as per Google Maps). I assume that they have been excluded due to a lower level of design excellence than 19 Haywood Place. I consider it useful to indicate this explicitly in the heritage citation. That said, the

EXPERT EVIDENCE



North side elevation of house as built (CH&C, 1969):



Intact north side elevation in 2015 (realestate.com.au):

current comparative analysis is extensive and in my expert opinion it is sufficient to establish the local significance of this place.

Note that, outside of Bayside, Clarke Hopkins & Clarke's house at 21 Brewster Street, Essendon, also listed in the place History, has been recommended for the Moonee Valley Heritage Overlay by the 'Moonee Valley Heritage Study 2023' (Heritage Alliance).

Other rejected places

The submitter has provided photos of a number of houses excluded from the amendment by Bayside City Council, noting 'These homes have less alterations to the front of their house than our home.' And declaring that they are 'Homes in Beaumaris that have been excluded due to outside alterations' (this statement may be only in relation to 19 and 54 Haldane Street).

I agree that Bayside City Council's exclusion of a number of properties, assessed by GJM Heritage as locally significant, prior to the amendment process, has confused the matter. As there is no documentation of the Council's rationale for these changes, and they are contrary to expert advice, I can only assume that they were excluded for reasons not directly related to their heritage significance. Thus, their exclusion cannot be used to weigh up the level of heritage value of other post-war houses.

As I have noted above, the addition of two areas of stacked stone cladding to the front of 19 Haywood Street, and the enclosure of the back porch, has only a minor impact on its significance.

Recommendations: Edit citation and Statement of Significance to note the stacked stone cladding as a non-contributory element of this place.

Add a discussion of CHC's other designs in Bayside to the comparative analysis to this citation and the one for 18 Hutchison Ave, Brighton, as well.



5.3.3 Sub. 6 - 86 Dalgetty Road, Beaumaris

Submission:

In 2016, extensive renovations were undertaken to the southern end of the property comprising an additional two bedrooms, two bathrooms and a laundry. ... it is inappropriate to impose a heritage overlay over the entire property boundary (as currently proposed), as this would encapsulate the extension added to the southern side of the dwelling that possesses no historical significance and is less than a decade old. ...

Notwithstanding, the caveat contained in Final Report in relation to 86 Dalgetty Road at page 164 that “an on-site inspection is required to confirm these details”, no steps have been taken by the Council to confirm the description of the property ...

Illustrations:

Detail of the 2016 plans, showing the south-side addition hatched:

My response:

Intactness/Integrity

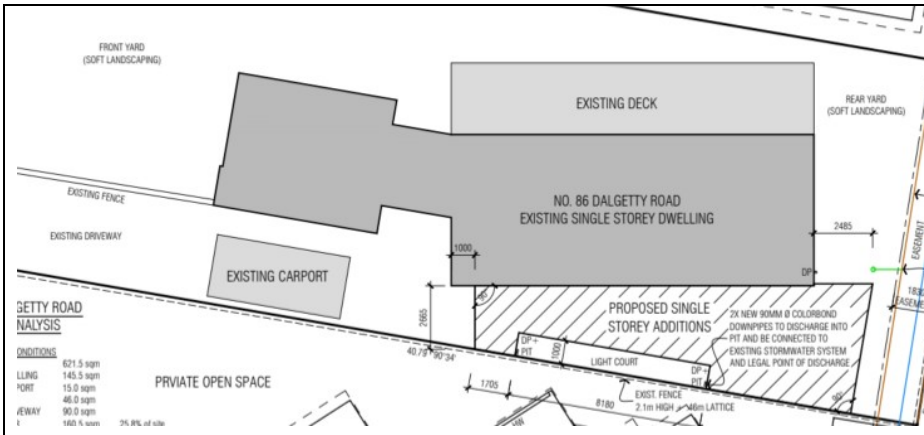
The submitter has provided documentation for the addition made to this house by providing 2016 plans, as well as a link to an article (dated 4 Nov. 2021) on the Design Files website. The Design Files article notes that this is the last surviving Robin Boyd-designed house in Beaumaris, and describes the 2016 works as ‘extending [it] as sympathetically as possible’.

I agree with this evaluation of the 2016 addition.

This house has two volumes. A front, master bedroom volume, projects forward linked by a corridor to the main (rear) volume.

The 2016 additions were made to the rear volume, and set slightly back from the corner of that volume. Due to this setback, and the position on site, the additions are entirely hidden from the public realm (when looking down the driveway from the footpath). The additions also have a separate, lower roof form, helping to distinguish

EXPERT EVIDENCE



View of the rear of the house from the east, showing the lower 2016 addition at left and the original volume at right (property.com.au, 2022):



Intact window wall of the main volume (property.com.au, 2022):

this section from the original.

Importantly, the extensive Stegbar window walls to the master bedroom volume and the living area were retained during these works.

I consider these works to be sensitive and sympathetic to the heritage values of the place, and on this basis, in my expert opinion, they have a minimal impact on its significance and are of the kind likely to have been approved for a place already in the Heritage Overlay.

These 2016 works have been noted in the GJM Heritage citation, and are addressed in the statement of significance where it states ‘Later alterations and additions are not contributory, including the additions to south constructed in 2016.’

Note that it is standard practice, as set out in VPP Planning Practice Note 1 ‘Applying the Heritage Overlay’ (2018) for entire suburban blocks to be included in the heritage overlay, even if there are some non-contributory parts or elements.

Even if the 2016 addition is within the heritage overlay, it is recognised as having no heritage value when planning applications are made to alter it.

I note that I made a request to inspect this property on-site, but access was not granted within the relevant timeframes. Despite this, I am confident that I understand the alterations to the house and their impacts based on the 2016 plans provided by the submitter and extensive photos available on the Design Files and real estate websites.

Recommendation: No changes



Intact window wall of the front bedroom volume (property.com.au, 2022):



EXPERT EVIDENCE

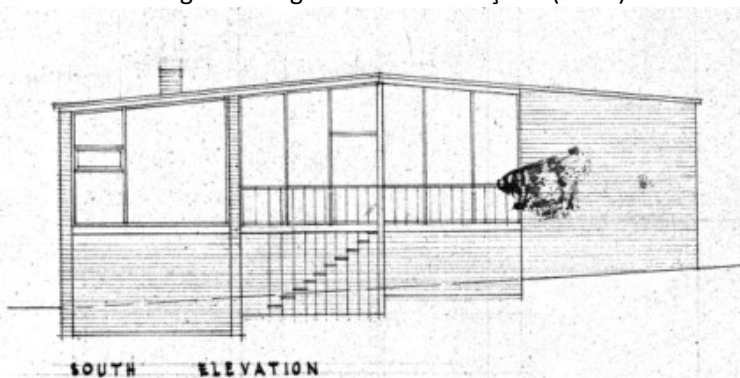
5.3.4 Sub. 9 - 15 Mariemont Ave, Beaumaris

Submission:

... as an individual home, (a view shared by The Heritage Alliance Study 2007), this is not a Modernist Icon, it has no aesthetic iconic features, there is no refined elegance, there is no history worth preserving. ... substantial/drastric alterations have been made, which are evident from looking at my home from the street; relating to the windows, balcony, stairwell, location of front door, volcanic rock retaining walls; and of course, the road [driveway] has been relocated. ... The middle section has been altered with a new balcony, the windows and front door are now much closer to the railing, the stairs leading to the front door are now in a completely different position and the front door is in a different position. The right-hand section now has a window dominating the brick wall.

My illustrations:

John Baird's original design of the front façade (1955):



My response:

Previous assessment

The submitter is not correct in stating that the previous assessment, by Heritage Alliance, found that 15 Mariemont Ave fell short of individual significance. To the contrary, the study recommended a small precinct along Mariemont Avenue, and graded 15 Mariemont Avenue to be Significant. This means the authors of that previous study concluded that it not only formed part of a precinct, but was also of heritage significance in its own right.

Intactness

The GJM Heritage citation acknowledges the replacement of the front balcony balustrade in a different form, as well as the insertion of a window on the east side of the façade.

They did not note the changes to the staircase and relocation of the front door and central window wall.

I have compared current photos (taken from the street) with the original plans and early photos of the house, and I agree that the front door was moved over by one bay. This was required when the central window wall was moved forward, turning the original deep balcony into a shallower one. The staircase, however, appears to remain in the same position as originally.

Comparing the 1950s photo held by the SLV (Figure 2 in the citation), I conclude that the central window walls was repositioned, but not replaced (for example, there still two operable bottom sashes). While this change does decrease the shadowline beneath the roof apex, in my expert opinion this was a relatively conservative and sympathetic change.

The creation of a window opening in the originally blank eastern bay is of greater concern, as it changes the balance between open (west) and solid/closed (east) bays of the front façade. However, I conclude that the modest size of the new

Current front façade with door shifted to the right (N Schmeder, 2023):



window allows the cream brick to continue to dominate the composition of the eastern bay.

While the house retains enough of its form and key original features to be of local significance, in my expert opinion the citation’s assertion that the house ‘retains a high degree of integrity in fabric, form and detail to its period of construction’ should be modified to reflect the alteration (e.g. ‘retains a *relatively* high degree of integrity ...’).

Recommendation: Add information to the citation about the shift forward of the central window wall and associated relocation of the front door over one bay.

Note that the house has a “relatively high” level of integrity.

EXPERT EVIDENCE

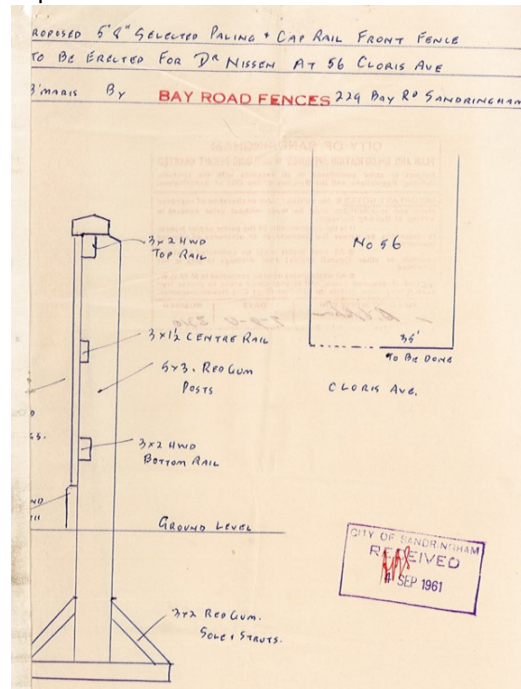
5.3.5 Sub. 10 - 56 Cloris Ave, Beaumaris

Submission:

... the house has undergone significant renovations including a two storey extension, the original carport converted into an interior room and an exterior color [sic] change.

My illustrations:

1961 building permit with section of 5'8" paling & cap rail front fence:



Ground floor, with 2009 rear addition in yellow:

My response:

Intactness/Integrity

Building permit records held by the City of Bayside provide documentation of changes made to this place over time.

The records include a 1961 building permit plan for the original front fence. It was a 5'8" high (1.7m) paling and cap rail fence. This survives at the front of the property (or it was replaced in-kind at some point). Note that this is in contradiction to the *Australian Home and Garden* article cited in the heritage citation that states the house 'was screened from the street by a high wall of cement bricks'.

Minor alterations were made by architect John Saunders in 1997. They involved the creation of two new internal openings to walls, as well as a new kitchen window to the rear elevation. This work had very minimal impact on the intactness and significance of the house.

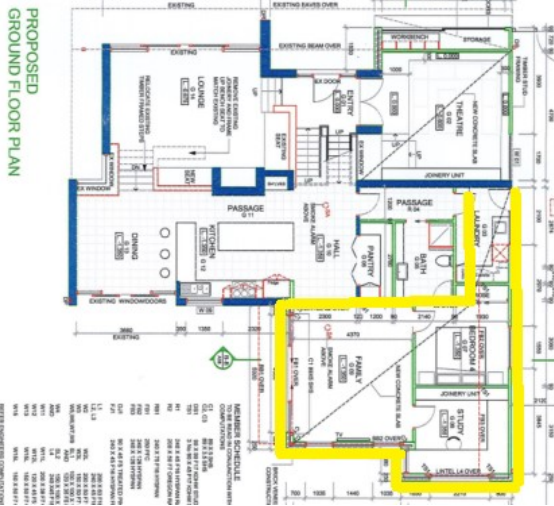
A swimming pool was installed in the front setback in 2007, set behind the 1.7m high solid front fence.

More extensive alterations and additions were made in 2009-10. This included the following partial demolition works:

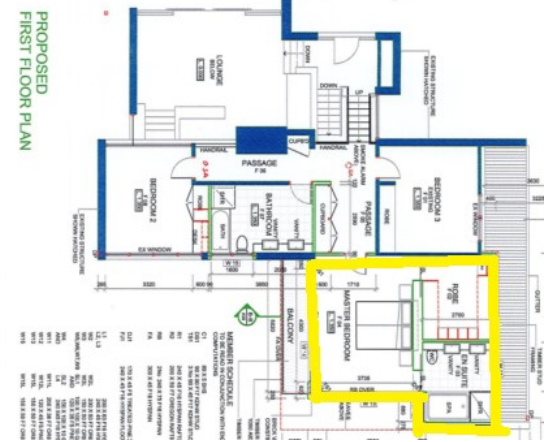
- Demo of ground-floor east (side) wall and of the eastern half of the south (rear) wall
- Demo of a small portion of the first-floor south (rear) walls

And the following additions:

- Enclosure of the front carport with new front and east (side) walls, clad in vertical timber battens. It has been designed to look like a contemporary garage, with a timber-clad sliding doors to the front concealing a storage area. The carport roof was retained.
- Enlargement of the footprint of the south-east corner room (wall moved out in line with the former carport) and the addition of three new rooms to the rear. These works are not visible from the street.
- Rear addition to the first floor, which projects 400mm further east than the existing



First floor, with 2009 rear addition in yellow:



footprint, so it is hidden from the street.

The alterations carried out in 2009-10 were sensitively planned so that they did not impact on the front façade of the house, apart from enclosure of the carport, nor on the “garden façade” (west elevation). Instead, extensions were tucked away at the south-east corner of the site where they would not be visible from the street, and leaving the western wing – containing the lounge and dining room – intact on all three sides. While the face brick has been painted, this is reversible using gentle means that do not damage the brickwork.

These works have been carried out in such a way that they retain the significant split-level form of this house and its public presentation. In my expert opinion, this means that the house is still of individual significance.

Recommendation: Check *Australian House & Garden* article (Sept 1963, p. 33) in regard to the material of the original front fence, and correct citation if necessary.

EXPERT EVIDENCE

5.3.6 Sub. 13 – All properties

<p>Submission:</p> <p>Many homes listed in the current Post-War Modern Residential Heritage Study have been taken from previous studies which were not acted upon ... the majority of properties listed in the current study have not been inspected by Heritage consultants, yet they are recommended for heritage listing. ... Recently Glen Eira and Maribyrnong Councils have rejected heritage overlays due to overwhelming community opposition.</p>	<p>My response:</p> <p><i>Multiple heritage studies</i></p> <p>I agree that many of the properties put forward for inclusion in the Heritage Overlay by GJM Heritage were identified and/or assessed by previous heritage studies. As the Bayside City Council did not complete and/or implement the recommendations of these studies, it has been necessary to revisit them once again in the current study. This is discussed in section 4.1 of this evidence.</p> <p>As indicated by GJM Heritage’s methodology report, and the photos included in the heritage citations, all places recommended for the Heritage Overlay were inspected (or reinspected). In my professional experience, inspection from the public domain (generally the footpath) is standard practice for heritage studies. I note that there are no Internal Alteration Controls proposed, so the intactness or lack thereof of interiors is properly not taken into account. In the case that there are external alterations not visible from the street, where submitters have raised them and agree to an on-site inspection, this has been done as part of the review of submissions.</p> <p><i>Amendments in other LGAs</i></p> <p>I agree that Glen Eira City Council decided to abandon expert recommendation to protect 15 heritage places and 2 precincts in relation to Amendment C214glen due to the existence of objecting submissions. Places for which no objection was made were progressed. This approach was deemed ‘fundamentally flawed’ by C214glen Planning Panel Chair Con Tsotsoros, and an approach that ‘does not align with the [Planning and Environment] Act objectives, State and local planning policy and Clause 71.02-3 of the Planning Scheme.’</p> <p>The case of the ‘West Footscray Inter-war and Post-war Heritage Precinct Study’ (2021) and the subsequent Amendment C172mari, the planning panel supported most, but not all, of the heritage study’s recommendations. Contrary to the panel’s recommendations, Maribyrnong Council chose to abandon the entire study instead of revising the proposed precincts as recommended.</p> <p>Once again, places and precincts of recognised heritage significance were not protected, which is not in keeping with those councils’ obligation under the <i>Planning and Environment Act 1987</i> to identify and protect places of local heritage significance.</p> <p>Recommendation: No changes</p>
---	---

5.3.7 Sub. 17 - 175-177 Tramway Pde, Beaumaris

Submission:

Subsequent restoration works undertaken (2015 – 2023) have been at our election, as such period features detailed in the Statement of Significance, May 2022 have been introduced subsequent the building’s original construction, these include: Bagging of the original Crème brickwork; Installation of the Vertical Timber Cladding to the upper level; Stone and associated landscaping treatments.

[also discussion and spreadsheet itemisation of the submitter’s own “assessment criteria”]

My illustrations:

Title block of the original 1958 plans:

JOB N ^o 2503	
<i>The Australian</i> WOMEN'S WEEKLY	Home Planning Centre A NATION-WIDE SERVICE MELBOURNE - THE MYER EMPORIUM 4TH FLOOR, LOUISIALE ST STORE
INTERVIEWER: F. MATTHEWS.	DATE: 27-11-58
PROPOSED BRICK VENEER RESIDENCE AT LOTS FOR MR K. DEUTSCHER AREA: 50	
SCALE: 1/100'	DATE AMENDED: CHECKED:

My response:

New historical information

The GJM Heritage citation states that the designer of this house is not known. Newly scanned plans from the City of Bayside’s archives reveal that this is a plan produced by the *Australian Women’s Weekly* home planning service, customised for the Deutschers at the Myer Melbourne Home Planning Centre on 29 November 1958.

This service began in 1954, with cooperation with Myer from 1956. The earliest designs were adaptations by architect John P Ley of US house designs (<https://mhns.wa.gov.au/stories/general/post-war-sydney-home-plans-1945-to-1959/>). In the late 1950s, many designs were prepared by Melbourne architect Frank T Humphryis (e.g. Home Plan No. A638 in *Australian Women’s Weekly*, 16 Jul 1958, p. 42), as well as by architects from Adelaide, Sydney and Brisbane. It was comparable to the Small Homes Service, with the purpose of providing architect-designed house plans at a modest cost. They also offered a service to provide ‘a plan specially drawn for you to incorporate your own ideas’ (*AWW*, 28 Oct 1959, p. 47).

It appears that the subject house was a custom design, as nothing similar to it was published by *The Australian Women’s Weekly* from 1954 to 1959, though there were several single-storey H-plan houses (Nos. A642 and A657).

The original (1958) plans show the ground floor clad in face bricks, two stone slabs/chimneys around the central section (actually built of concrete bricks), and vertical timber cladding to the most of the first floor (including the north section). The cladding to the southern first-floor room (Bedroom 4) is not shown on the plans,

EXPERT EVIDENCE

May 2010 (north end of front façade, with cream brick below and timber above):



May 2013 (original front steps, cream brick, and vertical timber cladding at top left):



as it was pencilled in on the original plans replacing a sun deck. Apparently, it was clad in vertical boards like other parts of the first floor, as can be seen in 2010 and 2013 real estate photos.

Intactness/Integrity

In 1978 the Deuschers extended the first floor, enclosing a sun terrace on the north side of the facade. It was clad in 'vertical rebated board to match exist[ing] as near as possible'. It appears that the original front window for this extended space was reused in the new position.

Real estate photo from 2010 and 2013 (shown at left) illustrate changes since that time, including:

- Removal of paint from vertical timber cladding to first floor, or replacement with new, unpainted boards
- Rendering of the cream brick of the ground floor
- Replacement of concrete front steps and hard landscaping with the current extensive stacked stone features; note that there were small areas of stacked stone retaining wall near the front boundary

The GJM Heritage citation correctly identifies all of these changes. In the case of the stacked-stone hard landscaping, it is simply not mentioned (as significant or otherwise). It would provide more clarity if its recent (post-2013) date was recorded.

Assessment against criteria

The submitter also creates their own criteria against which places are "assessed". Basically the more features from a long list, the more "significant" the place is. The submitter also tries to draw conclusions from the places dropped from the amendment by the Bayside City Council, suggesting that these decisions were not

May 2013 (internal face of front door):



May 2013 (front garden with some stacked stone, but prior to current hard landscaping):



based on the existing features of the rejected places.

The submitter concludes that their criteria demonstrate that the recommendation to add the subject property to the HO 'is an arbitrary one'.

As the submitter's criteria are entirely different to those recognised by the Victorian planning system, in my expert opinion, this conclusion bears no weight.

Recommendation: Correct Description: this is not a "flat" block, but one that slopes up from the street. Note that the stacked-stone hard landscaping in the front setback was installed post-2013.

Record in the place history and statement of significance that this was a house plan from the *Australian Women's Weekly* home planning service, customised for the first owners at the Myer Melbourne Home Planning Centre on 29 November 1958. Add information to the place history about this service.

EXPERT EVIDENCE

5.3.8 Subs. 18 & 19 – All properties

<p>Submission:</p> <p>Please consider only nominating for the next phase those homes where the private property owners are in agreement, lift interim controls on all other properties. ... The current legislation “Planning and Environment Act 1987” is not “fit for purpose” ... this process has ‘identified and targeted’ many MCM homes & unsuspecting property owners since 1999. ... Focusing on the environment and sustainability is another issue; like many I am worried about climate change. The majority of these properties have no chance of being brought up to a level where they meet acceptable modern/legal compliance standards, unless a very expensive programme of structural change is undertaken by the owner ... If we are not careful, in my opinion, many “ordinary” homes will be captured and for what purpose? There are other innovative ways to capture our history if so desired. The National Trust for instance has developed a detailed description, including photographs of what they consider Mid Century Modern Homes and Architects.</p>	<p>My response:</p> <p><i>Planning system</i></p> <p>The purpose of site-specific heritage overlays is to protect places that may be representative of their time, but are above-average (not typical) examples. This is determined through comparative analysis, as demonstrated in the GJM Heritage Study. It is considered appropriate to protect “typical” houses as well if they form a larger precinct or group that is of local significance as a whole.</p> <p>I agree that the National Trust is seeking to raise awareness and appreciation of post-war dwellings and architecture more generally. They have prepared studies of post-war architecture, for example of Modernist buildings in the Melbourne CBD, not simply to record them but to encourage their protection in the heritage overlay. The importance of protecting the actual buildings, and not just writing about them, is demonstrated by the National Trust’s submission in support of this amendment.</p> <p>Recommendation: No changes</p>
---	--

5.3.9 Sub. 21 - 11 Summerhill Road, Beaumaris

<p>Submission:</p> <p>I am shocked that myself and other residents of Bayside have been put through this mentally traumatic process repeatedly: in 1999, 2007, 2017, 2021. Bayside City Council is not satisfied with traumatising us over and over again, and are yet again repeating this abusive action in 2023. ... In particular I have been advised by a local builder that 11 Summerhill Road Beaumaris is not a suitable design for renovation. My real estate agent has advised that the</p>	<p>My response:</p> <p><i>Multiple heritage studies</i></p> <p>Please see section 4.1 of my evidence</p> <p><i>N Clerehan’s oeuvre</i></p> <p>The GJM Heritage citation notes that this design was by architect Neil Clerehan, and that the original owners approached him through the Small Homes Service (SHS). The original 1963 plans, held by the City of Bayside, confirm that this was a custom design by Clerehan, and not a SHS plan.</p>
--	---

<p>property would be very difficult to sell with a Heritage overlay ...</p> <p>This flawed property is not representative of the architect's better works. Notably, it is not listed in the book describing his work, "The Architecture of Neil Clerehan" by H Edquist and R Black (RMIT University Press, 1981).</p> <p>In regards to our property at 11 Summerhill Road Beaumaris, the fact that it was designed by architect Neil Clerehan and has some characteristics of the architectural fashions of the 1950s is scarcely justification for heritage listing. A heritage overlay would transform the 11 Summerhill Road property into a museum piece which is inaccessible to the public but is required to be maintained in perpetuity at its owners' personal expense with a significant financial burden. ...</p> <p>The property has been significantly altered from the original building, and has significant architectural defects. The clunky addition of a granny flat on the ground floor severely compromised what virtues the original design possessed.</p> <p>A major defect in the original design/ construction was the inadequate pitch of the flat deck roof, necessitating its rectification and total replacement by ourselves. Prior to rectification every roof penetration formed the source of rain water leaking into the interior.</p> <p>There are major deficiencies throughout the interior.</p>	<p>I note that the book on Neil Clerehan cannot be expected to contain every design by this architect. While it may be appropriate to require a design to be identified as important in an architect's oeuvre for it to be of <u>State-level</u> heritage significance, in my expert opinion, this is not an appropriate test for local significance. The vast majority of buildings in municipal heritage overlays have not been identified in publications. It is still a fact of importance that this house was designed by a prominent architect.</p> <p><i>Intactness</i></p> <p>As the submitter notes, the ground-floor undercroft of the house has been enclosed. This enclosed section is at the rear, leaving the front undercroft (carport) open, so the alteration has a limited impact on the appreciation of the original form and significance of the house.</p> <p>The original 1963 plans confirm that the rest of the exterior is intact, including the 'precast masonry veneer slabs' cladding the first-floor walls, the flat-roof form, the north-facing balcony, the broad north-facing eaves, and the windows visible from the street (apart from additional divisions introduced to the front, east windows). In my expert opinion, the house is intact enough to retain its local heritage significance.</p> <p><i>Useability</i></p> <p>Note that there are no Internal Alteration Controls proposed for this property, so changes to layout can be made to improve the internal function without a planning permit. This does not equate to "museumification" as opined by the submitter. Further, there are many successful examples of additions to post-war Modernist houses in the heritage overlay, often as a separate pavilion with a narrow (corridor) link.</p> <p>As noted by the submitter, the flaws of the original (leaking) flat roof have been remedied by its replacement. This has been done in a sympathetic manner that, in my expert opinion, does not detract from its heritage significance.</p> <p>Recommendation: No changes</p>
---	---

EXPERT EVIDENCE

5.3.10 Sub. 27 - 19 Olympic Ave, Cheltenham

<p>Submission:</p> <p>I read an article years ago about a group presentation held at the Beaumaris Library. The Architect and owner/builder (Rex Patrick) of this home stated he moved out of this home in 1978 as the home required too much work and that he wasn't prepared to do it so moved to another property in Beaumaris. That was 45 years ago now and the only upgrade the house has had since then is a new Colourbond roof to replace the disintegrating asbestos roof. ... Number 19 Olympic Ave is in disrepair - Having had no significant maintenance since before 1978 when Rex Patrick moved out.</p> <p>The old disintegrating asbestos roof was replaced approx 10 years ago. Apart from being a health hazard due to its age and fragility it was leaking and has caused major damage inside the roof cavity and ruined the integrity of the ceiling in the lounge/dining area's. ...</p> <p>I replaced the timber facade at the back of the home on the second storey and all the capping plus re bricked the chimney. ... The timber around the expansive glazing is rotting and warped. The glass no longer fits snugly into frames - air can enter and exit at the corners of the frames.</p> <p>The timber needs replacing on multiple windows - but unfortunately to replace the timber would require the glass panes to be removed and by law the old glass cannot be put back again as it must be replaced with Australian Standard safety glass. Glass of this size is extremely expensive....</p> <p>Modification has been made to the lounge/ dining area, altering the original external form of the house.</p> <p>The large broad eave running up the North side of the house has been removed making way for an extension - with no eave this has increased exposure to weathering ... There are 2 outbuildings attached to the house - later additions....</p> <p>I appreciate mid century architecture but the Fabric and Intactness of this property have been severely altered and compromised beyond repair.</p>	<p>My response:</p> <p><i>Comparative analysis</i></p> <p>In my expert opinion, the comparative analysis in this heritage citation could be improved by comparing the subject house to other designs by Rex Patrick (in Bayside and elsewhere) as this would provide an understanding of how it fits within his oeuvre. I consider this particularly important as the place is said to meet Criterion H for its associations with the architect.</p> <p><i>Intactness/integrity</i></p> <p>The submitter notes external alteration to the rear volume (1951, dining and living rooms).</p> <p>The submitter also notes that north-facing eaves have been truncated to allow for an addition. This is not visible from the street, and Bayside Council has not been able to locate early plans for this property, so I have not been able to confirm this change.</p> <p>In both instances, these appear to be minor changes to the house, which do not greatly impact upon its heritage significance. Judging from views from the street and aerial photo, this house is quite intact.</p> <p><i>Outbuildings</i></p> <p>The outbuildings added to this site have been recorded as non-significant. They are well set back and do not have a negative impact on views to the dwelling.</p> <p>Recommendation: No changes</p>
--	--

5.3.11 Sub. 28 - 165-167 Tramway Parade, Beaumaris

<p>Submission:</p> <p>[house empty for years due to a PP to demolish and replace with 4 townhouses]</p> <p>We obtained independent Engineering and Heritage reports that indicated both the modest heritage value and the parlous state of the dwelling. The important fact here is that regardless of the heritage value, the cost of repairs to make the dwelling capable of occupation exceeded 3.3 million dollars in May 2022, currently with the rise in building costs this figure would have certainly increased further. This large cost shows that the dwelling is far beyond any reasonable financial means to be able to repair it and this cost is just to meet the minimum standards of State Building Regulations for the building to be fit to be occupied. ... on Tuesday 10 October 2023, the Planning and Amenity Delegated Committee voted unanimously in favour of demolition of the property and a Notice of Decision to Grant a Permit was subsequently issued to us.</p>	<p>My response:</p> <p><i>Condition</i></p> <p>I note that the City of Bayside granted a planning permit on 14 November 2023 to demolish the existing dwelling and develop four new dwellings on this property. This permit had not been acted on yet when I visited on 23 November 2023.</p> <p>A Structural Assessment was carried out for the applicant by Barrason’s Engineers (2 May 2022). The Barrason’s report concludes that: ‘it is in my opinion that the structural damage is moderate. This dwelling is currently in very poor condition and progressive collapse of the roof structure (particularly soffit) or the retaining wall is likely to happen during extraordinary loading conditions, like extreme weather. ... This structure is currently structurally safe but in unserviceable condition.’</p> <p>The Barrason’s report was peer reviewed for Council by N Melhart of Structerre Consulting (‘Forensic Building Investigation Report’, 26 Sept. 2023). He found that:</p> <p><i>Overall we would suggest that the most influential factor in this building’s current state has been neglect and vandalism. Almost every window is broken, and every wall damaged or graffitied, however none of this could be considered a structural issue and can be overcome. It does not appear that the dwelling has suffered any major structural issues, though the damage to the balcony is of concern.</i></p> <p><i>While in a major state of disrepair, the majority of the work consists of replacement of plasterboard and windows. We would not suggest that the property is immediately unsafe or in need of demolition due it being past the point of repair.</i></p> <p>In regard to repair works, Mr Melhart recommended:</p> <ul style="list-style-type: none"> - Rebuilding the front brick retaining wall - Replacing the concrete balcony floor, alternatively rebuilding just those most damaged sections - Paving installed around perimeter of house - Reconnect roof plumbing and check for leaks
---	--

EXPERT EVIDENCE

	<ul style="list-style-type: none"> - Remove trees from roof and repair it - Replace broken windows - Internally, replace all damaged porous linings <p>Importantly, both engineers agreed that the house was eminently repairable, with the most intervention required to the concrete balcony slab (probably replacement, with retention of the original metal balustrade) and the front fence/retaining wall (which also requires rebuilding). Despite this, a planning permit was granted to demolish a repairable house.</p> <p>Note that, while the house is cosmetically in a poor condition, structurally it is largely sound. There is no evidence that it is in risk of collapse or requires rebuilding.</p> <p>As noted in the citation, the house appears to be very intact externally.</p> <p>Recommendation: No changes (keep in the HO), but check if the house still stands at the time this amendment is gazetted, and remove it if it has been demolished.</p>
--	---

5.3.12 Sub. 30 – All properties

<p>Submission:</p> <p>I took a promise to the 2022 State Election that, if elected, a Liberal National Government would reverse amendments made to the Bayside Planning Scheme as a result of the Post-War Modern Residential Heritage Study. ... I have always held the view that the pre-existing self-nomination approach towards residential heritage listings would authentically and accurately represent the strong views of residents within these suburbs. Regrettably, consecutive Ministers for Planning have rejected my requests to undertake this sensible approach and to listen to the concerns raised by residents. ... Under existing planning practice, a Comparative Analysis referencing similar places, including those on a heritage register, is essential for justifying a place's significance by</p>	<p>My response:</p> <p><i>Plannings system</i></p> <p>As the submitter is aware, we are currently operating under the <i>Planning Environment Act 1987</i>, and former Planning Minister Richard Wynne made it very clear that a voluntary HO listing regime is not sufficient for Bayside City Council to meet its obligations for heritage protection under this legislation.</p> <p>I agree that VVP Planning Practice Note 1 ‘Applying the Heritage Overlay’ (2018) draws attention to comparative analysis as the key thresholding mechanism, to determine which places warrant inclusion in a municipal heritage overlay. It states that comparative analysis should be carried out drawing upon ‘other similar places within the study area, including those previously included in a heritage register or overlay’. The word “including” indicates that examples not in a register or the Heritage Overlay can also be used. This is accepted practice, particularly in the case that few comparable places already have statutory protection, as noted by a number of planning panel</p>
--	--

<p>setting clear thresholds. In some circumstances, homes with only one heritage feature have been included whilst other properties with multiple heritage features have been left out.</p>	<p>reports. This issue is discussed further in section 4.4 of my evidence.</p> <p>In my professional experience, the discussion of homes with “one heritage feature” versus those with “multiple heritage features” is completely divorced from the way in which best-practice heritage assessments are carried out. Heritage assessment is a holistic process, not accountancy.</p> <p>Recommendation: No changes</p>
---	---

5.3.13 Sub. 32 - 4 Bellaire Court, Beaumaris

<p>Many architects and designers and individual houses were cited in Volume 2 [Contextual History]. Reference to the purported designer and builder of the houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Martin Sachs, does not appear. Bellaire Court is not referenced nor have the individual places recommended for the Heritage Overlay been identified in the study.</p> <p>As Volume 2 establishes Beaumaris as an ‘enclave of well-designed Modernist houses in the area,’ it is odd that there is no reference to Sachs or Bellaire Court. Our client therefore questions the heritage importance that has been placed on their dwelling at 4 Bellaire court. ... The absence of any mention of Sachs or Bellaire Court in Volume 2, coupled with a group listing rather than an individually listed place in the Post-War study reflects an overstatement of its significance and not a cultural attribute consistent with Criterion D. ... an aerial photo [dated 1972] of 4 Bellaire Court shortly after it was built. As demonstrated, the dwelling is amongst a plethora of</p>	<p><i>Importance of the designer-builder</i></p> <p>A Contextual History is not intended to be a comprehensive document that names every place of heritage significance in a municipality. Instead, it is based on desktop research (from previously published works and heritage studies) that is intended to draw out the important overarching themes in the development of a municipality, and in this case focusses on post-war residential development. The lack of mention of Sachs in this document does not in any way suggest that his development around Bellaire Court is not of local heritage significance.</p> <p><i>Group listing approach</i></p> <p>The submitter suggests that 4 Bellaire Ct is not very significant, as indicated by its inclusion in a group listing. While it is not stated directly in the statement of significance, I agree that the houses in the group listing could be Contributory, as opposed to Significant. This means that such houses are of heritage significance <u>as part</u> of the group listing, but would not warrant heritage protection on their own. Note that previous panel decisions have supported the inclusion of both Contributory and Significant places in a serial or group listing, so long as they share reasons for significance. This is discussed at length in section 5.28 of my evidence.</p> <p><i>Dates of houses</i></p> <p>The submitter is incorrect in stating that 4 Bellaire Ct is surrounded by ‘a plethora of other dwelling designs from other era’, using a 1972 aerial as evidence of this claim.</p> <p>Quite the contrary: as is fully documented in the GJM Heritage citation, all original houses in</p>
---	---

EXPERT EVIDENCE

<p>other dwelling designs from other eras. The estate itself shows very little cohesion and not a collection as stated in the heritage citation and a weak example of the attributions of what Criterion E represents. ...</p> <p>Alterations to 4 Bellaire Court have been identified in Volume 3 of the report. These were advised by our client to Council in April 2022. They are: partial removal of asbestos eaves; the construction of a small kitchen addition; replacement of some windows and doors; the replacement of the roof.</p> <p>The citing of these alterations in Volume 3 clearly reflect acceptance of them. Therefore the non-contributory additions to the dwelling should be listed in the statement of significance and the heritage citation to avoid any doubt in relation to demolition.</p> <p>... [The] additions to the dwelling diminish its heritage importance.</p>	<p>the court were built in short space of time: 1962-72, though there have been two replacements and some alterations since that time.</p> <p>The Sachs group of houses around the court show strong visual cohesion, thanks to their flat roofs.</p> <p><i>Alterations to 4 Bellaire Ct</i></p> <p>As the submitter notes, GJM Heritage has taken into account the alterations raised previously by the owner. They are all very minor in their impact on significance. In my professional experience, it is common practice to replace asbestos-fibre cement sheet with a modern product that looks the same. The kitchen addition is so small that it cannot be seen when comparing current and 1972 aerial photos, and it is entirely hidden from the street. The roof “replacement” appears to be the standard, cyclical replacement of its cladding, and replacement windows are also not apparent from the street.</p> <p>These alterations are listed in the Description section, and the statement of significance specifies that ‘Later alterations are not contributory.’ In my expert opinion, this is sufficient to guide future decision-making.</p> <p>Recommendation: No changes</p>
--	---

5.3.14 Sub. 34 (late) - 2 High St, Beaumaris

<p>Submission:</p> <p>[she is original client]</p> <p>‘This house we built has grown, changed, collapsed and been rebuilt through the decades we have lived in it.’</p>	<p>My response:</p> <p><i>Alterations to house</i></p> <p>The GJM Heritage citation documents the infilling of the undercroft of the house 10 years after it was constructed. This was carried out with cream bricks, to match the rest of the house, but the originally freestanding chimney base is still legible as it stands proud of the new wall.</p> <p>Apart from this, there are no apparent external changes to the house or its setting (rubble walling, Tori gate to backyard) since photos were taken upon its completion in 1958 (as illustrated in the citation). The only exception is the addition of a metal grille to the front</p>
--	---

	<p>entrance. (NB: This grille may date to the 1968 works.)</p> <p>Bayside building permit records also document the construction of a carport at the rear of the property in 1966, and the construction of a solid west wall to the carport in 1974.</p> <p>While the long-time owner of the property, the submitter, notes the “collapse” and “rebuilding” of the house, as there are no building plans for the “rebuilding”, I assume that this refers to repair works done in-kind, and/or internal works, that have not impacted on the external integrity of the house.</p> <p>In my expert opinion, the house and its setting still possess very high heritage significance.</p> <p>Recommendation: No changes</p>
--	---

EXPERT EVIDENCE

THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY

APPENDIX A – MY INSTRUCTIONS

Our ref: AMC 22304176
Contact: Amara Coleman
Direct Line: 03 9611 0156
Direct Email: acoleman@ha.legal
Principal: Kim Piskuric

Tower Two | Collins Square
Level 22, 727 Collins Street
Melbourne Vic 3008

PO Box 633
Collins St West VIC 8007

T 03 9611 0190
F 03 9620 9288

ABN 98 076 868 034

harwoodandrews.com.au

6 November 2023

Natica Schmeder
Principal
Landmark Heritage

Email: natica@landmarkheritage.com.au

Dear Natica,

Bayside Planning Scheme Amendment C192bays

We act for Bayside City Council (**Council**) in respect of Bayside Planning Scheme Amendment C192bays (**Amendment**).

The Amendment has been prepared by Council in its capacity as the planning authority.

As exhibited, the Amendment proposes to apply the Heritage Overlay to 59 individual places and 1 group listing located throughout the municipality of Bayside. The relevant properties are specified in the Explanatory Report at Document No. 1 in your brief (**Nominated Properties**).

The Amendment implements the recommendations of the *City of Bayside Post-War Modern Residential Heritage Study* (GJM Heritage, July 2022) (**Heritage Study**) in respect of the Nominated Properties.

More specifically, the Amendment proposes to amend the Planning Scheme as follows:

- Amend Clause 15.03-1L (Heritage conservation) to include the Heritage Study as a policy document;
- Amend the Schedule to Clause 43.01 (Heritage Overlay) and Bayside Planning Scheme Maps 01HO, 02HO, 03HO, 04HO, 05HO to apply the Heritage Overlay to the Nominated Properties;
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statements of Significance for the proposed 59 individual heritage places and 1 proposed group listing; and
- Amend the Schedule to Clause 72.08 (Background Documents) to include the Heritage Study.

The Amendment was exhibited between 7 September and 19 October 2023. In response to exhibition, 33 submissions were received, copies of which are included in your brief.

All submissions have been referred to a Panel. The Panel is comprised of Lester Townsend (Chair) and Johnathon Halaliku.

The pre-set hearing dates are as follows:

- Directions Hearing – Friday 17 November 2023; and
- Panel Hearing – Monday 26 February to Friday 1 March 2024.

Instructions

We are instructed to request that you prepare a fee proposal to:

1. Review this letter and the enclosed brief of documents;
2. Undertake site inspections of the Nominated Properties as necessary to inform your opinion;
3. Conduct a peer review of the Heritage Study, and prepare a memorandum of advice which provides your preliminary opinion on:
 - a. The methodology adopted for the Heritage Study;
 - b. The contextual history of Post-War Modernism set out in the Heritage Study;
 - c. The findings and recommendations of the Heritage Study in respect of the Nominated Properties, including the Citations and Statements of Significance;
 - d. Issues raised in submissions as relevant to your area of expertise;
 - e. Any post-exhibition changes proposed by Council in response to issues raised in submissions (to be advised); and
 - f. Any outstanding issues (whether identified in your peer review or raised in submissions) that you recommend be addressed by way of post-exhibition changes;
4. If instructed:
 - a. prepare an expert witness statement containing your opinion on the matters identified at paragraph 3;
 - b. Review and advise on any expert witness reports filed on behalf of other parties, as relevant to your area of expertise;
 - c. Appear to give evidence at the Panel hearing (assume 5 days);
 - d. Attend teleconferences and/or videoconferences as necessary to discuss your preliminary opinion and expert evidence; and
 - e. Consider and advise on any proposed post-exhibition changes during the course of the Panel hearing and after receipt of the Panel report.

Please do not commence any work in relation to this matter until you receive confirmation that your fee proposal has been approved.

If you are instructed to prepare an expert witness statement, it must comply with [Planning Panels Guide to Expert Evidence, June 2021](#).

Brief of Documents

An electronic brief of documents is available via OneDrive [here](#) and an index is enclosed.

Supplementary Material

We will update your brief of documents with relevant supplementary material and background information in due course.

Fee proposal and invoices

Please send your fee proposal to Bayside City Council care of Harwood Andrews by email, marked for the attention of Kim Piskuric and Amara Coleman.

Should your fee proposal be approved, tax invoices may be addressed to:

Bayside City Council
c/- Amara Coleman
Harwood Andrews
acoleman@ha.legal

Please note that our invoices to Council have 30-day payment terms.

Confidentiality and legal professional privilege

Please note that your professional opinion is sought in the context of us providing legal advice to Bayside City Council. In the circumstances, your expert witness report provided to us attracts legal professional privilege until circulated.

To ensure that legal professional privilege is maintained, we request that you keep the preparation of your expert witness statement confidential until it is circulated.

If you have any queries, please contact Amara Coleman on 03 9611 0156 or acoleman@ha.legal.

Yours faithfully,



Kim Piskuric
HARWOOD ANDREWS

INDEX OF DOCUMENTS

AMENDMENT C192BAYS

Exhibited Amendment Documents	
1.	Explanatory Report
2.	Instruction Sheet
3.	<p>Clauses and Schedules:</p> <ul style="list-style-type: none"> a. Schedule to Clause 43.01 b. Clause 15.03 c. Schedule to Clause 72.04 d. Schedule to Clause 72.08
4.	<p>Incorporated documents:</p> <ul style="list-style-type: none"> • Statement of Significance Tutt House - 142 Reserve Road, Beaumaris, July 2022 • Statement of Significance Widawski House - 56A Dendy Street, Brighton, July 2022 • Statement of Significance Thorburn House - 21 Vardon Avenue, Beaumaris, July 2022 • Statement of Significance Weate House - 11 Summerhill Road, Beaumaris, July 2022 • Statement of Significance Stegley House - 86 Dalgetty Road, Beaumaris, July 2022 • Statement of Significance Spencer House - 24 Balcombe Park Lane, Beaumaris, July 2022 • Statement of Significance Spedding House - 27 Bolton Avenue, Hampton, July 2022 • Statement of Significance Smith House - 16 Surf Avenue, Beaumaris, July 2022 • Statement of Significance Sayle House - 40 Sussex Street, Brighton, July 2022 • Statement of Significance Rottem House - 2 Davey Street, Brighton East, July 2022 • Statement of Significance Pruzanski and Jenkie Houses 32 Clonaig Street and 1 Meyer Court, Brighton East, July 2022 • Statement of Significance Saade House - 344 Beach Road, Black Rock, July 2022 • Statement of Significance Powe House - 12 Bolton Street, Beaumaris, July 2022 • Statement of Significance Roubicek House - 51 Lynch Crescent, Brighton, July 2022 • Statement of Significance Pike House, 165-167 Tramway Parade, Beaumaris, July 2022 • Statement of Significance Perkins House - 28 Gladstone Street, Sandringham, July 2022 • Statement of Significance Opat House - 25 Chatsworth Avenue, Brighton, July 2022 • Statement of Significance Nissen House - 56 Cloris Avenue, Beaumaris, July 2022 • Statement of Significance Mylius House - 9 Wolseley Grove, Brighton, July 2022 • Statement of Significance Mollar House - 28 Towers Street, Beaumaris, July 2022 • Statement of Significance Muckle Flugga - 2 High Street, Beaumaris, July 2022 • Statement of Significance Mew House - 13 Fifth Street, Black Rock, July 2022 • Statement of Significance Mollard House - 48 Hanby Street, Brighton, July 2022 • Statement of Significance Manning House - 25 Oak Street, Beaumaris, July 2022 • Statement of Significance Lamb House - 3 Seaview Crescent, Black Rock, July 2022 • Statement of Significance Lipson House - 3 Exon Street, Brighton, July 2022 • Statement of Significance Kirk House - 82 Reserve Road, Beaumaris, July 2022 • Statement of Significance Iggulden House - 50 Wells Road, Beaumaris, July 2022 • Statement of Significance Hannan House - 11-13 Lang Street, Beaumaris, July 2022 • Statement of Significance Halliday House - 23 Clonmore Street, Beaumaris, July 2022 • Statement of Significance Hirsh House - 1 Sara Avenue, Brighton East, July 2022 • Statement of Significance Gye House - 19 Florida Avenue, Beaumaris, July 2022 • Statement of Significance Hellier House - 19 Gramatan Avenue, Beaumaris, July 2022 • Statement of Significance Gooch House - 19 Haywood Street, Beaumaris, July 2022 • Statement of Significance Fox House - 6 Norwood Avenue, Brighton, July 2022 • Statement of Significance Fletcher House - 3 Roslyn Street, Brighton, July 2022 • Statement of Significance Fermanis House - 1 Reid Street, Beaumaris, July 2022 • Statement of Significance Derham House - 9 Gray Court, Beaumaris, July 2022 • Statement of Significance Dearie House - 14 Cromer Road, Beaumaris, July 2022 • Statement of Significance Deutscher House - 175-177 Tramway Parade, Beaumaris, July 2022

	<ul style="list-style-type: none"> • Statement of Significance Crichton House - 2 Clonmore Street, Beaumaris, July 2022 • Statement of Significance Cohen House - 14 Fairway Avenue, Cheltenham, July 2022 • Statement of Significance Bellaire Court Estate Group Listing 2,4,8,9,10,15,18,19 Bellaire Court, Beaumaris July 2022 • Statement of Significance Clarke House - 18 Hutchinson Avenue, Beaumaris, July 2022 • Statement of Significance Barry House - 7 Roosevelt Court, Brighton East, July 2022 • Statement of Significance Bridgford House - 242 Beach Road, Black Rock, July 2022 • Statement of Significance Biderman House - 45 Hanby Street, Brighton, July 2022 • Statement of Significance Baird House - 15 Hume Street, Beaumaris, July 2022 • Statement of Significance Armstrong House - 22 Harold Street, Sandringham, July 2022 • Statement of Significance 50 Gareth Avenue, Beaumaris, July 2022 • Statement of Significance Abrahams House - 21 Dudley Street, Brighton, July 2022 • Statement of Significance Andrews House - 78 Scott Street, Beaumaris, July 2022 • Statement of Significance 40 Anita Street, Beaumaris, July 2022 • Statement of Significance Akins House - 53 Scott Street, Beaumaris, July 2022 • Statement of Significance Ahern House - 171 Tramway Parade, Beaumaris, July 2022 • Statement of Significance 19 Olympic Avenue, Cheltenham, July 2022 • Statement of Significance 1-6 of 16 Clive Street, Brighton East, July 2022 • Statement of Significance 15 Mariemont Avenue, Beaumaris, July 2022 • Statement of Significance 166 Tramway Parade, Beaumaris, July 2022 • Statement of Significance 1-4 of 16 Gillard Street, Brighton East, July 2022
5.	<p>Map sheets:</p> <ol style="list-style-type: none"> 001hoMap01 002hoMap01 003hoMap01 004hoMap02 005hoMap02 006hoMap02 007hoMap03 008hoMap04 009hoMap04_05 010hoMap05 011hoMap04_05
6.	<p>Supporting documents, clauses and schedules in track changes format:</p> <ol style="list-style-type: none"> Clause 15.03 track changes Schedule to Clause 43.01 track changes Schedule to Clause 72.04 Schedule to Clause 72.08 City of Bayside PostWar Modern Residential Heritage Study [Volume 1] (GJM, 2022) City of Bayside PostWar Modern Residential Heritage Study [Volume 2] (GJM, 2022) City of Bayside PostWar Modern Residential Heritage Study [Volume 3] (GJM, 2022)
Authorisation	
7.	Authorisation Letter to Bayside City Council – 24 October 2022
Council Heritage Action Plan	
8.	Heritage Action Plan 2020
Council Meeting Agendas and Minutes	
9.	Extract from Agenda of Council Meeting 19 July 2022
10.	Extract from Minutes of Council Meeting 19 July 2022
Submissions	
11.	<p>Submissions:</p> <ul style="list-style-type: none"> • Submission 01 – Support • Submission 02 – Oppose; 16 Gillard Street PART 1

- Submission 02 – Oppose; 16 Gillard Street PART 2
- Submission 03 – Oppose; 9 Wolseley Grove PART 1
- Submission 03 – Oppose; 13 Fifth Street PART 2
- Submission 03 – Oppose; 82 Reserve Road PART 3
- Submission 04 – Oppose; 82 Reserve Road
- Submission 05 – Oppose; 19 Haywood Street PART 1
- Submission 05 – Oppose; 19 Haywood Street PART 2
- Submission 06 – Oppose; 86 Dalgetty Road PART 1
- Submission 06 – Oppose; 86 Dalgetty Road PART 2
- Submission 07 – Oppose; 13 Fifth Street
- Submission 08 – Support
- Submission 09 – Oppose; 15 Mariemont Avenue
- Submission 10 – Oppose; 56 Cloris Avenue
- Submission 11 – Oppose; 19 Bellaire Court
- Submission 12 – Oppose; 9 Bellaire Court
- Submission 13 – Oppose; 1 Hutchison Avenue
- Submission 14 – Oppose; 9 Wolseley Grove PART 1
- Submission 14 – Oppose; 9 Wolseley Grove PART 2
- Submission 15 – Oppose; 28 Towers Street
- Submission 16 – Oppose; 1 Reid Street
- Submission 17 – Oppose; 175-177 Tramway Parade PART 1
- Submission 17 – Oppose; 175-177 Tramway Parade PART 2
- Submission 18 – Oppose; 9 Mariement Avenue
- Submission 19 – Oppose; 25 Mariement Avenue
- Submission 20 – Oppose; 56a Dendy Street
- Submission 21 – Oppose; 11 Summerhill Road
- Submission 22 – Oppose; 13 Fifth Street
- Submission 23 – Oppose; 27 Bolton Avenue PART 1
- Submission 23 – Oppose; 27 Bolton Avenue PART 2
- Submission 23 – Oppose; 27 Bolton Avenue PART 3
- Submission 24 – Oppose; 16 Gillard Street
- Submission 25 – Oppose; all properties
- Submission 26 – Oppose; 78 Scott Street
- Submission 27 – Oppose; 29 Olympic Avenue Part 1
- Submission 27 – Oppose; 29 Olympic Avenue Part 2
- Submission 28 – Oppose; 165-167 Tramway Parade
- Submission 29 – Support
- Submission 30 – Oppose; all properties
- Submission 31 – Oppose; 21 Dudley Street
- Submission 32 – Oppose; 4 Bellaire Court
- Submission 33 – Support

Panel Documents

12. Directions Hearing Letter – 2 November 2023

APPENDIX B – PRELIMINARY RESPONSES

Attached is a copy of my preliminary responses to submissions provided to Bayside City Council, prepared primarily in December 2023 and finalised on 5 February 2024 after making final on-site inspections to 28 Towers Street, Beaumaris, and 21 Dudley Street, Brighton.

Preliminary response to C192bays submissions, Natica Schmeder, 22 Dec. 2023, updated 5 Feb. 2024 (re 28 Towers St & 21 Dudley St)

Submission & address	Submitter's points	My response	Action recommended?
Sub. 1	We support the amendment to these planning laws and regulations.	Noted	No
Subs. 2 & 24 16 Gillard Street, Brighton East	<p>The submitter has provided an opinion by Trethowan Architecture: The Comparative Analysis has not compared the property to other Modernist buildings on the HO, nor has it established the local significance of the architect David Sapir, who appears to be comparatively obscure and more notable for commercial architecture.</p> <p>... the subject site is a poor representative and does not reflect either the historical pattern of post-war development dominant in Bayside (that tended towards strata titled single residences or at most single storey or court development), nor does it represent the higher quality of individual designs by notable Modernist architects in the municipality. Rather, the cited architectural elements of the building are typical of many post-war buildings that are not of heritage significance. In any case, the building furthermore appears to be of poor integrity to the original design. ... the original design featured in the Citation shows a more symmetrical design that does emphasize horizontal expression and suggest more expansive glazing. The Citation notes the difference, but oddly does not explain why it is</p>	<p>[on-site inspection made 18 Dec.]</p> <p><i>Comparative analysis</i></p> <p>Agreed that the comparative analysis for this place draws solely upon other blocks of flats that are not in the Heritage Overlay. This is reflective of the difficulties when a place-type and era is under-represented in the HO, and previous panel reports have supported the use of non-HO comparators when necessary, so long as they are based on a municipal-wide survey, as is the case with the GJM Heritage study.</p> <p>It is agreed, however, that the comparative analysis could be expanded and improved to include examples of other post-war residential buildings that are not necessarily flats. In this case, the block of flats was designed to resemble a single-family home when viewed from the street, and the front section was indeed a two-level townhouse for the owners. Its front façade is similar to single-family homes of the time which sit above a deep undercroft, such as 2 Davey Ave, Brighton East (reco for HO by this study), Roubicek House, 51 Lynch Crescent, Brighton (reco for HO by this study), or 74 Cromer Road, Beaumaris (HO475).</p> <p>The history or comparative analysis could also be enriched with a discussion of the on the long-running theme of disguising multi-family dwellings as more prestigious single-family homes, which was seen in</p>	<p>No change to statutory recommendations.</p> <p>Replace Figure 2 (sketch proposal of front façade) with actual design of front façade. Note the conversion of a front French door to a window and replacement of all white rock-faced bricks below the window in this bay (a close match for the original brick and pointing).</p> <p>Correct reference in Intactness/Integrity section from 'a 1970s ... development' to 'a late-1960s ... development'.</p> <p>Consider expanding comparative analysis to include buildings other than flats that are similar in appearance.</p>

Submission & address	Submitter's points	My response	Action recommended?
	<p>nonetheless considered to have integrity to the original design.</p>	<p>middle ring suburbs in the interwar and post-war periods. This explains, in part, the low number of obvious blocks of flats in the municipality.</p> <p>Note that while Trethowan Architecture refer to 51 Lynch Cr and 21 Vardon Ave as 'recognised examples of domestic Modernist architecture in Bayside', it should be noted that both were assessed by the GJM Heritage study and currently have <u>interim HO</u> controls only. In addition, their use of the flats at 11 Tooronga Road, Malvern East (no HO) as a comparator only demonstrate the superiority of 16 Gillard Street to standard blocks of flats of that period.</p> <p><i>Architect</i> Agreed that architect David Sapir is not well known, particularly as compared to his cousin Sol Sapir, and it appears that no other buildings identified as his designs have heritage protection. He is, however, This is accurately reflected in the statement of significance for the place, which does <u>not</u> attribute heritage significance to the place due to its authorship (Cr. H).</p> <p><i>Intactness and integrity</i> Trethowan Architecture point out that the concrete arch over the side drive has been rebuilt. As it is identical to that shown in the original plans, this does not detract at all from the overall integrity of the place.</p>	

Submission & address	Submitter's points	My response	Action recommended?
		<p><i>Aesthetic and representative significance</i> Trethowan Architecture contradict themselves, saying both:</p> <p><i>the building does not demonstrate most of the principal characteristics of Modernist design. ... [It] is idiosyncratic rather than characteristic of Modernist design where form followed function and which eschewed non-functional ornamentation. [Cr. D]</i> and <i>the subject property does not demonstrate importance as a Modernist design but instead consists of several typical elements of 1960s-70s domestic architecture</i></p> <p>This seems to say that is too different to represent the standard approach, but it is not special because it is too typical of its era. More importantly, Trethowan Architecture have set out too restrictive a definition of what (only) comprises Modernism, ignoring the more decorative designs and variation in materiality (colour and texture) that characterises 1960s design, particularly among flats and houses design by émigré architects, but by others as well. There is a growing recognition of this sub-set of Modernism, for example, in the Port Phillip Heritage Overlay.</p>	
Sub. 3a	After a thorough evaluation based on the heritage criteria specified in Planning Practice Note 1: Applying the Heritage Overlay (August	[on-site inspection made 18 Dec.] <i>Assessment against criteria</i>	No statutory, apart from updating the SoS and citation to reflect the 2022-23 works.

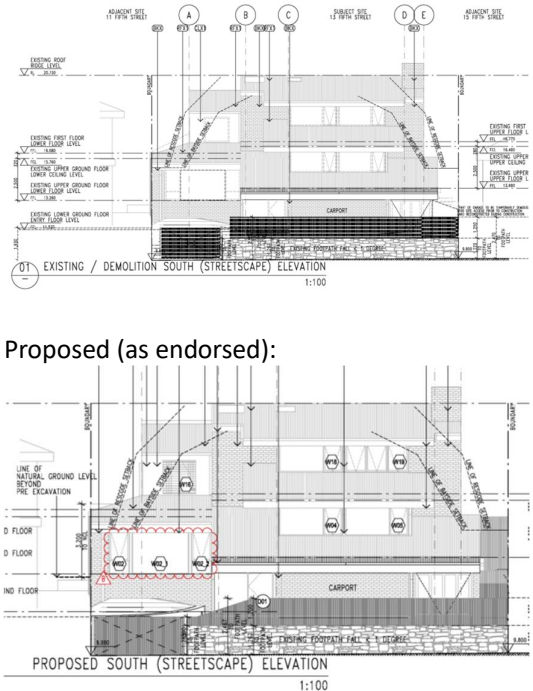
Submission & address	Submitter's points	My response	Action recommended?
<p>9 Wolseley Grove, Brighton</p>	<p>2018), I firmly believe that the property does not meet the necessary criteria for local significance. ... several substantial modifications have been carried out on the property in 1985, 1986, and 2022-23. ... the only remaining original external elements of the house consist of three bedroom walls (not visible from the street), two bathroom walls (one of which is also not visible from the street), and a small garden wall. [Changes listed as part of the 2022/23:] the eastern courtyard has been removed. Three large trees were removed with Council approval in 2022 due to safety concerns. ... The front brick fence that previously dominated the frontage, accounting for 50% of the street frontage, was removed due to an Emergency Order by the Council in August 2022. ... The prominent integrated carport was removed to facilitate building works as part of a 2022/23 Building Permit. ... The original dark stained/painted timber fascias were removed as part of the 2022/23 Building Permit. All original timber windows have been replaced.</p>	<p>The submitter does not provide their evaluation against the heritage criteria beyond commenting on its 'extensive modification and alterations over the years, rendering it ineligible for recognition as a historically or architecturally significant site.'</p> <p><i>Alterations</i> As discussed in the GJM Heritage citation, the sensitive 1980s alterations and additions to the place including the front brick fence, by architect Sean Godsell, are considered a Contributory part of this place. These alterations do <u>not</u> diminish the heritage value of the place. The heritage impact of changes made since that time, particularly those carried out in 2022-23, requires consideration. The currently permitted (and progressing) works include the following partial demolition:</p> <ul style="list-style-type: none"> - Demolition of the Hobby Room (the original carport, enclosed in 1972) - Demolition of the rear half of the current carport - Bricking up one window opening on east side - Demolition of the rear wall of the kitchen area, to allow an extension to it - Removal of a large window and small area of wall to rear of master bedroom, facing courtyard, to be replaced with a bay window - Replacement of all other windows, in the same openings <p>And additions:</p>	

Submission & address	Submitter's points	My response	Action recommended?
		<ul style="list-style-type: none"> - Garage replacing the carport, with a wider footprint - Bedroom and a lounge added to the east side, where the Hobby Room was - Together, these additions will extend along the entire east wall of the house - Addition of a bay window to the courtyard elevation (master bedroom) <p>The timber fascias to the roofs were to be "restored", but the owner noted (pers. comm. during site visit) that they were found to be too decayed and instead have been replaced in-kind.</p> <p>As shown on the plans, the appearance of the house from the street will not change, apart from the presence of the new garage, which will sit behind a retained portion of the carport. The roofline of the new additions behind the carport is low, so this may be entirely hidden from the street. The house will also retain its original U-shaped plan around the west-facing courtyard, even with the new additions.</p> <p>It is not clear if the 1980s front brick fence is to be reinstated or not.</p> <p>Overall, the current design is sympathetic to the house, with effort taken to retain the same street presence. For this reason, the house will retain its local significance following the works.</p> <p>The changes, particularly the east side additions, should be recorded in the citation and noted as non-contributory.</p>	

Submission & address	Submitter's points	My response	Action recommended?
<p>Sub. 14 9 Wolseley Grove, Brighton</p>	<p>... further significant changes that have occurred to the Property since the 2020 GJM Study was completed. ... the vast majority of the elements of the Property that are visible from the street, and which could be capable of providing any perceived community benefit, are not original and were added after the post-war period in the mid-1980s and throughout 2023. ... There have been significant alterations to the Property carried out pursuant to building permits issued in 1985, 1986 and 2022 and other undocumented changes ... the only original external elements of the house are 3 x bedroom walls (which are east/west facing and not seen from the street), 2 x bathroom walls (one of which is also not visible from the street) and one small garden wall ...</p> <p>Consistent with a prior assessment of the Property by the Executive Director of Heritage Victoria "the place is not in original condition..". We therefore submit that the Property is not a good example of a dwelling that is representative of the post-war era. The Victorian Parliamentary Inquiry states, 'when all other properties in the street can be demolished and amended, this leaves single heritage houses out of context in the neighbourhood. This is counter-productive to the aims of heritage protection.' It recommends that 'precinct and street-based</p>	<p>[inspected on 18 Dec.] See discussion in relation to Sub. 3A as well. <i>Integrity and intactness</i> Currently undergoing works. High brick front fence, matching the house, has been demolished. It was a 1986 addition, part of works by David Godsell. Also though the timber roof fascias are shown on 2022 plans as being "restored", they have been replaced in-kind. Current plans (Willow, 2022) do not show any alterations to the front (south) façade, though all windows to be replaced 'to match existing style' and timber roof fascias to be 'restored' and 'extend existing fascia over en suite'. Also, garage to be created behind the front half of the open carport. The submitter has provided a shaded plan purportedly showing the part of the buildings that are original, altered and 'demolished and replaced with new design'. While most of this reflect the building permit plans from 1966 through 2022, in part it is misleading as locations where windows and window-walls are to be replaced by new units (in the same configuration) this is shown as full demolition/replacement of that wall. Discounting this reveals a house that retains much more of its 1960s-80s contributory fabric. The main change is the creation of an addition to the east side – new garage and several rooms. These have been expressly designed to be hidden or very recessive as viewed from the street. <i>Previous assessments</i></p>	<p>No statutory, apart from updating the SoS and citation to reflect the 2022-23 works</p>

Submission & address	Submitter's points	My response	Action recommended?
	heritage overlays be adopted for metro Melbourne'.	<p>It is not clear what assessment the submitter is referring to, as there is no recorded assessment by Heritage Victoria found in the Hermes database. The previous assessment by Heritage Alliance (2008) did not make the quoted comment about significance. It can only be assumed that this is in relation to the GJM Heritage citation, which discusses the Sean Godsell alterations and concludes that they are contributory.</p> <p><i>Site-specific heritage overlays</i> Site-specific HOs are the most common way in which heritage places are protected in Victoria. The submitter purportedly cites the Victorian Parliamentary Inquiry into the planning scheme. It is not clear where these quotes come from, but they are not from the 'Inquiry into the protections within the Victorian Planning Framework Interim report'. They may have been taken from a submission to this inquiry, but in such case would carry no weight.</p>	
Sub. 3b 13 Fifth St, Black Rock	The submitter states: 'Additionally, the [Victorian Planning] panel has observed that heritage designation may lead to a decrease in property values, thereby complicating the sale or transfer of ownership. For instance, in the case of the Grayling Street Heritage Overlay, the panel determined that heritage listing would result in substantial financial and practical challenges for homeowners, with the benefits of heritage designation not justifying these hardships.'	<p>The submitter has not provided any actual references to documents in which a Panel actual states there is a negative impact on heritage values, as opposed to summarising such statements that may have been made by a submitter.</p> <p>In addition, it is not clear where the so-called "Grayling Street Heritage Overlay" is, so it is not possible to find the associated PPV report. There are Grayling Streets in Belmont (City of Greater Geelong), Seymour, and Officer (Shire of Cardinia), but no references can be found to these streets in relation to heritage.</p>	No

Submission & address	Submitter's points	My response	Action recommended?
		<p>The other issues raised by the submitter are also unrelated to heritage significance, including property rights implications, financial burden, uncertainty in the listing process, and lack of flexibility for works in the HO.</p>	
<p>Sub. 7 13 Fifth St, Black Rock</p>	<p>We had obtained planning permits well before the study, and are currently in the middle of a substantial renovation. ... Although our house was built by a well known architect, Chancellor and Patrick, it's style and type is not something that is celebrated. It is not a well known house of theirs. It is not one that is talked about as significant. It is not featured in any publications or referred to when discussing their significant houses. ... There have been significant alterations made to the house, which are visible from the street. These include addition of rooms to the front of the house, rendering of brick at the front of the house, changes to front windows, removal of volcanic rock retaining walls, garage door alterations, and additions of fences. ... The streetscape has changed significantly, rendering this house out of place in the street.</p> <p>Demo plan:</p>	<p><i>Importance in architect's oeuvre</i></p> <p>To meet the threshold of local significance, a place must be an above-average example of its type in a given locality at minimum. This is determined by comparative analysis.</p> <p>There is no requirement for a building to be a "well known" or "celebrated" example by a certain architect. This is a higher threshold, which might be required for a house to be of <u>state-level</u> significance (as is required for inclusion in the Victorian Heritage Register). It is not an appropriate test for local significance.</p> <p><i>Alterations to house and landscaping</i></p> <p>The submitter has provided photos illustrating some alterations to the house, including:</p> <ol style="list-style-type: none"> 1) Small ground-floor addition to LHS of house (visible by vertical joint in brickwork), including enlargement of a window. The larger replacement window is similar in form, but lacks a broad horizontal division to the picture window. Building permit plans indicate that this 2-4-metre-wide addition was made in 2001, and it extends along the entire north side of the ground floor. 2) Replacement of original garage door on the RHS of the front façade, changing from one with vertical ribs to a current timber one. 3) Change from roof tiles to corrugated steel. 	<p>No</p>

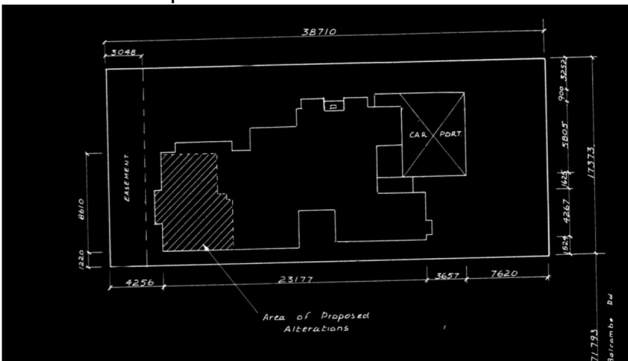
Submission & address	Submitter's points	My response	Action recommended?
	 <p>Proposed (as endorsed):</p>	<p>4) Rendering the facebrick of the carport wall. Current photos indicate that the render is on a drywall base, so could be reversed in the future.</p> <p>5) Changing the original (drystone) rubble front fence to a higher form with mortared joints.</p> <p>6) Overpainting of some and removal of other expressed rafter tails to the roof fascias.</p> <p>7) Reduction in size of first-floor window on LHS</p> <p>8) Extensions to rear, altering this elevation.</p> <p>On the whole, these changes are minor, particularly things like replacement of roof tiles and the garage door.</p> <p>The most major change is the small ground-floor extension to the side made in 2001. Its location, tucked to the side and without impact on the 'striking three-tiered form' of the house, and the use of similar cladding materials makes this a sympathetic change with low impact on the heritage significance of the place.</p> <p>Looking at the Endorsed Secondary Consent Plans (Bower Architecture, 23/06/2023) for the current renovation works, the only changes to the front façade that will occur as part of these works is the insertion of more operable sashes to the second-storey window, replacement of the non-original metal fence topper with a timber version, and possibly replacement of the non-original garage door. Overall, it is a sensitive design that respects the original house and does not detract from its heritage value.</p>	

Submission & address	Submitter's points	My response	Action recommended?
		<p><i>Alterations to streetscape</i> As this place has been found to be of individual significance, with recommendation for a site-specific HO, as opposed to a precinct HO, changes to the surrounding streetscape are not taken into account in the assessment.</p>	
<p>Sub. 22 13 Fifth St, Black Rock</p>	<p>We have an ongoing renovation, which is expected to take 18 to 24 months. This timeframe underscores the substantial changes the property has undergone. This renovation addresses critical issues, such as asbestos, structural problems, collapsed retaining walls, outdated electrical systems, and the need to meet modern energy efficiency standards.</p>	<p>Repeat of Sub. 7 issues, treat as single submission</p>	<p>No</p>
<p>Sub. 3c 82 Reserve Rd, Beaumaris</p>	<p>... report on Amendment C258ston, which aimed to apply Heritage Overlays to 29 individual places in Stonnington City Council, the panel found deficiencies in local significance, insufficient consultation with affected property owners, and overly prescriptive or vague guidelines. The panel recommended removing some places from the amendment and revising or deleting certain guidelines. ... the heritage citation is poorly researched, basic, and generally weak. The contextual history, historical themes, and place history appear to be generic and not specific to this property. The omission of John Kirk from the</p>	<p><i>Non-heritage issues</i> The previous "voluntary" HO listing approach has been discredited by the Minister for Planning (at the time), as not in accordance with State planning law. <i>Previous PPV reports</i> The submitter cites Amendment C258ston, but this amendment is not listed in the Planning Schemes Online website, nor can it be found on the internet. For this reason, it is not possible to comment on the "deficiencies" identified by that panel and how they relate (or not) to the current amendment. While the submitter mentions problems of Stonnington's "inadequate consultation with affected property owners", it should be noted that Bayside has carried out the legally required consultation as part of</p>	<p>No – still significant Remove Criterion H from statement of significance.</p>

Submission & address	Submitter's points	My response	Action recommended?
	<p>reports list of architects and designers, along with the lack of details about his career and work, raises questions about the property's historical significance. ... Regarding the designer, Beaumaris does not possess a special association with John Kirk. He designed only one house, which he resided in with his family until 1975 when his children moved away. There is no record or evidence of a meaningful career as an architect for Mr. Kirk. Apart from residing in Beaumaris for an extended period, John Kirk does not have a unique association with Bayside. His life was quiet and unremarkable, and his surviving daughter quotes him as expressing his desire not to have his home listed. ...</p> <p>The description of the property contains inaccuracies, such as the claim of an integrated carport that does not exist, rendering of brick walls that cannot be reinstated, and the absence of a garden setting, dense native plantings, freestanding letterbox and paved driveway. ...</p> <p>The property has deviated significantly from its original form, with the absence of a carport and deteriorating timber rafters, plus new rendered brickwork, modern colorbond iron cladding on the west-facing wall have destroyed its original integrity.</p> <p>The Comparative Analysis also falls short of substantiating that the property meets the</p>	<p>the amendment process, <u>as well as</u> additional preliminary consultation in excess of this requirement. Note that the purpose of an Independent PPV hearing is to determine whether the heritage study has made a strong enough case for all of its statutory recommendations, and this is appropriate.</p> <p><i>Citation history</i></p> <p>The submitter is correct that the Contextual History is “standard and not specific to this property”. This is common and accepted practice in the preparation of heritage citations in Victoria. The contextual history applies to an entire area and era of development, and is intended to place the development of the subject property <i>in context</i>.</p> <p>As is usual practice, this Contextual History is followed by a Place History that includes specific research into the subject property.</p> <p>The lack of extensive detail about owner-occupier-designer John Kirk does suggest he had a modest career or worked almost solely under the name of the architectural practice that employed him.</p> <p>While this house clearly demonstrates the theme of ‘architects’ own houses’, which is quite strong and important in the City of Bayside, I agree that there is not enough evidence to support John Kirk’s importance in Bayside (or more broadly) to meet the threshold of local significance in relation to Criterion H (associational). His connection could be more accurately reflected in relation to Criterion A (historical).</p>	

Submission & address	Submitter's points	My response	Action recommended?
	<p>threshold for significance. It neglects to adequately reference objectively similar homes in the study area that are comparable and already included in a heritage register. These homes not only lack inclusion in a Heritage register or overlay but also exhibit significant differences in terms of structure, design, materials, construction, and overall appearance.</p>	<p><i>Description & intactness</i> The description in the heritage citation appears to be accurate in regard to the appearance of the house in November 2021, when GJM Heritage visited it. It is only since that time that a series of unsympathetic external changes have been made, including enclosure of the attached carport (with Colorbond and vertical boarding), and installation of dark blue boards over part of the brickwork of the front facade. These two changes appear to be entirely reversible. While there is a loss of the interplay of void and solid wall, with the enclosure of the carport, the remainder of the design is still entirely legible to the viewer. Note that the native plantings on the Reserve Road side of the property survive as described.</p> <p><i>Comparative analysis</i> The heritage citation references six post-war houses that are in the Bayside HO (two of which are also in the VHR). As these do not provide enough closely comparable examples, it then goes further to compare it with other houses under assessment in the current heritage study, both those that have a similar architectural form and those designed as architects' own residences. Overall this is an extensive comparative analysis. Note that while Planning Practice Note 1 'Applying the Heritage Overlay' (2018) states that comparative analysis should be carried out drawing upon 'other similar places within the study area, including those previously included in a heritage register or overlay'. The word "including" indicates that examples not in a</p>	

Submission & address	Submitter's points	My response	Action recommended?
		register or the Heritage Overlay can also be used. This is accepted practice, particularly in the case that few comparable places already have statutory protection.	
Sub. 4 82 Reserve Rd, Beaumaris	Demolition of key features, including enclosing the carport, rendering face bricks, clearing gardens, demolishing the letterbox and removing the concrete paved driveway have irreversibly changed its fabric, form, and detail. Even when new, the house was unrefined, lacked detail and was finished to a simple standard. The homes lack of significance is reinforced by Kirk's own opinion that the home was "very modest ... [and] merely suited to his needs". Like his home, Kirk himself was also not 'important' in Bayside's history ... Kirk was not a registered Architect when he built the home (i.e. Kirk had not completed his practical experience or passed the practice examination and could not practice as an Architect) and records show he only practiced as a registered Architect for five years from 1975 to 1980, hardly a significant career.	<p><i>Intactness of house</i> Despite the introduction of over-cladding to the carport and part of the front façade since 2021, the house is still fundamentally externally intact. It is not true that the changes to the house itself are "irreversible".</p> <p><i>Importance of designer</i> There is no requirement for a building to be the work of an architect for it to have heritage significance for its design (representative and/or aesthetic). Furthermore, there are many designers with architecture training but no registration who are recognised as accomplished in their field.</p> <p>That said, it is agreed that the information provided in the heritage citation does not support the importance of John Kirk within Bayside or more broadly to the level that his house would be significant for this reason (under Criterion H). It does, however, illustrate the important theme for Bayside of the 'architect's own residence', so his connection could be more accurately reflected in relation to Criterion A (historical).</p>	No change (apart from edits to SoS set out above)
Sub. 5 19 Haywood Street, Beaumaris	... lack of original mid-century modern features following a substantial renovation in 1987 and cladding added early 1990's. ... It involved the entire back end of the home being demolished and rebuilt, including two bedrooms, a bathroom, and living area.	<p><i>Intactness</i> Comparing the original architectural plans for this house, those for alterations in 1987, and current plans (from a 2015 realestate.com.au listing), it is apparent that there has been only very minor change to the floor plan of this house. The 1987 alterations involved a small</p>	No changes apart from: Edit citation and SoS to note the stacked stone cladding as a non-contributory element of this place. Consider adding a

Submission & address	Submitter's points	My response	Action recommended?
	<p>Additionally, there were substantial works to the front of the house, including the installation of stacked stone cladding beside the front door and above the master bedroom window, which was popular in the 1980s and early 1990s. [also mention of internal alterations]</p> <p>Additionally, the location of our home is not in a traditional heritage area. ... other properties in Brighton by the same architect, Clarke Hopkins Clarke, are not included in the Heritage Listings or noted as significant in the study, including 2 Ballara Court, Brighton (1961), 14 Cavell Court, Beaumaris (1964), 2 Ramsay Street, Brighton (1960), and 25 Billson Street, Brighton East (1964).</p> <p>[also raise issue of similar houses removed by councillors prior to amendment, and provide photos]</p>	<p>area at the rear of the house, with an extension enclosing a back porch to allow for the creation of an ensuite. There were also minor internal changes to the layout as part of these works. This renovation did not impact the important north side elevation, as illustrated by 2015 real estate photos. The area affected is shown shaded on the plan below:</p>  <p>The submitter has provided photos of the stacked stone cladding added in the 1990s to two discrete areas of the front façade: a strip above a window, and an area around the front entrance. It is not clear on the original plans what the original appearance/cladding of these two areas was, though the wall on the RHS of the front entrance appears to have been face brick. This partial recladding is really a minor change when considering the house as a whole. As the house has otherwise high integrity, it still meets the threshold of local significance.</p>	<p>discussion of CHC's other designs in Bayside to the comparative analysis to this citation and the one for 18 Hutchison Ave, Brighton.</p>

Submission & address	Submitter's points	My response	Action recommended?
		<p>Currently, the stacked stone above the front window is noted as an original feature, and the stone around the front entry is not mentioned at all. This should be corrected in the heritage citation, noting this as a 1990 alteration, on the basis of this submission.</p> <p>While the submitter notes internal changes to the house, as there are no Internal Alteration Controls proposed, these are not taken into account in the assessment.</p> <p><i>Intactness of street and area</i> This house has been assessed as an individual place, not part of a precinct, so the mixed development seen on Haywood Street is not taken into account.</p> <p><i>Other work by the architects</i> Agreed that there is no clear indication of why this house by architects Clarke Hopkins Clarke has been recommended for inclusion in the Heritage Overlay and others mentioned in the place history have not.</p> <p>In two cases, the rationale is very clear: the house at 2 Ballara Court was demolished (c2009-13), and the house at 25 Billson Street has been extensively altered. The two at 14 Cavell Court and 2 Ramsay Street appear to survive intact (as per Google Maps). Their exclusion is likely due to a lower level of design excellence than 19 Haywood Place. It would be useful to indicate this explicitly in the heritage citation. That said, the current comparative analysis is extensive and sufficient to establish the local significance of this place.</p>	

Submission & address	Submitter's points	My response	Action recommended?
		<p>Note that, outside of Bayside, the house at 21 Brewster Street, Essendon, has been recommended for the Moonee Valley Heritage Overlay by the 'Moonee Valley Heritage Study 2023' (Heritage Alliance).</p> <p><i>Other rejected places</i></p> <p>The submitter has provided photos of a number of houses excluded from the amendment by Bayside City Council, noting 'These homes have less alterations to the front of their house than our home.' And declaring that they are 'Homes in Beaumaris that have been excluded due to outside alterations' (possibly only in relation to 19 and 54 Haldane Street).</p> <p>It is agreed that the exclusion of a number of properties, assessed by GJM Heritage as locally significant, prior to the amendment process, has confused the issues involved in the current amendment. As there is no documentation of the Council's rationale for these changes, and they are contrary to expert advice, it is only possible to conclude at this time that they were excluded for reasons not directly related to their heritage significance. Thus their exclusion cannot be used to weigh up the level of heritage value of other post-war houses.</p> <p>As noted above, the addition of two areas of stacked stone cladding to the front of 19 Haywood Street has only a minor impact on its significance.</p>	
Sub. 6 86 Dalgetty Road, Beaumaris	In 2016, extensive renovations were undertaken to the southern end of the property comprising an additional two bedrooms, two bathrooms and a laundry. ... it	[on-site inspection requested but not granted] This house has two volumes. A front, master bedroom volume, projects forward linked by a corridor to the main (rear) volume.	No

Submission & address	Submitter's points	My response	Action recommended?
	<p>is inappropriate to impose a heritage overlay over the entire property boundary (as currently proposed), as this would incapsulate the extension added to the southern side of the dwelling that possesses no historical significance and is less than a decade old. ... Notwithstanding, the caveat contained in Final Report in relation to 86 Dalgetty Road at page 164 that "an on-site inspection is required to confirm these details", no steps have been taken by the Council to confirm the description of the property ...</p> <p>[also general issues – opposed to compulsory HOs, financial burden, financial compensation owed]</p>	<p>The 2016 additions have been made to the rear volume, and set slightly back from the corner of that volume. Due to this setback, and the position on site, the additions are entirely hidden from the public realm (when looking down the driveway from the footpath). The additions also have a separate, lower roof form, helping to distinguish this section from the original. Importantly, the extensive Stegbar window walls to the master bedroom volume and the living area were retained during these works.</p> <p>These 2016 works have been noted in the GJM Heritage citation, and are addressed in the statement of significance where it states 'Later alterations and additions are not contributory, including the additions to south constructed in 2016.'</p> <p>Note that it is standard practice, as set out in VPP Planning Practice Note 1 'Applying the Heritage Overlay' (2018) for entire suburban blocks to be included in the heritage overlay, even if there are some non-contributory parts or elements.</p> <p>Even if the 2016 addition is within the heritage overlay, it is recognised as having no heritage value when planning applications are made to alter it.</p>	
Sub. 8 All properties	<p>National Trust supports the current recommendations for protection, and the prep of a TEH for PW history, but:</p> <p>Despite supporting the existing Planning Scheme Amendment, the National Trust would like to raise concern regarding the removal of 28 properties from the original proposed Planning Scheme Amendment. This decision</p>	Noted.	No

Submission & address	Submitter's points	My response	Action recommended?
	<p>was made by Council at its meeting of 19 July 2022, on the basis that removed properties “do not meet the relevant threshold for inclusion in a heritage overlay”. The National Trust strongly disagrees with this assertion, which is contrary to the rigorous conclusions reached by the expert authors of the heritage study. No evidence was advanced by Councillors to support the removal of these properties from the request for Interim Controls and the proposed Amendment, and the reasons for their exclusion have not been made public.</p>		
<p>Sub. 9 15 Mariemont Ave, Beaumaris</p>	<p>... as an individual home, (a view shared by The Heritage Alliance Study 2007), this is not a Modernist Icon, it has no aesthetic iconic features, there is no refined elegance, there is no history worth preserving. ... substantial/drastic alterations have been made, which are evident from looking at my home from the street; relating to the windows, balcony, stairwell, location of front door, volcanic rock retaining walls; and of course, the road [driveway] has been relocated. ... The middle section has been altered with a new balcony, the windows and front door are now much closer to the railing, the stairs leading to the front door are now in a completely different position and the front door is in a different position. The right-hand section now has a window dominating the brick wall.</p>	<p>[on-site inspection requested but not granted] <i>Previous assessment</i> The submitter is <u>not</u> correct in stating that the previous assessment, by Heritage Alliance, did not find 15 Mariemont Ave to be of individual significance. That study recommended a small precinct along Mariemont Avenue, and graded 15 Mariemont Avenue to be Significant. This means the authors of that previous study concluded that it not only formed part of a precinct, but was also of heritage significance in its own right.</p> <p><i>Intactness</i> The GJM Heritage citation acknowledges the replacement of the front balcony balustrade in a different form, as well as the insertion of a window on the east side of the façade.</p>	<p>No Add information to the citation about the shift forward of the central window wall and associated relocation of the front door over one bay. Note that the house has a “relatively high” level of integrity.</p>

Submission & address	Submitter's points	My response	Action recommended?
	<p>[also raises difficulty in upgrading to 6-star NABERS]</p>	<p>The changes to the staircase and relocation of the front door and central window wall are not noted. Comparing current photos (taken from the street) with the original plans and early photos of the house, the relocation of the door (by one bay to the east) is visible. This was required when the central window wall was moved forward, turning the original deep balcony into a shallow one. The staircase, however, appears to remain in the same position as originally.</p> <p>Comparing the 1950s photo held by the SLV (Figure 2 in the citation), it appears that the central window walls was repositioned, but not replaced (for example, there still two operable bottom sashes). While this change does decrease the shadowline beneath the roof apex, it is a relatively conservative and sympathetic change.</p> <p>The creation of a window opening in the originally blank eastern bay is of greater concern, as it changes the balance between open (west) and solid/closed (east) bays of the front façade. However, the modest size of the new window allows the cream brick to continue to dominate the composition of the eastern bay.</p> <p>While the house retains enough of its form and key original features to be of local significance, GJM's assertion that the house 'retains a high degree of integrity in fabric, form and detail to its period of construction' should be modified to reflect the alteration (e.g. 'retains a <i>relatively</i> high degree of integrity ...').</p>	

Submission & address	Submitter's points	My response	Action recommended?
Sub. 10 56 Cloris Ave, Beaumaris	<p>... the house has undergone significant renovations including a two storey extension, the original carport converted into an interior room and an exterior color change.</p>	<p>Building permit records held by the City of Bayside provide documentation of changes made to this place over time.</p> <p>The records include a 1961 building permit plan for the original front fence. It was a 5'8" high (1.7m) paling and cap rail fence. This survives at the front of the property (or it was replaced in-kind at some point). Note that this is in contradiction to the <i>Australian Home and Garden</i> article cited in the heritage citation that states the house 'was screened from the street by a high wall of cement bricks'.</p> <p>Minor alterations were made by architect John Saunders in 1997. The involved the creation of two new internal openings to walls, as well as a new kitchen window to the rear elevation. This work had very minimal impact on the intactness and significance of the house.</p> <p>A swimming pool was installed in the front setback in 2007, set behind the 1.7m high solid front fence.</p> <p>More extensive alterations and additions were made in 2009-10. This included the following partial demolition works:</p> <ul style="list-style-type: none"> - Demo of ground-floor east (side) wall and of the eastern half of the south (rear) wall - Demo of a small portion of the first-floor south (rear) walls <p>And the following additions:</p> <ul style="list-style-type: none"> - Enclosure of the front carport with new front and east (side) walls, clad in vertical timber battens. It has been designed to look like a contemporary garage, with a timber-clad sliding 	<p>Check <i>Australian House & Garden</i> article (Sept 1963, p. 33) in regard to the material of the original front fence, and correct citation if necessary.</p> <p>No other changes</p>

Submission & address	Submitter's points	My response	Action recommended?
		<p>doors to the front concealing a storage area. The carport roof was retained.</p> <ul style="list-style-type: none"> - Enlargement of the footprint of the south-east corner room (wall moved out in line with the former carport) and the addition of three new rooms to the rear. These works are not visible from the street. - Rear addition to the first floor, which projects 400mm further east than the existing footprint, so it is hidden from the street. <p>The alterations carried out in 2009-10 were sensitively planned so that they did not impact on the front façade of the house, apart from enclosure of the carport, nor on the “garden façade” (west elevation). Instead, extensions were tucked away at the south-east corner of the site where they would not be visible from the street, and leaving the western wing – containing the lounge and dining room – intact on all three sides. While the face brick has been painted, this is reversible using gentle means that do not damage the brickwork. These works have been carried out in such a way that they retain the significant split-level form of this house and its public presentation.</p>	
Sub. 11 19 Bellaire Court, Beaumaris	Raises non-heritage issues [lack of consultation, lack of financial support, etc]	Public consultation has been twice as much as what is required statutorily. Other issues are not related to heritage significance.	No
Sub. 12	The building on the Land has been substantially altered and is no longer intact. ... It is important that group or serial listings not	[on-site inspection requested, but not held] <i>Intactness</i>	No


Submission & address	Submitter's points	My response	Action recommended?
9 Bellaire Court, Beaumaris	<p>be used as a de facto way of including places with the heritage overlay when individual or precinct listings have failed to be strategically justified. They should not be proposed as a way of bypassing a precinct's lack of integrity. ... The purported justification for the Land in HO853 is inaccurate and not strategically justified. Inter alia, buildings within a serial or group listing must have very well-defined characteristics to be able to be recognised as a group. A common period of construction or developer are quite clearly insufficient to justify the application of the HO853.</p>	<p>The submitter states that the house has been “substantially altered”, but the only apparent change has been the recent rendering of the face brickwork (since Jan 2019, see Google Maps). The plan, windows, carport and flat roof of the house all appear to be as original.</p> <p>While rendered has replaced a high-quality original finish with an ordinary modern finish, the house is still entirely recognisable as one of Martin Sach's designs around the court.</p> <p><i>Group and serial listings</i></p> <p>The submitter is correct that places protected in a group listing must have very well-defined common characteristics. This is most certainly the case with Sach's houses on Bellaire Court, with their Modernist design, window walls, and irregular plans made possible by the use of flat roofs. On this basis the group of houses, including No. 9, form a serial listing of local significance.</p>	
Sub. 13 All properties 1 Hutchison Avenue, Beaumaris	<p>Many homes listed in the current Post-War Modern Residential Heritage Study have been taken from previous studies which were not acted upon ... the majority of properties listed in the current study have not been inspected by Heritage consultants, yet they are recommended for heritage listing. ... Recently Glen Eira and Maribyrnong Councils have rejected heritage overlays due to overwhelming community opposition.</p>	<p>Agreed that many of the properties put forward for inclusion in the Heritage Overlay by GJM Heritage were identified and/or assessed by previous heritage studies. As the Bayside City Council did not complete and/or implement the recommendations of these studies, it has been necessary to revisit them once again in the current study.</p> <p>As indicated by GJM Heritage's methodology report, and the photo including in the heritage citations, all places recommended for the Heritage Overlay were</p>	No

Submission & address	Submitter's points	My response	Action recommended?
		<p>inspected. This is inspection from the public domain (generally the footpath), as is standard practice for heritage studies. Note that there are no Internal Alteration Controls proposed, so the intactness or lack thereof of interiors is not taken into account. In the case that there are external alterations not visible from the street, where submitters have raised them and agree to an on-site inspection, this has been done as part of the review of submissions.</p> <p><i>Amendments in other LGAs</i> Agreed that Glen Eira City Council decided to abandon expert recommendation to protect 15 heritage places and 2 precincts in relation to Amendment C214glen due to the existence of objecting submissions. Places for which no objection was made were progressed. This approach was deemed 'fundamentally flawed' by C214glen Planning Panel Chair Con Tsotsoros, and an approach that 'does not align with the [Planning and Environment] Act objectives, State and local planning policy and Clause 71.02-3 of the Planning Scheme.' The case of the 'West Footscray Inter-war and Post-war Heritage Precinct Study' (2021) and the subsequent Amendment C172mari, the planning panel supported most, but not all, of the heritage study's recommendations. Contrary to the panel's recommendations, Maribyrnong Council chose to abandon the entire study instead of revising the proposed precincts as recommended. Once again, places and precincts of recognised heritage significance were not protected, which is not in keeping</p>	


Submission & address	Submitter's points	My response	Action recommended?
		with those councils' obligation under the <i>Planning and Environment Act 1987</i> to identify and protect places of local heritage significance.	
Sub. 15 28 Towers Street, Beaumaris	<p>The home at 28 Towers Street Beaumaris has major integrity issues including;</p> <ul style="list-style-type: none"> • Rotted timber window frames, fascias and awning • Corroded metal decked roof • Internal damage to ceilings, walls and skirting due to water ingress • Foundation subsidence <p>... A current condition report for this property and quote of \$560,000 to replace/repair damaged items ... A second quote of \$160,000 is provided to replace only the rotted timber window frames and fit safety glass ... [non-heritage issues also raised including control over property, costs, old mother]</p>	<p>[on-site inspection on 5 Feb. 2024]</p> <p>The submitter has provided photos illustrating the decay of timber elements, such as windows, fascias, front door, and slatted shading, surface rust to the metal roof decking, and minor foundation subsidence. As stated by the Proline Construction report, estimating repair costs, 'The house has had minimal maintenance over its life'. This has been compounded by the lack of eaves.</p> <p>The Proline report clearly indicates that the house is repairable, requiring replacement of windows, external doors, roof cladding (in 3-5 years), and most likely timber cladding currently hidden under metal sheet. While any roofing that has rusted through and rotted timber elements must be replaced (at least the rotted section), the works and costings in the Proline Construction report are 'to bring the dwelling up to current National Construction Code [NCC] requirements'. The largest sum is for replacing all windows and doors, and replacing them with double-glazing that 'comply with NCC requirements for energy efficient design.' It is not necessary to upgrade existing elements of the house to meet current NCC requirements unless an owner undertakes extensive alterations to the current house and/or builds an extension that enlarges the house by more than 25 percent. If less than half of the house is <i>altered</i>, then there is no requirement to bring the entire house into</p>	No



Submission & address	Submitter's points	My response	Action recommended?
		<p>conformity with current standards. Similarly, if a new addition has a floor area less than 25 percent of the existing building, there is only a requirement to consider partial compliance for the existing house. While the works set out in Proline's report are substantial (assuming all are actually required), and it would be advisable to subtly improve flashing and eave details to shed water better, there is no indication that the house is structurally unsound or liable to require full rebuilding to avoid collapse.</p> <p>In such a case, there is a strong precedent in panel reports to consider solely the heritage significance of the place at the amendment stage, and leave consideration of condition to any future planning permit assessment.</p>	
<p>Sub. 16 1 Reid Street, Beaumaris</p>	<p>[mostly property value concerns] Bayside City Council has twice abandoned heritage studies that have included our property at 1 Reid Street Beaumaris over the last twenty years following an outcry from residents. The obvious question that needs to be raised is "What substantial change has occurred to instigate the current third attempt?" ... the following building form changes with relation to the exiting dwelling and carport on the property which differ from the original form of the building as well as certain dwelling deterioration factors as outlined below ... [change to roof tile profile and colour, carport, rear balcony balustrade,</p>	<p><i>Multiple heritage studies</i> The submitter asks what has changed to warrant a third post-war heritage study for the City of Bayside. After two abandoned studies, the (then) Minister for Planning wrote an open letter to Bayside City Council informing them that they were not fulfilling their statutory obligation under the <i>Planning and Environment Act 1987</i> to identify and protect places of heritage significance. This third study and associated amendment is an attempt to meet those obligations. There is nothing to indicate that the places previously put forward were not worthy of heritage protection.</p> <p><i>Intactness of house</i></p>	<p>No</p>


Submission & address	Submitter's points	My response	Action recommended?
	<p>front door, also deterioration of timber elements] ...</p> <p>Heritage Overlays are generally imposed on a group of adjoining homes located within the same vicinity and within close proximity of each other, generally within a street or within a block of adjoining residential properties. ...</p> <p>The importance placed on our property via the heritage study is simply a fancy of someone's imagination, a made-up construction period and circumstance by an individual or individuals. ... Our Home Insurance premium will increase due to a Heritage Overlay over the property. ... The Heritage Overlay proposed by Amendment C192Bays is a contravention of Section 20 of the Charter of Human Rights and Responsibilities Act 2006 whereby I will be deprived of my property should a Heritage Overlay be applied.</p>	<p>Building permit plans, dated 14 July 2020, illustrate the works carried out to the carport. They appear to have been necessary for structural strengthening, with the insertion of a new steel beam, replacement of a timber ridge beam, and replacing or making good all other timber beams. The works were sensitively designed and did not change the roof form (which remained in situ), though its underside was relined with cement sheet. Apart from the timber roof beams, the timber fascia to the front of the carport was replaced 'to match existing', and the side wall of the carport was rebuilt to 'match existing. Re-use bricks where possible'. Following these repairs and partial reconstruction of the carport, it retains its original form, appearance and integrity. From the street there is no discernible difference to its form from the 1968 photo found in the GJM heritage citation (Figure 2, page 515).</p> <p>The submitter also notes changes to:</p> <ul style="list-style-type: none"> - Roof tiles in profile and colour – roof cladding must be changed cyclically, so this is quite common for heritage places - Painting of joinery in a different colour – no External Paint Controls are proposed, colours can change without a permanent impact on heritage significance - Front door replaced – while the current front door may be new, the only apparent visual change to today is its colour and installation of a decorative plaque or handle. <p>In 1968 (Peter Wille, SLV):</p>	

Submission & address	Submitter's points	My response	Action recommended?
		 <p data-bbox="911 841 1528 1003"> - Change to rear balcony balustrade – this is a very minor change - Replacement of mailbox – there is no indication in the heritage citation that the current mailbox is of importance </p> <p data-bbox="911 1042 1503 1172"> <i>Poor condition</i> This issue does not directly impact on heritage significance. It is properly considered at the planning permit stage. </p> <p data-bbox="911 1211 1528 1336"> <i>Site-specific Heritage Overlays</i> There are multiple ways of protecting places in the Heritage Overlay: individually, as geographic areas (precincts), and as disparate group listings. Site-specific </p>	

Submission & address	Submitter's points	My response	Action recommended?
		<p>listings of single places, not in a precinct group, is generally the most common approach, and certainly most common in Bayside.</p> <p><i>Assessment process</i> This heritage study has been carried out by a group of heritage professionals with expertise in architectural history, including that of the post-war period. The recommendation for this place to be included in the Heritage Overlay cannot be considered someone's "fancy" or "imagination".</p> <p><i>Home insurance</i> While this is not directly related to heritage significance, it is agreed that some insurers may have higher premiums for places in the Heritage Overlay, and others even refused to insure them. There are, however, other companies that do not charge higher fees. The submitter is encouraged to shop around for another insurer.</p> <p><i>Victoria's Human Rights Charter</i> Adding a property to the Heritage Overlay is in keeping with the <i>Planning and Environment Act 1987</i>, therefore this is "in accordance with law". Furthermore, it does not "deprive" a person of their property. Adding a place to the Heritage Overlay in no way contravenes the Human Rights Charter.</p>	
Sub. 17	Subsequent restoration works undertaken (2015 – 2023) have been at our election, as	[On-site visit requested but not granted]	No (statutory change)

Submission & address	Submitter's points	My response	Action recommended?
<p>175-177 Tramway Pde, Beaumaris</p>	<p>such period features detailed in the Statement of Significance, May 2022 have been introduced subsequent the building's original construction, these include: Bagging of the original Crème brickwork; Installation of the Vertical Timber Cladding to the upper level; Stone and associated landscaping treatments.</p> <p>[also discussion and spreadsheet itemisation of the submitter's own "assessment criteria"]</p> <p>May 2013 (original front steps, cream brick, and vertical timber cladding at top left):</p>  <p>May 2013 (internal face of front door):</p>	<p>The GJM Heritage citation states that the designer of this house is not known. Newly scanned plans from the City of Bayside's archives reveal that this is a plan produced by the <i>Australian Women's Weekly</i> home planning service, customised for the Deutschers at the Myer Melbourne Home Planning Centre on 29 November 1958.</p> <p>This service began in 1954, with cooperation with Myer from 1956. The earliest designs were adaptations by architect John P Ley of US house designs (https://mhns.wa.gov.au/stories/general/post-war-sydney-home-plans-1945-to-1959/). In the late 1950s, many designs were prepared by Melbourne architect Frank T Humphryis (e.g. Home Plan No. A638 in <i>Australian Women's Weekly</i>, 16 Jul 1958, p. 42), as well as by architects from Adelaide, Sydney and Brisbane. It was comparable to the Small Homes Service, with the purpose of providing architect-designed house plans at a modest cost. They also offered a service to provide 'a plan specially drawn for you to incorporate your own ideas' (<i>AWW</i>, 28 Oct 1959, p. 47).</p> <p>It appears that the subject house was a custom design, as nothing similar to it was published by <i>The Australian Women's Weekly</i> from 1954 to 1959, though there were several single-storey H-plan houses (Nos. A642 and A657).</p> <p>The original (1958) plans show the ground floor clad in face bricks, two stone slabs/chimneys around the central section (actually built of concrete bricks), and vertical timber cladding to the most of the first floor</p>	<p>Correct Description: this is not a "flat" block, but one that slopes up from the street. Note that the stacked-stone hard landscaping in the front setback was installed post-2013.</p> <p>Record in the place history and statement of significance that this was a house plan from the <i>Australian Women's Weekly</i> home planning service, customised for the first owners at the Myer Melbourne Home Planning Centre on 29 November 1958. Add information to the place history about this service.</p>

Submission & address	Submitter's points	My response	Action recommended?
	 <p data-bbox="361 711 842 773">May 2013 (front garden with some stacked stone):</p> 	<p data-bbox="911 321 1528 516">(including the north section). The cladding to the southern first-floor room (Bedroom 4) is not shown on the plans, as it was pencilled in on the original plans replacing a sun deck. Apparently it was clad in vertical boards like other parts of the first floor, as can be seen in 2010 and 2013 real estate photos.</p> <p data-bbox="911 555 1528 750">In 1978 the Deuschers extended the first floor, enclosing a sun terrace on the north side of the facade. It was clad in 'vertical rebated board to match exist[ing] as near as possible'. It appears that the original front window for this extended space was reused in the new position.</p> <p data-bbox="911 789 1528 850">Real estate photo from 2010 and 2013 (shown at left) illustrate changes since that time, including:</p> <ul data-bbox="953 857 1528 1188" style="list-style-type: none"> - Removal of paint from vertical timber cladding to first floor, or replacement with new, unpainted boards - Rendering of the cream brick of the ground floor - Replacement of concrete front steps and hard landscaping with the current extensive stacked stone features; note that there were small areas of stacked stone retaining wall near the front boundary <p data-bbox="911 1227 1528 1318">The GJM Heritage citation correctly identifies all of these changes. In the case of the stacked-stone hard landscaping, it is simply not mentioned (as significant or</p>	

Submission & address	Submitter's points	My response	Action recommended?
	<p>May 2010 (north end of front façade, with cream brick below and timber above):</p> 	<p>otherwise). It would provide more clarity if its recent (post-2013) date was recorded.</p> <p><i>Assessment against criteria</i></p> <p>The submitter also creates their own criteria against which places are “assessed”. Basically the more features from a long list, the more “significant” the place is. The submitter also tries to draw conclusions from the places dropped from the amendment by the Bayside City Council, suggesting that these decisions were not based on the existing features of the rejected places. The submitter concludes that their criteria demonstrate that the recommendation to add the subject property to the HO ‘is an arbitrary one’.</p> <p>As the submitter’s criteria are entirely different to those recognised by the Victorian planning system, this conclusion bears no weight.</p>	
<p>Subs. 18 & 19 All properties</p>	<p>Please consider only nominating for the next phase those homes where the private property owners are in agreement, lift interim controls on all other properties. ... The current legislation “Planning and Environment Act 1987” is not “fit for purpose” ... this process has ‘identified and targeted’ many MCM homes & unsuspecting property owners since 1999. ... Focusing on the environment and sustainability is another issue; like many I am worried about climate change. The majority of these properties have no chance of being brought up to a level where they meet acceptable modern/legal compliance</p>	<p>The purpose of site-specific heritage overlays is to protect places that may be representative of their time, but are above-average (not typical) examples. This is determined through comparative analysis, as done in the GJM heritage study. It is considered appropriate to protect “typical” houses as well if they form a larger precinct or group that is of local significance as a whole.</p> <p>Agreed that the National Trust is seeking to raise awareness and appreciation of post-war dwellings and architecture more generally. They have prepared studies of post-war architecture, for example of Modernist buildings in the Melbourne CBD, not simply</p>	<p>No</p>

Submission & address	Submitter's points	My response	Action recommended?
	standards, unless a very expensive programme of structural change is undertaken by the owner ... If we are not careful, in my opinion, many "ordinary" homes will be captured and for what purpose? There are other innovative ways to capture our history if so desired. The National Trust for instance has developed a detailed description, including photographs of what they consider Mid Century Modern Homes and Architects.	to record them but to encourage their protection in the heritage overlay. The importance of protecting the actual buildings, and not just writing about them, is demonstrated by the National Trust's submission in support of this amendment.	
Sub. 20 56A Dendy Street, Brighton	[have just sold] I still wanted to put in writing an objection that "forced heritage" is of no benefit. ... [impact on sale price] ... We love heritage but when there is no support from councils and government bodies in Victoria to keep our "museums" up to "Beaumaris Modern Bus tours" standard, to oggle [sic] at	Agreed that support for the owners of heritage places would be welcome, and assist heritage presentation, but this a different issue than if the place is of local significance and worthy of protection (or not). The bus tours are simply an indication of the increasing value placed on post-war houses by the wider community.	No
Sub. 21 11 Summerhill Road, Beaumaris	I am shocked that myself and other residents of Bayside have been put through this mentally traumatic process repeatedly: in 1999, 2007, 2017, 2021. Bayside City Council is not satisfied with traumatising us over and over again, and are yet again repeating this abusive action in 2023. ... In particular I have been advised by a local builder that 11 Summerhill Road Beaumaris is not a suitable design for renovation. My real estate agent has advised that the property would be very difficult to sell with a Heritage overlay ...	<i>N Clerehan's oeuvre</i> The GJM Heritage citation notes that this design was by architect Neil Clerehan, and that the original owners approached him through the Small Homes Service (SHS). The original 1963 plans, held by the City of Bayside, confirm that this was a custom design by Clerehan, and not a SHS plan. Note that the book on Neil Clerehan cannot be expected to contain every design by this architect. It may be appropriate to require a design to be identified as important in an architect's oeuvre for it to be of <u>State-level</u> heritage significance, but this is not an appropriate test for local significance. The vast majority of buildings in municipal	No

Submission & address	Submitter's points	My response	Action recommended?
	<p>This flawed property is not representative of the architect's better works. Notably, it is not listed in the book describing his work, "The Architecture of Neil Clerehan" by H Edquist and R Black (RMIT University Press, 1981).</p> <p>In regards to our property at 11 Summerhill Road Beaumaris, the fact that it was designed by architect Neil Clerehan and has some characteristics of the architectural fashions of the 1950s is scarcely justification for heritage listing. A heritage overlay would transform the 11 Summerhill Road property into a museum piece which is inaccessible to the public but is required to be maintained in perpetuity at its owners' personal expense with a significant financial burden. ...</p> <p>The property has been significantly altered from the original building, and has significant architectural defects. The clunky addition of a granny flat on the ground floor severely compromised what virtues the original design possessed.</p> <p>A major defect in the original design/ construction was the inadequate pitch of the flat deck roof, necessitating its rectification and total replacement by ourselves. Prior to rectification every roof penetration formed the source of rain water leaking into the interior. There are major deficiencies throughout the interior.</p>	<p>heritage overlays have not been identified in publications. It is still a fact of importance that this house was designed by a prominent architect.</p> <p><i>Intactness</i></p> <p>As the submitter notes, the ground-floor undercroft of the house has been enclosed. This enclosed section is at the rear, leaving the front undercroft (carport) open, so it has a limited impact on the appreciation of the original form and significance of the house.</p> <p>The original 1963 plans confirm that the rest of the exterior is intact, including the 'precast masonry veneer slabs' cladding the first-floor walls, the flat-roof form, the north-facing balcony, the broad north-facing eaves, and the windows visible from the street (apart from additional divisions introduced to the front, east windows)</p> <p><i>Useability</i></p> <p>Note that there are no Internal Alteration Controls proposed for this property, so changes to layout can be made to improve the internal function without a planning permit. This does not equate to "museumification" as opined by the submitter. Further, there are many successful examples of additions to post-war Modernist houses in the heritage overlay, often as a separate pavilion with a narrow (corridor) link.</p> <p>As noted by the submitter, the flaws of the original (leaking) flat roof have been remedied by its replacement. This has been done in a sympathetic</p>	

Submission & address	Submitter's points	My response	Action recommended?
		manner that does not detract from its heritage significance.	
Sub. 23 27 Bolton Avenue, Hampton	<p>Memo from Bryce Raworth PL: ... the building is very altered, most notably in terms of how it is seen from the street. ... the front carports have been rebuilt, an addition has been constructed between the carports, and the brickwork at the rear of the carports has been bagged and painted. This means that no original, unaltered fabric is visible from the street. In addition, the landscaping to the front has been altered, and the letterbox, which is mentioned in the statement of significance, has been replaced in a different format and relocated after the original was vandalized. ... the house and its courtyards have been the subject of numerous changes over time, and the rear of the building has been altered and no longer reads as originally designed. ... this house has not been seen as a key example of his [Bernard Joyce's] work in the past. [discussion of Modernist buildings that don't really have a front façade that can be appreciated by the public] Given the limited extent to which this is in any sense able to be appreciated by the community of Bayside, one would hope that only the highest and best, and the most intact, examples would warrant the introduction of heritage controls. [letter from owners setting out alterations]</p>	<p>[on-site inspection held on 18 Dec.] <i>Intactness</i> The City of Bayside hold the original 1963 plans and specifications for this house. The original specifications call for white silica lime bricks with recessed square tooled pointing to external walls. As noted by the submitter, the visible walls of the carport have been bagged and painted since that time. The rest of the house is not visible from the street. The City of Bayside also holds plans for the addition of a games room to the rear in 1974, which is noted in the GJM Heritage citation. This plan also shows that, between 1963 and 1974, the Store & Workshop set between the two carports, was extended forward to serve as a Study. The submitter mentions alterations for which the City does not hold building permit records, such as rebuilding of the carport walls, and "numerous changes" to the house and its courtyards. These changes are detailed in a letter prepared by the owners. Many of the changes refer to internal alterations and to the landscaping (e.g. swimming pools, paving, plantings, mailbox). Those that concern external built features are mostly in regard to the front carports: reroofing, replacement of posts, painting, and the above-mentioned extension to the shed. While the submitter states that the carport posts are quite different to the original, they are still</p>	No

Submission & address	Submitter's points	My response	Action recommended?
		<p>simple square posts as shown in the 1963 plans, though it is possible their dimension has changed. Changes to the house include bagging and painting of the brickwork, a new front door, replacement of windows (in the same configurations). There is also extensive detail about internal changes, but as no Internal Alteration Controls are proposed, these are not taken into account.</p> <p>The external changes documented to this house are not substantial in nature. The most visually intrusive one is the bagging and painting of the brickwork, but this could be removed by a future owner if desired.</p> <p><i>Bernard Joyce</i> There is no requirement that a building be one of the best of an architect's oeuvre to warrant protection in the heritage overlay. This test is more appropriate when assessing the State-level significance of a place.</p>	
Sub. 25 All properties	With the idea of voluntary heritage listings not being embraced by the former Minister, we have missed an ongoing opportunity to secure such a program. ... Why does Bayside need so many examples of modernist properties when homes with similar architectural features have already been 'captured' in other local government areas or have been offered up voluntarily? ... I therefore respectfully suggest that Council does not seek an extension of the interim controls and advises the Minister	The heritage overlay is a tool developed to allow the identification and protection of places of <u>local heritage significance</u> , that is, places important to a given locality or municipality. Post-war houses in another municipality do not in any way illustrate the great importance of post-war development in the City of Bayside. As set out in the Thematic History, this area – and particularly Beaumaris – was one of the most important locations in the metropolitan area of post-war housing development, much of it by and for architects.	No

Submission & address	Submitter's points	My response	Action recommended?
	<p>accordingly. ... In the advice to the Minister, it is requested that Council advocate for a complete overhaul of the Planning and Environment Act, the Heritage Act and their subordinate regulations as well as all the municipal planning schemes, with the ResCode to be fully automated. ... As a part of the foregoing suggestion the establishment of a truly independent tribunal should be considered. Its role would be to finalise heritage determinations, including the provision of appropriate compensation and ongoing financial support to any property owners affected by future laws.</p>		
<p>Sub. 26 78 Scott Street, Beaumaris</p>	<p>78 Scott Street "the property" has no substantial or aesthetic heritage significance. The property has been substantially changed and does not have a sufficient intactness in line with the post-war modernist design principles. 78 Scott Street "the property" has no substantial or aesthetic heritage significance. [notes incorrect points in description, particularly that the large north-facing windows are all recent enlargements, rear addition] Criterion A: Importance to the course or pattern of our cultural or natural history. This section could apply to hundreds of properties in the "Dunlop-Perdieu Company subdivision" ... [economic burden]</p>	<p>[on-site inspection held on 18 Dec.] <i>Intactness</i> The GJM Heritage citation documents alterations to this 1950s house including: chimney in 1981, a two-storey rear addition that partially sits over the rear of the original house in 1984, and 'replacements of sections of weatherboards and replacement of some windows and doors'. The upper storey is largely hidden when viewing from the street. The submitter notes that most windows have been replaced over time. The building permit plans held by the City of Bayside are not detailed enough to confirm this, or even reveal whether window sizes and configurations along the north side elevation have changed, apart from the replacement of the rearmost north window, replaced since 1984 with sliding doors in the same or similar opening.</p>	<p>Yes, not considered to be of local significance. Do not add to HO.</p>

Submission & address	Submitter's points	My response	Action recommended?
		<p>The submitter notes that the front window (to the kitchen) is original, and that the front-most north window (to the living room) is in the same position as the original but was replaced in the 1980s. The 1981 and 1984 plans suggest that the front north window was previously full-length, but it is since been replaced with a smaller, high-set window of the same width. These are the two key openings, intended to be part of the public presentation of the house, with the front one only of high integrity.</p> <p>The changes to north side windows to the recessed rear wing have a no impact on the public presentation, and a lesser impact on significance.</p> <p><i>Criterion A</i> Agreed that the rapid post-war development of the Dunlop-Perdieu subdivision would be best illustrated by streetscapes or groupings of post-war development in this area. This theme cannot be adequately illustrated by just one (of many) houses developed during that period.</p> <p><i>Criterion E and comparative analysis</i> In the heritage citation, this house was considered most closely comparable to: - 54 Haldane St – (NB: dropped from amendment by BCC) brick house with only garage door to front façade, architect designed, apparently intact apart from replacement of garage door</p>	

Submission & address	Submitter's points	My response	Action recommended?
		<p>- 242 Beach Road – brick house with only clerestory window to front façade, architect designed, highly intact</p> <p>- 11-13 Lang St – brick house, architect designed, extended by original owner-architect, minor (sympathetic) changes in 2009</p> <p>23 Clonmore St – brick and window-wall house with retained native vegetation, architect designed, early minor alterations by original clients only, otherwise highly intact</p> <p>- 19 Haldane St (removed by BCC) – brick house, architect's own home, small and early addition (by same architect-owner), otherwise intact apart from rendering of a visible side wall</p> <p>Compared with the above examples, as well as considering other houses assessed in the GJM Heritage study, this is one of the most modest houses in terms of its design, materials and detailing. There is no indication that it is of aesthetic significance (Cr E) at a local level. To some extent it meets Criterion D, representativeness, but not as well as many other houses in the study. With the changes to its public presentation (change in window size on the north elevation), and changes to the rear wing (extension to side and upper level with loss of rear verandah), the argument for representative significance is greatly weakened.</p> <p>Overall, its greatest point of interest appears to be its authorship by John and Phyllis Murphy, who are regarded some of the founders of the heritage conservation movement in Victoria. This house,</p>	

Submission & address	Submitter's points	My response	Action recommended?
		however, does not illustrate that important side of their life's work.	
Sub. 27 19 Olympic Ave, Cheltenham	<p>[property value, maintenance costs, failed amendments in Maribyrnong & Glen Eira, housing crisis, supports voluntary listing]</p> <p>I read an article years ago about a group presentation held at the Beaumaris Library. The Architect and owner/builder (Rex Patrick) of this home stated he moved out of this home in 1978 as the home required too much work and that he wasn't prepared to do it so moved to another property in Beaumaris. That was 45 years ago now and the only upgrade the house has had since then is a new Colourbond roof to replace the disintegrating asbestos roof. ...</p> <p>Number 19 Olympic Ave is in disrepair - Having had no significant maintenance since before 1978 when Rex Patrick moved out. The old disintegrating asbestos roof was replaced approx 10 years ago. Apart from being a health hazard due to its age and fragility it was leaking and has caused major damage inside the roof cavity and ruined the integrity of the ceiling in the lounge/dining area's. ...</p> <p>I replaced the timber facade at the back of the home on the second storey and all the capping plus re bricked the chimney. ...</p> <p>The timber around the expansive glazing is rotting and warped. The glass no longer fits</p>	<p><i>Comparative analysis</i></p> <p>The comparative analysis in the heritage citation for this place could be improved by comparing it to other designs by Rex Patrick (in Bayside and elsewhere) to provide an understanding of how it fits within his oeuvre. This is particularly important as the places is said to meet Criterion H for its associations with the architect.</p> <p><i>Intactness/integrity</i></p> <p>The submitter notes external alteration to the rear volume (1951, dining and living rooms). The submitter also notes that north-facing eaves have been truncated to allow for an addition. This is not visible from the street, and Bayside Council has not been able to locate early plans for this property, so this cannot be confirmed.</p> <p>In both cases, these appear to be minor changes to the house, which do not greatly impact upon its heritage significance. Judging from views from the street and aerial photo, this house is quite intact.</p> <p><i>Outbuildings</i></p> <p>The outbuildings added to this site have been recorded as non-significant. They are well set back and do not have a negative impact on views to the dwelling.</p>	No

Submission & address	Submitter's points	My response	Action recommended?
	<p>snugly into frames - air can enter and exit at the corners of the frames.</p> <p>The timber needs replacing on multiple windows - but unfortunately to replace the timber would require the glass panes to be removed and by law the old glass cannot be put back again as it must be replaced with Australian Standard safety glass. Glass of this size is extremely expensive....</p> <p>Modification has been made to the lounge/ dining area, altering the original external form of the house.</p> <p>The large broad eave running up the North side of the house has been removed making way for an extension - with no eave this has increased exposure to weathering ...</p> <p>There are 2 outbuildings attached to the house - later additions....</p> <p>I appreciate mid century architecture but the Fabric and Intactness of this property have been severely altered and compromised beyond repair.</p>		
<p>Sub. 28 165-167 Tramway Parade, Beaumaris</p>	<p>[house empty for years due to a PP to demolish and replace with 4 townhouses] We obtained independent Engineering and Heritage reports that indicated both the modest heritage value and the parlous state of the dwelling. The important fact here is that regardless of the heritage value, the cost of repairs to make the dwelling capable of occupation exceeded 3.3 million dollars in May</p>	<p>I note that the City of Bayside granted a planning permit on 14 November 2023 to demolish the existing dwelling and develop four new dwellings on this property. This permit had not been acted on yet when I visited on 23 November 2023.</p> <p>A Structural Assessment was carried out for the applicant by Barrason's Engineers (2 May 2022). The Barrason's report concludes that: 'it is in my opinion that the structural damage is moderate. This dwelling is</p>	<p>No, but it would be advisable to check if the house still stands at the time this amendment is gazetted, and remove it if it has been demolished.</p>

Submission & address	Submitter's points	My response	Action recommended?
	<p>2022, currently with the rise in building costs this figure would have certainly increased further. This large cost shows that the dwelling is far beyond any reasonable financial means to be able to repair it and this cost is just to meet the minimum standards of State Building Regulations for the building to be fit to be occupied. ... on Tuesday 10 October 2023, the Planning and Amenity Delegated Committee voted unanimously in favour of demolition of the property and a Notice of Decision to Grant a Permit was subsequently issued to us.</p>	<p>currently in very poor condition and progressive collapse of the roof structure (particularly soffit) or the retaining wall is likely to happen during extraordinary loading conditions, like extreme weather. ... This structure is currently structurally safe but in unserviceable condition.'</p> <p>The Barrason's report was peer reviewed for Council by N Melhart of Structerre Consulting ('Forensic Building Investigation Report', 26 Sept. 2023). It found that:</p> <p><i>Overall we would suggest that the most influential factor in this building's current state has been neglect and vandalism. Almost every window is broken, and every wall damaged or graffitied, however none of this could be considered a structural issue and can be overcome. It does not appear that the dwelling has suffered any major structural issues, though the damage to the balcony is of concern. While in a major state of disrepair, the majority of the work consists of replacement of plasterboard and windows. We would not suggest that the property is immediately unsafe or in need of demolition due it being past the point of repair.</i></p> <p>In regard to repair works, the engineer recommends:</p> <ul style="list-style-type: none"> - Rebuilding the front brick retaining wall - Replacing the concrete balcony floor, alternatively rebuilding just those most damaged sections - Paving installed around perimeter of house - Reconnect roof plumbing and check for leaks 	

Submission & address	Submitter's points	My response	Action recommended?
		<ul style="list-style-type: none"> - Remove trees from roof and repair it - Replace broken windows - Internally, replace all damaged porous linings <p>Importantly, both engineers agreed that the house was eminently repairable, with the most intervention required to the concrete balcony slab (probably replacement, with retention of the original metal balustrade) and the front fence/retaining wall (which also requires rebuilding). Despite this, a planning permit was granted to demolish a repairable house.</p> <p>Note that, while the house is cosmetically in a poor condition, structurally it is largely sound. If this place is added to the Heritage Overlay, the statements in the GJM citation ('he house is in very poor condition') should be revised to provide this nuance.</p> <p>As noted in the citation, the house appears to be very intact externally.</p> <p>The submission does not call into question the heritage significance of the house</p>	
Sub. 29 All properties	<p>Beaumaris Modern understands not all examples can be kept and that some are beyond saving. However, all we ever wanted was a professional study to identify significant houses so they could be considered for local heritage listing.</p> <p>We understand that all other councils in Victoria have completed their heritage studies and kept them up to date as required - with the exception of Bayside Council.</p>	Noted.	No

Submission & address	Submitter's points	My response	Action recommended?
Sub. 30 All properties	<p>I took a promise to the 2022 State Election that, if elected, a Liberal National Government would reverse amendments made to the Bayside Planning Scheme as a result of the Post-War Modern Residential Heritage Study. ... I have always held the view that the pre-existing self-nomination approach towards residential heritage listings would authentically and accurately represent the strong views of residents within these suburbs. Regrettably, consecutive Ministers for Planning have rejected my requests to undertake this sensible approach and to listen to the concerns raised by residents. ... Under existing planning practice, a Comparative Analysis referencing similar places, including those on a heritage register, is essential for justifying a place's significance by setting clear thresholds. In some circumstances, homes with only one heritage feature have been included whilst other properties with multiple heritage features have been left out. [adverse financial impacts]</p>	<p>As the submitter will be aware, we are currently operating under the <i>Planning Environment Act 1987</i>, and former Planning Minister Richard Wynne made it very clear that a voluntary HO listing regime is not sufficient for Bayside City Council to meet its obligations for heritage protection under this legislation. Agreed that VVP Planning Practice Note 1 'Applying the Heritage Overlay' (2018) draw attention to comparative analysis as the key thresholding mechanism, to determine which places warrant inclusion in a municipal heritage overlay. It states that comparative analysis should be carried out drawing upon 'other similar places within the study area, including those previously included in a heritage register or overlay'. The word "including" indicates that examples not in a register or the Heritage Overlay can also be used. This is accepted practice, particularly in the case that few comparable places already have statutory protection, as noted by a number of planning panel reports. The discussion of homes with "one heritage feature" versus those with "multiple heritage features" is completely divorced from the way in which best-practice heritage assessments are carried out.</p>	No
Sub. 31 21 Dudley Street, Brighton	<p>The low single storey height of the dwelling is such that it is highly unlikely that significant additions (i.e. more than one storey in height) would be possible to the rear of the dwelling (noting also that the siting of the dwelling close to the rear boundary would also constraint the potential for any rear additions). ... The particular characteristics of the dwelling</p>	<p>[on-site inspection held 5 Feb. 2024] Note that on 30 August 2023, Bayside City Council refused to provide its consent to an application for a building permit for demolition under section 29A of the Building Act. For this reason, the endorsed planning permit to replace the existing house with a new one cannot be acted upon.</p>	<p>Yes, clarify that the three mature Eucalypts in the front yard and one in the backyard are all covered by the Tree Controls.</p> <p>No other changes.</p>

Submission & address	Submitter's points	My response	Action recommended?
	<p>which diminishes its contribution to local heritage include the high front boundary wall which has concealed the dwelling from the street from its construction. We note that this front wall collapsed in early 2022 prior to the application of the interim Heritage Overlay. Notwithstanding the longstanding concealing effect of the front boundary wall, the front elevation of the dwelling when viewed from inside the site is dominated by the carport which projects considerably further forward than the balance of the dwelling. The view of the dwelling even from within the front of the site is largely limited to building fascia and shadowed windows, noting the significant front setback.</p> <p>We submit that there are many dwellings of this kind throughout Melbourne and that this dwelling does not exhibit any exemplary elements that would warrant its recognition with a site specific Heritage Overlay with this particular dwelling being a very ordinary example.</p> <p>We submit that there are much more highly credentialled examples of post war modern dwellings from this period. We understand that this particular dwelling was not identified in <i>The Modern House in Melbourne, 1945-1975</i> by Dr Phillip Goad and are not aware of any other specific recognition of this dwelling in the press or magazine publications, which</p>	<p><i>Setting</i></p> <p>In keeping with a recent building order, the high front brick fence to this house has been recently demolished. An on-site inspection, held on 5 Feb. 2024, confirmed that the house is highly intact, on all four sides, as is the carport, and that it retains rubble stone landscaping and three mature Eucalyptus trees in the front garden and one in the back yard. The statement of significance only mentioned 'mature tree plantings (<i>Eucalyptus</i> sp.)' and the proposed Tree Controls state 'Yes – mature <i>Eucalyptus</i> sp.' The place Description notes 'stands of large Eucalyptus trees' in the 'garden setting'. It is not clear from these references if it is only the three Eucalypts in the front garden that are covered by the Tree Controls, or if they also cover the equally mature Eucalypt in the backyard and perhaps the Paperbark tree also in the backyard. This should be clarified, and at minimum the mature Eucalypt in the back yard also specifically recognised and protected.</p> <p><i>Appearance of house</i></p> <p>The submitter notes that views to the house are dominated by a projecting front carport, particularly as it could previously only be viewed from the public realm through the driveway gates. Agreed that this is the case, but the carport is part of the original design of this house. During the late post-war period it was common for a greater sense of privacy to be provided to houses by setting them behind a parking structure, sometimes even with blank</p>	

Submission & address	Submitter's points	My response	Action recommended?
	<p>we submit is reflective of it being a lesser example of homes of this period.</p> <p>The dwelling was designed by a well known and highly regarded building designer in Alastair Knox, however this designer is much better known for his mudbrick dwellings constructed in the Shire of Nillumbik area. The association of the site with this well known designer may have influenced its inclusion in the proposed Heritage Overlay even though this association is not explicitly acknowledged in the citation. We submit that the association of a well regarding building designer with this dwelling should not tip the scales in favour of its inclusion given that the designer is associated with a different type of dwelling construction.</p>	<p>street walls. This is a characteristic of the architectural design, and does not detract from its heritage value.</p> <p><i>Common building type</i></p> <p>The submitter does not provide any other of the “many dwellings” of this type. Note, as well, that local significance is based on how important this place is in its <u>local</u> context, not across the entire Melbourne metro area.</p> <p>While this house shares characteristics with other environmental-Modernist houses of the later post-war period, and a number were built across Melbourne’s suburbs at that time, they are gradually being lost or seriously altered. This is a highly intact example of its type, by a skilled designer.</p> <p>There is no requirement for a place to be represented in Dr Goad’s PhD thesis to be of local heritage significance. And while attention in the contemporary press is always of interest, such accolades are considered necessary to demonstrate aesthetic significance at the <u>State level</u>, not for a local heritage overlay.</p> <p><i>Knox’s oeuvre</i></p> <p>While best known for his unusual use of mud-brick construction, these buildings comprised less than a third of Alastair Knox’s output, some 300 out of a total 1000 (https://alistairknox.org/). The subject house demonstrates his consistent interest in <i>natural</i> materials, such as face brick and timber, not only mud brick.</p>	

Submission & address	Submitter's points	My response	Action recommended?
		<p>The small number of Knox's best-known and most acclaimed designs are likely to be of <u>State significance</u>, while many of his other intact designs may be of local heritage significance.</p>	
<p>Sub. 32 4 Bellaire Court, Beaumaris</p>	<p>Many architects and designers and individual houses were cited in Volume 2 [Thematic History]. Reference to the purported designer and builder of the houses at 2, 4, 8, 9, 10, 15, 18 and 19 Bellaire Court, Martin Sachs, does not appear. Bellaire Court is not referenced nor have the individual places recommended for the Heritage Overlay been identified in the study.</p> <p>As Volume 2 establishes Beaumaris as an 'enclave of well-designed Modernist houses in the area,' it is odd that there is no reference to Sachs or Bellaire Court. Our client therefore questions the heritage importance that has been placed on their dwelling at 4 Bellaire court. ... The absence of any mention of Sachs or Bellaire Court in Volume 2, coupled with a group listing rather than an individually listed place in the Post-War study reflects an overstatement of its significance and not a cultural attribute consistent with Criterion D. ... an aerial photo [dated 1972] of 4 Bellaire Court shortly after it was built. As demonstrated, the dwelling is amongst a plethora of other dwelling designs from other eras. The estate itself shows very little</p>	<p><i>Importance of the designer-builder</i> A Thematic Environmental History is not intended to be a comprehensive document that names every place of heritage significance in a municipality. Instead, it is based on desktop research (from previously published works and heritage studies) that is intended to draw out the important overarching themes in the development of a municipality, and in this case focussed on post-war residential development. The lack of mention of Sachs in this document does not in any way suggest that his development around Bellaire Court is not of local heritage significance.</p> <p><i>Group listing approach</i> The submitter suggests that 4 Bellaire Ct is not very significant, as indicated by its inclusion in a group listing. While it is not stated directly in the statement of significance, it is agreed that one or more of the houses in the group listing could be Contributory, as opposed to Significant. This means that such houses are of heritage significance <u>as part</u> of the group listing, but would not warrant heritage protection on their own. This is likely the case for 9 Bellaire Ct, which has been altered by the application of render to its distinctive face brickwork. This is in contrast to 4 Bellaire Ct, which is highly intact as viewed from the street. Note that</p>	<p>No</p>

Submission & address	Submitter's points	My response	Action recommended?
	<p>cohesion and not a collection as stated in the heritage citation and a weak example of the attributions of what Criterion E represents. ... Alterations to 4 Bellaire Court have been identified in Volume 3 of the report. These were advised by our client to Council in April 2022. They are: partial removal of asbestos eaves; the construction of a small kitchen addition; replacement of some windows and doors; the replacement of the roof. The citing of these alterations in Volume 3 clearly reflect acceptance of them. Therefore the non-contributory additions to the dwelling should be listed in the statement of significance and the heritage citation to avoid any doubt in relation to demolition. ... [The] additions to the dwelling diminish its heritage importance.</p>	<p>previous panel decisions have supported the inclusion of both Contributory and Significant places in a serial or group listing, so long as they share reasons for significance.</p> <p><i>Dates of houses</i> The submitter is incorrect in stating that 4 Bellaire Ct is surrounded by 'a plethora of other dwelling designs from other era', using a 1972 aerial as evidence of this claim. Quite the contrary: as is fully documented in the GJM Heritage citation, all original houses in the court were built in short space of time: 1962-72, though there have been two replacements and some alterations since that time. The Sachs group of house around the court show strong visual cohesion, thanks to their flat roofs.</p> <p><i>Alterations to 4 Bellaire Ct</i> As the submitter notes, GJM Heritage has taken into account the alterations raised previously by the owner. They are all very minor in their impact on significance. It is common practice to replace asbestos-fibre cement sheet with a modern product that looks the same. The kitchen addition is so small that it cannot be seen when comparing current and 1972 aerial photos, and it is entirely hidden from the street. The roof "replacement" appears to be the standard, cyclical replacement of its cladding, and replacement windows are also not apparent from the street.</p>	

Submission & address	Submitter's points	My response	Action recommended?
		<p>These alterations are listed in the Description section, and the statement of significance specifies that 'Later alterations are not contributory.' This is sufficient to guide future decision-making.</p>	
<p>Sub. 33 All properties</p>	<p>I fully support C 192 Bays. Bayside Council are sadly lagging behind other councils in terms of recognition and protection of our local built form. Now that the mid century modern heritage study has taken place we need to listen to the experts and move forward onto the next step of protecting the homes that have been cited. Too many of our significant mid century modern homes have been demolished. These houses are unique and represent important local cultural and social history. Once they are gone there are no other examples of these individual and often experimental examples of MCM architecture.</p>	<p>Noted.</p>	<p>No</p>
<p>Sub. 34 (late) 2 High St, Beaumaris</p>	<p>[lack of ability to change house, she is original client] 'This house we built has grown, changed, collapsed and been rebuilt through the decades we have lived in it.'</p>	<p><i>Alterations to house</i> The GJM Heritage citation documents the infilling of the undercroft of the house 10 years after it was constructed. This was carried out with cream bricks, to match the rest of the house, but the originally freestanding chimney base is still legible as it stands proud of the new wall. Apart from this, there are no apparent external changes to the house or its setting (rubble walling, Tori gate to backyard) since photos were taken upon its completion in 1958 (as illustrated in the citation), apart from the</p>	<p>No</p>

Submission & address	Submitter's points	My response	Action recommended?
		<p>addition of a metal grille to the front entrance. (NB: This grille may date to the 1968 works.)</p> <p>Bayside building permit records also document the construction of a carport at the rear of the property in 1966, and the construction of a solid west wall to the carport in 1974.</p> <p>While the long-time owner of the property, the submitter, notes the "collapse" and "rebuilding" of the house, this apparently refers to repair works done in-kind, and/or internal works, that have not impacted on the external integrity of the house.</p>	

APPENDIX C – STATEMENTS OF SIGNIFICANCE

Attached are statements of significance prepared by GJM Heritage, dated May 2022, for the eight places that are the subject of a submission for which the submitter or their representative is appearing at the planning panel hearing.

Kirk House, Beaumaris – Statement of Significance, May 2022

Heritage place: Kirk House, 82 Reserve Road, Beaumaris	PS ref no.: HO814
---	--------------------------



Figure 1. 82 Reserve Road, Beaumaris (November 2021)

What is significant?

Kirk House at 82 Reserve Road, Beaumaris, built 1961.

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

- The original external form, materials and detailing of the building
- The building's high level of integrity to its original design
- Siting to maximise the northern aspect
- Modernist composition and form, including low box-like form with horizontal emphasis, rectangular planning, symmetrical arrangement of architectural features at the principal elevation, shallow-pitched gable roof with broad eaves, expansive timber-framed windows, and prominent integrated carport
- Modernist materials and detailing, including timber-framed glazing, pale brown face brick, and expressed structural timber elements including projecting timber rafter ends
- Landscape elements, including mature native garden plantings, concrete paved driveway and freestanding letterbox.

Later alterations are not contributory.

How is it significant?

Kirk House at 82 Reserve Road, Beaumaris is of local historical, representative (architectural), aesthetic and associative significance to the City of Bayside.

Why is it significant?

Designed by architect John Kirk in 1961 as his own home, the house at 82 Reserve Road, Beaumaris is illustrative of post-war suburban development in the City of Bayside, when a large number of architect-designed Modernist houses were constructed across the municipality. Beaumaris in particular appealed to many architects and designers who were drawn to settle on available land that was low-cost, but attractive and provided the opportunity for architects to experiment with Modernist principles and new construction methodologies in their own residences. The suburb became a centre of Modernist residential housing in the post-war period. Kirk House makes a strong contribution to this important phase in the development of the municipality (Criterion A).

Kirk House also has clear associations with the concentration of post-war residential development that occurred in Beaumaris in the 1950s and 60s following the release of an extensive tract of land owned by the Dunlop-Perdieu Company. When the land was offered for sale, it was one of the last substantial pockets of undeveloped land in the suburbs of Melbourne. Constructed on a vacant allotment purchased from the Dunlop-Perdieu Estate, Kirk House at 82 Reserve Road, Beaumaris clearly illustrates this important phase of development in Beaumaris (Criterion A).

Kirk House at 82 Reserve Road, Beaumaris is notable as a substantially intact representative example of Modernist suburban housing constructed during the post-war period in the City of Bayside. Designed by architect John Kirk, it displays a range of characteristics that are typical of Post-War Modernist housing from this period in Beaumaris and across Victoria more broadly, including a low box-like form with horizontal emphasis, rectangular planning, broad shallow-pitched gable roof which extends to form an integrated carport, broad eaves, expressed structural elements, and expansive timber-framed glazing including full-height windows (Criterion D).

Kirk House at 82 Reserve Road, Beaumaris is of aesthetic significance as a well resolved and carefully detailed example of a suburban house constructed in the Modernist style. Designed by architect John Kirk, the house is characterised by its simple gabled roof form, its bold symmetrical frontage to Victor Street and its refined detailing. Kirk House demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

Designed and constructed as his own residence, the house at 82 Reserve Road, Beaumaris has a special association with local architect and long-time Beaumaris resident John Kirk. Designed in 1961 for himself and his family, the Kirk family resided at 82 Reserve Road from 1961 until the late 2010s (Criterion H).

Primary sources:

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

Andrews House, Beaumaris – Statement of Significance, May 2022

Heritage place: Andrews House, 78 Scott Street, Beaumaris	PS ref no.: HO817
--	--------------------------



Figure 1. 78 Scott Street, Beaumaris (April 2021)

What is significant?

Andrews House at 78 Scott Street, Beaumaris, built in 1955.

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

- The original external form, materials and detailing of the building
- The building's high level of integrity to its original design
- Site-specific orientation to maximise the northern aspect
- Modernist composition and form, including low box-like form with horizontal emphasis, shallow-pitched gabled roof, and expansive glazing
- Modernist materials and detailing, including vertical timber cladding and timber-framed windows.

Later alterations, including the two-storey rear addition, are not contributory.

How is it significant?

Andrews House at 78 Scott Street, Beaumaris is of local historical, representative (architectural) and aesthetic significance to the City of Bayside.

Why is it significant?

Built in 1955 to a design by architects John & Phyllis Murphy, with G Stuart Warmington, Andrews House at 78 Scott Street, Beaumaris has a clear association with post-war suburban development in the City of Bayside when a large number of architect-designed Modernist houses were constructed across the municipality. The

bayside suburb of Beaumaris was particularly attractive to architects, designers and young homemakers interested in the Modern aesthetic and it became a centre of Modernist post-war housing. Andrews House clearly demonstrates this important phase in the development of the City of Bayside (Criterion A).

Andrews House also has clear associations with the concentration of post-war residential development that occurred in Beaumaris in the 1950s following the release of an extensive tract of land owned by the Dunlop-Perdieu Company. When the land was offered for sale, it was one of the last substantial pockets of undeveloped land in the suburbs of Melbourne. Constructed on a vacant allotment purchased from the Dunlop-Perdieu Estate, Andrews House at 78 Scott Street clearly illustrates this important phase of development in Beaumaris (Criterion A).

Andrews House at 78 Scott Street, Beaumaris is a substantially intact representative example of Modernist suburban housing constructed during the post-war period in the City of Bayside. Designed by architects John & Phyllis Murphy, with G Stuart Warmington, it displays 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, shallow-pitched metal-clad gabled roof, groups of full height windows facing private open space to the north, and the use of materials such as vertical timber cladding. A second-storey addition made to the rear of the house is not contributory but does not detract from the key characteristics of the original house (Criterion D).

Andrews House at 78 Scott Street, Beaumaris is of aesthetic significance as a well-resolved and carefully detailed example of a suburban house constructed in the Modernist style. Designed by renowned architects John & Phyllis Murphy, with G Stuart Warmington, the house is characterized by its low box-like form, shallow-pitched gabled roof and its refined detailing. Andrews House demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

Primary sources:

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

Mollar House, Beaumaris – Statement of Significance, May 2022

Heritage place: Mollar House, 28 Towers Street, Beaumaris	PS ref no.: HO820
--	--------------------------



Figure 1. 28 Towers Street, Beaumaris (April 2021)

What is significant?

Mollar House at 28 Towers Street, Beaumaris, built in 1957.

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

- The original external form, materials and detailing of the building
- The building's high level of integrity to its original design
- Modernist composition and form, including rectangular planning, low box-like form with horizontal emphasis, flat roof, internal private courtyards, prominent front carport and expansive glazing
- Modernist materials and detailing, including cream-coloured face brick, expansive timber-framed windows and timber-framing to the carport
- Landscape elements, including mature *Eucalyptus* and *Melaleuca* sp in front garden, brick paved driveway and concrete paved carport.

Later alterations are not contributory.

How is it significant?

Mollar House at 28 Towers Street, Beaumaris is of local historical, representative (architectural) and aesthetic significance to the City of Bayside.

Why is it significant?

Built in 1957 to a design by architects Borland, Trewenack & Brooks, Mollar House at 28 Towers Street, Beaumaris has a clear association with post-war suburban development in the City of Bayside when a large number of architect-designed Modernist houses were constructed across the municipality. The bayside suburb of Beaumaris was particularly attractive to architects, designers and young homemakers interested in the Modern aesthetic and it became a centre of Modernist post-war housing. Mollar House clearly demonstrates this important phase in the development of the City of Bayside (Criterion A).

Mollar House at 28 Towers Street, Beaumaris is notable as a substantially intact representative example of Modernist suburban housing constructed during the post-war period in the City of Bayside. Designed by architects Borland, Trewenack & Brooks, it displays a range of characteristics that are typical of Post-War Modernist housing from this period in Beaumaris and across Victoria more broadly, including rectangular planning, box-like form with horizontal emphasis, shallow-pitched metal-clad flat roof, expansive timber-framed glazing including a full-height window wall to the northern (principal) elevation, internal courtyards and prominent front carport (Criterion D).

Mollar House at 28 Towers Street, Beaumaris is of aesthetic significance as a well-resolved and carefully detailed example of a suburban house constructed in the Modernist style. Designed by architects Borland, Trewenack & Brooks, the house is characterised by its prominent carport, highly glazed street presentation to the street and its refined detailing. Mollar House demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

Primary sources:

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

Fermanis House, Beaumaris – Statement of Significance, May 2022

Heritage place: Fermanis House, 1 Reid Street, Beaumaris	PS ref no.: HO813
---	--------------------------



Figure 1. 1 Reid Street, Beaumaris (April 2021)

What is significant?

Fermanis House at 1 Reid Street, Beaumaris, built in 1968.

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

- The original external form, materials and detailing of the building
- The building's high level of integrity to its original design
- Siting to maximise the northern aspect and prominent, highly glazed belvedere
- Modernist composition and form, including rectangular planning, box-like forms with horizontal emphasis, roofs with broad eaves on exposed rafter ends, expansive glazing, clerestory windows, wing walls, internal courtyards and prominently sited and integrated double carport
- Modernist materials and detailing, including pale brown brick, expansive timber-framed glazing, tiled roofs and dark stained timber
- Landscape features including bluestone driveway, high brick garden wall and mature plantings.

Later alterations are not contributory.

How is it significant?

Fermanis House at 1 Reid Street, Beaumaris is of local historical, representative (architectural), and aesthetic significance to the City of Bayside.

Why is it significant?

Built in 1968 to a design by architects Chancellor and Patrick, Fermanis House at 1 Reid Street, Beaumaris has a clear association with post-war suburban development in the City of Bayside when a large number of architect-designed Modernist houses were constructed across the municipality. The bayside suburb of Beaumaris was particularly attractive to architects, designers and young homemakers interested in the Modern aesthetic and it became a centre of Modernist post-war housing. Fermanis House clearly demonstrates this important phase in the development of the City of Bayside (Criterion A).

Fermanis House at 1 Reid Street, Beaumaris is notable as a substantially intact representative example of a Modernist suburban house constructed during the post-war period in the City of Bayside. Designed by architects Chancellor & Patrick, it displays a range of characteristics that are typical of Post-War Modernist housing from this period in Beaumaris and across Victoria more broadly, including rectangular planning, box-like form, roofs with broad eaves and exposed rafter ends to the north and south, expansive timber-framed glazing including full-height window walls, internal courtyards, high brick garden walls including raked wing walls and prominent, integrated double carport. The house also displays characteristics that are typical of a group of Post-War Modernist houses constructed in the late 1960s and early 1970s, including pitched roof forms with associated clerestory windows and the use of materials such as face brick, tile and dark stained timber (Criterion D).

Fermanis House at 1 Reid Street, Beaumaris is of aesthetic significance as a well-resolved and carefully detailed example of a suburban house constructed in the Modernist style. Designed by renowned architects Chancellor and Patrick, the house is characterised by its bold street presentation of gabled roof forms, prominent glazed belvedere, and its refined detailing. Fermanis House demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

Primary sources:

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

Abrahams House, Brighton – Statement of Significance, May 2022

Heritage place: Abrahams House, 21 Dudley Street, Brighton	PS ref no.: HO833
---	--------------------------



Figure 1. 21 Dudley Street, Brighton (Image: <https://www.realestate.com.au/sold/property-house-vic-brighton-120085153>)

What is significant?

Abrahams House at 21 Dudley Street, Brighton, built in 1971.

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

- The original external form, materials and detailing of the building
- The building's high level of integrity to its original design
- Siting, including deep setback to maximise the northern aspect
- Modernist composition and form, including box-like form with horizontal emphasis, flat-roof, expansive glazing and prominent integrated carport
- Modernist materials and detailing, including red clinker face brick and dark stained timber elements such as timber-framed glazing, projecting rafter ends and deep fascias
- Landscape features including mature *Eucalyptus* sp and volcanic rock edged garden beds.

Later alterations are not contributory.

How is it significant?

Abrahams House at 21 Dudley Street, Brighton is of local historical, representative (architectural) and aesthetic significance to the City of Bayside.

Why is it significant?

Built in 1971 to a design by Alistair Knox, Abrahams House at 21 Dudley Street, Brighton is 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 of Modernist architecture and its design principles. Abrahams House makes a strong contribution to this important phase in the development of the City of Bayside (Criterion A).

Abrahams House at 21 Dudley Street, Brighton is notable as a substantially intact representative example of a Modernist suburban house constructed during the post-war period in the City of Bayside. Designed by Alistair Knox, it displays a range of characteristics that are typical of Post-War Modernist housing from this period in Brighton and across Victoria more broadly, including rectangular planning, low box-like forms with horizontal emphasis, flat roofs with broad eaves, exposed rafter ends and deep, dark stained timber fascias, expansive timber-framed glazing including full-height windows, prominent carport, and concealed, recessed entry (Criterion D).

Abrahams House at 21 Dudley Street, Brighton is of aesthetic significance as a well-resolved and carefully detailed example of a suburban house constructed in the Modernist style. Designed by Alistair Knox, the house is characterised by its siting to maximise the northern aspect, its use of natural materials (including brick, timber and volcanic rock), its siting within mature tree plantings (*Eucalyptus* sp.) and its refined detailing. Abrahams House demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

Primary sources:

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

Mylius House, Brighton – Statement of Significance, May 2022

Heritage place: Mylius House, 9 Wolseley Grove, Brighton	PS ref no.: H0841
--	-------------------



Figure 1. 9 Wolseley Grove, Brighton (April 2021)

What is significant?

Mylius House at 9 Wolseley Grove, Brighton, built in 1967.

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

- The original external form, materials and detailing of the building and the additions and alterations designed by David Godsell
- The building's high level of integrity to its original design
- Site-specific orientation with private courtyards allowing for retention of remnant native vegetation
- H-shaped floorplan presenting an austere frontage to the street and large expanses of glazing opening to the north (rear) and to internal courtyards
- Modernist composition and form, including north-facing orientation, flat roof, private front courtyards, prominent integrated carport and concealed main entrance
- Modernist materials and detailing, including pale brown brick walls, dark stained or painted timber fascias, and expansive timber-framed windows
- Landscape features including front garden walls matching those of the house, freestanding timber letterbox, and mature *Eucalyptus* sp. tree plantings.

Later alterations are not contributory.

How is it significant?

Mylius House at 9 Wolseley Grove, Brighton is of local historical, representative (architectural) and aesthetic significance to the City of Bayside.

Why is it significant?

Built in 1967 to a design by architects McGlashan & Everist with sensitively-designed additions and alterations by David Godsell, the Mylius House at 9 Wolseley Grove, Brighton is illustrative of post-war suburban development in the City of Bayside, when a large number of architect-designed Modernist houses were constructed across the municipality for those with an appreciation of Modernist architecture, its design principles, and the value of employing an architect. Mylius House at 9 Wolseley Grove makes a strong contribution to this important phase in the development of the City of Bayside (Criterion A).

Mylius House at 9 Wolseley Grove, Brighton is notable as a substantially intact representative example of a Modernist suburban house constructed during the post-war period in the City of Bayside. Designed by architects McGlashan & Everist with sensitively-designed additions and alterations by David Godsell, it displays a range of characteristics that are typical of Post-War Modernist housing from this period in Brighton and across Victoria more broadly, including site-specific orientation, rectangular planning, low box-like forms with horizontal emphasis, stepped flat roofs with shallow eaves and deep timber fascias, an emphasis on privacy with unadorned brick walls, garden walls and internal courtyards, expansive timber-framed glazing with full-height windows to the north, prominent integrated carport and deeply recessed entry (Criterion D).

Mylius House at 9 Wolseley Grove, Brighton is of aesthetic significance as a well-resolved and carefully detailed example of a suburban house constructed in the Modernist style. Designed by renowned architects McGlashan & Everist with sensitively-designed additions and alterations by David Godsell, the house is characterised by its austere presentation to the street, its emphasis on privacy and retention of remnant vegetation including mature *Eucalyptus* sp., and its refined detailing. Mylius House demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

Primary sources:

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

Spedding House, Hampton – Statement of Significance, May 2022

Heritage place: Spedding House, 27 Bolton Avenue, Hampton	PS ref no.: HO850
---	-------------------



Figure 1. 27 Bolton Avenue, Hampton (April 2021)

What is significant?

Spedding House at 27 Bolton Avenue, built in 1963.

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

- The original external form, materials and detailing of the building
- The building's high level of integrity to its original design
- Floor plan comprising a series of box-like forms arranged around an internal courtyard to separate living zones and to provide access to natural light
- Modernist composition and form, including low horizontal form, flat roof, prominent integrated carport, expansive timber-framed glazing and concealed front entrance
- Materials, including (now overpainted) face brick, timber-framed windows and timber cladding
- Landscape features, including garden beds flanking both driveways.

Later alterations are not contributory.

How is it significant?

Spedding House at 27 Bolton Avenue, Hampton is of local historical, representative (architectural) and aesthetic significance to the City of Bayside.

Why is it significant?

Built in 1963 to a design by architect Bernard Joyce, Spedding House at 27 Bolton Avenue, Hampton is illustrative of post-war suburban development in the City of Bayside, when a large number of architect-designed Modernist houses were constructed across the municipality for those with an appreciation of Modernist architecture, its design principles, and the value of employing an architect. Spedding House at 27 Bolton Avenue makes a strong contribution to this important phase in the development of the City of Bayside (Criterion A).

Spedding House at 27 Bolton Avenue, Hampton is notable as a substantially intact representative example of a Modernist suburban house constructed during the post-war period in the City of Bayside. Designed by architect Bernard Joyce, it displays a range of characteristics that are typical of Post-War Modernist housing from this period in Hampton and across Victoria more broadly, including low box-like forms with horizontal emphasis, flat roof, brick construction including front wall concealing the house and entry, internal courtyard, expansive timber-framed glazing, and prominent and integrated timber-framed carport (Criterion D).

Spedding House at 27 Bolton Avenue, Hampton is of aesthetic significance as a well-resolved and carefully detailed example of a suburban house constructed in the Modernist style. Designed by architect Bernard Joyce, the house is characterised by its austere presentation to the street, its emphasis on private open space and its refined detailing. Spedding House demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

Primary sources:

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

Flats, 16 Gillard Street, Brighton East – Statement of Significance, May 2022

Heritage place: Flats, 1-4/16 Gillard Street, Brighton East	PS ref no.: HO845
---	-------------------



Figure 1. 16 Gillard Street, Brighton East (April 2021)

What is significant?

The Flats at 16 Gillard Street, Brighton East, built in 1968.

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

- The original external form, materials and detailing of the flats
- The high level of integrity to their original design
- Modernist composition and form, including box-like form with horizontal emphasis, flat roof with broad eaves and deep fascia, expansive glazing, steel batten motif, decorative concrete post and beam structure providing an entrance archway to the shared side driveway
- Modernist materials and detailing, including brown brick, textured cream brick, concrete, steel battens, and expansive timber-framed windows
- Landscape features including hollow concrete block front fence, pebble mix path and concrete driveway.

Later alterations and additions are not contributory.

How is it significant?

The Flats at 16 Gillard Street, Brighton East are of local historical, representative (architectural) and aesthetic significance to the City of Bayside.

Why is it significant?

The Flats at 16 Gillard Street, Brighton East are illustrative of the suburban development in the City of Bayside in the post-war period when a number of multi-storey residential flats were constructed across the municipality. This type of development was largely the result of increased housing demand following World War II. The impetus for higher density living, combined with changes to strata title legislation (which allowed for the sale of individual units for the first time in Victoria), led to a proliferation of multi-unit developments in the 1960s and 1970s. The flats at 16 Gillard Street clearly demonstrate this shift towards lower-cost, higher density living which characterised suburban development in what is now the City of Bayside, and across Victoria more broadly, in the post-war period (Criterion A).

The flats at 16 Gillard Street, Brighton East are notable as a fine and substantially intact representative example of a small residential flat building constructed during the post-war period in the City of Bayside. Designed by architects David Sapir & Associates, the flats display a range of characteristics that are typical of Post-War Modernist design, including a two-storey box-like form with asymmetrical principal elevation, flat roof with broad eaves and deep fascia, expansive timber-framed glazing, shared driveway, hollow concrete block front fence, integrated carports and the use of contrasting materials such as brown brick, textured cream brick, concrete and steel to articulate the front elevation (Criterion D).

The flats at 16 Gillard Street, Brighton East are of aesthetic significance as a well-resolved and carefully detailed example of a small flat complex constructed in the Modernist style. Designed by architects David Sapir & Associates, the building is characterised by its distinctive balustrading, contrasting brickwork, expansive glazing and its refined detailing. The flats at 16 Gillard Street, Brighton East demonstrates the key aesthetic qualities of Modernist design in the City of Bayside to a high standard (Criterion E).

Primary sources:

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

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

Heritage place: Bellaire Court Estate, 2, 4, 8, 9, 10, 15, 18 & 19 Bellaire Court, Beaumaris	PS ref no.: H0853
---	--------------------------



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:

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