

Planning Panels Victoria

Boroondara Planning Scheme Amendments C412boro and C417boro Heritage

Panel Report

Planning and Environment Act 1987

10 August 2026

How will this report be used?

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

The planning authority must consider this report before deciding whether to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

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

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

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

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

Planning and Environment Act 1987

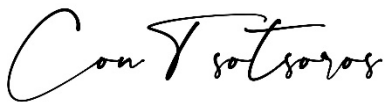
Panel Report pursuant to section 25 of the PE Act

Boroondara Planning Scheme

Amendments C412boro and C417boro

Heritage

10 August 2026



Con Tsotsoros, Chair

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Glossary and abbreviations

the Amendments	Amendments C412boro and C417boro
Boroondara TEH	Boroondara Thematic Environmental History
CHNP	Community Heritage Nomination Process
Council	City of Boroondara
Hercon	the National Heritage Convention in Canberra in August 1988
Inter-war	1918 to 1939
LH Guide	Victorian Local Heritage Guidelines (Department of Transport and Planning)
PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Boroondara Planning Scheme
Post-war	1945 to 1965

Overview

Amendment summary

Boroondara Amendment C412boro

Common name	Balwyn, Camberwell, Kew and Surrey Hills heritage
Brief description	Proposes to apply the Heritage Overlay to six properties
Subject land	- 50 Fitzgerald Street, Balwyn - 21 Alma Road, 1360 Toorak Road, and 141 Wattle Valley Road, Camberwell - 17 Raven Street, Kew - 25 Weybridge Street, Surrey Hills
Authorisation	28 October 2025
Submissions	27 (with two opposing and six partially supporting)

Boroondara Amendment C417boro

Common name	Balwyn North and Surrey Hills heritage
Brief description	Proposes to apply the Heritage Overlay to two properties
Subject land	- 46 Fortuna Avenue, Balwyn North - 4 Windsor Crescent, Surrey Hills
Authorisation	14 November 2025, with conditions to: - remove 1 Mabel Street, Camberwell - delete internal alteration controls for 17 Raven Street, Kew and 141 Wattle Valley Road, Camberwell
Submissions	30 (with three opposing and four partially supporting)

Both Amendments

Planning Authority	City of Boroondara
Exhibition	5 February to 5 March 2026

Panel process

The Panel	Con Tsotsoros (Chair)
Supported by	Laura Agius
Directions Hearing	By video, 1 June 2026
Panel Hearing	City of Boroondara office, Camberwell and by video, 13 and 14 July 2026
Site inspections	Unaccompanied, 11 and 28 July 2026
Parties to the Hearing	City of Boroondara represented by Amelia Hunter of Maddocks, called expert evidence on: - heritage from Claire Miller of NBRS - heritage architecture from Anthony Hemingway of RBA Architects 4 Windsor Crescent, Surrey Hills owners represented by Alex Gelber of Counsel, called expert evidence on heritage from Martin Turnor of Raworth Heritage 46 Fortuna Avenue, Balwyn North owners
Citation	Boroondara PSA C412boro and C417boro [2026] PPV
Date of this report	10 August 2026

Executive summary

Boroondara Planning Scheme Amendment C412boro (Amendment C412) seeks to apply the Heritage Overlay to:

- 21 Alma Road, Camberwell (HO994)
- 50 Fitzgerald Street, Balwyn (HO996)
- 17 Raven Street, Kew (HO998)
- 1360 Toorak Road, Camberwell (HO999)
- 141 Wattle Valley Road, Camberwell (HO1000)
- 25 Weybridge Street, Surrey Hills (HO1001).

Boroondara Planning Scheme Amendment C417boro (Amendment C417) seeks to apply the Heritage Overlay to 46 Fortuna Avenue, Balwyn North (HO1002) and 4 Windsor Crescent, Surrey Hills (HO1003).

Council exhibited both Amendments from 5 February to 5 March 2026 and received:

- 27 submissions for Amendment C412 (with two opposing and six partially supporting)
- 30 submissions for Amendment C417 (with three opposing and four partially supporting).

Key issues raised in submissions related to the heritage assessment methodology and whether identified properties achieved certain criteria, were sufficiently intact, retained their integrity, and had enough local heritage significance to justify applying the Heritage Overlay.

(i) Strategic issues

Applying the Victorian Local Heritage Guidelines

Council aligned the Amendment with guidance available at that time – Planning Practice Note 1. This was before the Department of Transport and Planning introduced the Victorian Local Heritage Guidelines (the LH Guide) on 29 May 2026. For the purposes of the Amendment, the LH Guide:

- is generally consistent with, and expands on content in, Planning Practice Note 1
- provides helpful context that should be referred to, but not relied on, when assessing each property.

Seeking to apply every aspect of the LH Guide's comprehensive two-step assessment approach would require further work to the Amendment. This includes new guidance for the comparative analysis to determine whether a place can be understood *"better than most other similar places"*. It would be unfair and unreasonable to require Council to reassess each property, noting the LH Guide has no statutory weight.

Heritage assessment methodology

The methodology for assessing the six properties in Amendment C412boro and two properties in Amendment C417boro is appropriate.

Each building's integrity should be assessed on its current condition, while considering whether any alterations are reversible.

Private financial impact is not relevant when assessing heritage significance but may be relevant to the Amendment if it impacts the broader community.

Strategic justification

For the reasons set out in this report, the Amendment:

- has minimal conflict between policy objectives seeking to protect identified heritage and those seeking to increase housing supply
- is supported by, and implements, the relevant sections of the Planning Policy Framework to achieve net community benefit for present and future generations
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the report.

The Heritage Overlay does not have the measurable restrictions unlike other overlay schedules with maximum building heights, setbacks and other mandatory and discretionary requirements. The Heritage Overlay simply 'flags' identified heritage so that future development can be assessed against the existing heritage fabric.

Within this context, further consideration regarding potential policy objective conflict is predominantly hypothetical during the planning scheme amendment stage because it would be based on broad and immeasurable assumptions. The permit application stage is when:

- specific proposal design details are known and can be measured to determine impact on existing heritage fabric
- any identified competing policy objectives can be appropriately assessed to determine whether net community benefit and sustainable development are being achieved.

(ii) Amendment C412boro

1360 Toorak Road, Camberwell (HO999)

1360 Toorak Road, Camberwell achieves Criteria A, B and E and has enough local historical significance to justify applying the Heritage Overlay.

25 Weybridge Street, Surrey Hills (HO1001)

25 Weybridge Street, Surrey Hills achieves Criteria A and E and has enough local historical significance to justify applying the Heritage Overlay. Council's proposed changes to the HO1001 citation and HO1001 Statement of Significance since exhibiting the Amendment are appropriate because they correct content to reflect actual circumstances.

Other candidate individual heritage places

It is justified to apply the Heritage Overlay to:

- 21 Alma Road, Camberwell (HO994)
- 50 Fitzgerald Street, Balwyn (HO996)
- 17 Raven Street, Kew (HO998)
- 141 Wattle Valley Road, Camberwell (HO1000).

Internal alteration controls

The internal alterations controls should be applied to 141 Wattle Valley Road because its interior is strongly interrelated to the exterior and is fundamental to understanding the significance of the heritage place.

The internal alteration controls for 17 Raven Street should be reviewed through a separate process because it appears to have a similar fundamental dialogue between the house and garden.

(iii) Amendment C417boro

46 Fortuna Avenue, Balwyn North

The house at 46 Fortuna Avenue, Balwyn North including sections designed by Robin Boyd and constructed around 1950, 1957 and 1966:

- is substantially intact and retains a high degree of integrity
- achieves Criteria A and E and has enough local heritage significance to justify the Heritage Overlay (HO1002).

The HO1002 citation and Statement of Significance should be revised to remove:

- the front entrance/garden tree as a significant element because it is unclear whether the original owners planted it at the behest of its architect and will always have an unbalanced form due to ongoing pruning around the powerlines
- the curved garden wall as a significant element, as it no longer exists.

4 Windsor Crescent, Surrey Hills

4 Windsor Crescent does not have enough local historical significance to justify applying the Heritage Overlay.

The former house and surgery building is sufficiently intact, but its integrity is challenged by the infilled verandah obscuring acute views to the only previously visible entrance. It does not achieve Criteria A because it does not compare well with most other identified purpose-designed doctor's residence and surgeries which have two separate entrances visible from the public realm. It does not achieve Criteria E because:

- it does not compare well with most other identified Federation-era examples
- its original design cannot be fully understood because its original verandah and entrance are no longer visible.

Recommendations

Based on the reasons set out in this report, the Panel recommends that Council:

Amendment C412boro

- 1. Adopt Boroondara Planning Scheme Amendment C412boro with the changes recommended in this report.**
- 2. Amend the Statement of Significance for HO1001 (25 Weybridge Street, Surrey Hills) to revise the final list point under 'What is Significant?' to *"2025-26 rear additions, identifiable by their metal-clad roof forms."***

Amendment C417boro

- 3. Adopt Boroondara Planning Scheme Amendment C417boro with the changes recommended in this report.**
- 4. Amend the Statement of Significance for HO1002 (46 Fortuna Avenue, Balwyn North) to delete reference to the curved white-painted brick garden and to recategorise the English elm tree from a significant element to a non-significant element.**
- 5. Amend the Heritage Overlay Schedule to:**
 - a) no longer apply the tree controls for HO1002 (46 Fortuna Avenue, Balwyn North)**
 - b) delete “*Yes (curved street garden wall south of the dwelling)*” from the ‘Outbuildings or fences not exempt’ column of HO1002 (46 Fortuna Avenue, Balwyn North)**
 - c) delete HO1003 (4 Windsor Crescent, Surrey Hills).**
- 6. Delete the Heritage Overlay (HO1003) from 4 Windsor Crescent, Surrey Hills.**
- 7. Delete the HO1003 Statement of Significance for 4 Windsor Crescent, Surrey Hills.**

1 Introduction

1.1 The Amendments

(i) Amendment C412boro

The Amendment seeks to apply the Heritage Overlay to:

- 21 Alma Road, Camberwell (HO994)
- 50 Fitzgerald Street, Balwyn (HO996)
- 17 Raven Street, Kew (HO998)
- 1360 Toorak Road, Camberwell (HO999)
- 141 Wattle Valley Road, Camberwell (HO1000)
- 25 Weybridge Street, Surrey Hills (HO1001).

(ii) Amendment C417boro

The Amendment seeks to apply the Heritage Overlay to:

- 46 Fortuna Avenue, Balwyn North (HO1002)
- 4 Windsor Crescent, Surrey Hills (HO1003).

1.2 Background

Table 1 Events chronology

Date	Amend	Details
May 2023	Both	Council adopted the Community Heritage Nomination Process (CHNP)
2024		
6 May	C412	Preliminary consultation for CHNP Group 1 draft heritage citations started
14 May	C417	46 Fortuna Avenue, Balwyn North nominated
14 Jun	C412	Preliminary consultation for CHNP Group 1 draft heritage citations ended
23 Jun	C417	4 Windsor Crescent, Surrey Hills nominated
5 Aug	C412	Council resolved to adopt the Group 1 heritage citations and to seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment
29 Oct	C417	Preliminary consultation for CHNP Group 2 draft heritage citations started
6 Dec	C417	Preliminary consultation for CHNP Group 2 draft heritage citations ended
2025		
3 Feb	C417	Council resolved to adopt the Group 2 heritage citations and to seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment

Date	Amend	Details
Oct	C412	23 Clapham Street, Balwyn was removed from the amendment due to works compromising its heritage value
14 Nov	C412	Amendment C412 was authorised with conditions to: - remove 1 Mabel Street, Camberwell - delete internal alteration controls for 17 Raven Street, Kew and 141 Wattle Valley Road, Camberwell
12 Dec	C412	Council officers wrote to the Department of Transport and Planning, seeking to reinstate internal alteration controls for 17 Raven Street and 141 Wattle Valley Road
2026		
14 Jan	C412	A Minister for Planning delegate agreed to reinstate internal alteration controls for 141 Wattle Valley Road
5 Feb	Both	Public exhibition of Amendments started
5 Mar	Both	Public exhibition of Amendments ended
4 May	Both	Council resolved to request a panel to consider unresolved issues raised in submissions to the exhibited Amendments

1.3 The Panel's approach

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

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

(i) Report structure

The report deals with the issues under the following headings:

- Strategic issues
 - Heritage assessment methodology
 - Applying the Victorian Local Heritage Guidelines
 - Strategic justification
- Amendment C412boro
 - 1360 Toorak Road, Camberwell (HO999)
 - 25 Weybridge Street, Surrey Hills (HO1001)
 - Other candidate individual heritage places
- Amendment C147boro
 - 46 Fortuna Avenue, Balwyn North (HO1002)
 - 4 Windsor Crescent, Surrey Hills (HO1003).

(ii) Terminology

For simplicity, this report refers to:

- Amendment C412boro as C412
- Amendment C417boro as C417
- Amendments C412boro and C417boro as the Amendments.

(iii) Experts referred to in this report

This report refers to the following heritage experts:

- Claire Miller of NBRS called by Council
- Anthony Hemingway of RBA Architects called by Council
- Martin Turnor of Raworth Heritage called by Julian and Daina Nance.

(iv) Limitations

On Council's online submission form for Amendment C412boro, one person selected 'No' to the question *"Do you support the proposed inclusion of the properties in the Heritage Overlay to the Boroondara Planning Scheme?"*. No other information was provided. Council referred this as a submission objecting to the Heritage Overlay being applied to all identified properties. As noted, this submission has been considered regardless of whether it has been specifically mentioned in the report.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix B highlights key imperatives of relevant provisions and policies.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4(1) of the PE Act
Municipal Planning Strategy	- Clause 02.03-4
Planning Policy Framework	- Clauses 15.03 (Heritage), 15.03-1S (Heritage conservation) and 15.03-1L (Heritage in Boroondara)
Other planning strategies, policies and plans	- Plan for Victoria Pillar 3 – <i>We'll preserve Victoria's rich and diverse cultural heritage by protecting significant sites and precincts</i> - Boroondara Community Plan 2025–35
Planning scheme provisions	- Heritage Overlay
Planning scheme amendments	- Amendment GC270 gazetted on 31 March 2026 affecting 21 Alma Road, Camberwell
Ministerial directions	- Ministerial Direction 7(5) (The form and content of planning schemes) - Ministerial Direction 11 (Strategic assessment of amendments) - Ministerial Direction 15 (The planning scheme amendment process)
Planning practice notes and guidelines	- Planning Practice Note 1 (Applying the Heritage Overlay) – <i>to 29 May 2026</i> - Planning Practice Note 46 (Strategic Assessment Guidelines) - Victorian Local Heritage Guidelines – <i>from 29 May 2026</i>

2.2 Applying the Victorian Local Heritage Guidelines

(i) The issue

The issue relates to how the Victorian Local Heritage Guidelines should apply when considering the Amendment.

(ii) Background

The Department of Transport and Planning released the Victorian Local Heritage Guidelines, May 2026 (the LH Guide) on 29 May 2026. The LH Guide replaced Planning Practice Note 1. The department's website states:

Decision-makers can immediately apply the Local Heritage Guidelines to both in-progress and new heritage assessments and amendments.

...

The Guide will not require more extensive assessment documentation than previously provided.

The basic and threshold tests are provided to inform the analysis and thinking behind an assessment against the heritage criteria.

Heritage citations and statements of significance are not expected to be expanded to document the outcome of each test for each criterion. They should only include a brief evaluation against those heritage criteria that have been met.

The LH Guide specifies heritage criteria that reflects the HERCON criteria applied in Planning Practice Note 1. It includes a two-step process for assessing whether a place meets the threshold for local significance against the criteria:

- Step 1 (basic test) to determine if the criterion applies
- Step 2 (threshold test) to determine if the threshold is likely to be met at the local level for that criterion.

The LH Guide sets out conditions that should be met to achieve the tests.

The Panel asked Council to explain how the methodology applied to assess local heritage significance aligns with guidance in the LH Guide.

(iii) Evidence and submissions

Council submitted that the Amendments were:

- prepared and authorised before the LH Guide came into operation
- accordingly prepared in line with Planning Practice Note 1
- satisfied the clarified tests in the LH Guide.

Council explained:

- the LH Guide articulates more transparent steps for determining local significance rather than radically altering the thresholds to be applied
- the citations for each individual place considered and applied the matters required by the 'Basic test' and 'Threshold test' regarding each relevant criterion.

Ms Miller stated:

- compared with Planning Practice Note 1, the intent of the heritage assessment criteria is the same in the LH Guide, but they have been clarified
- the new threshold tests as a second step in the criterion assessment process is the most notable change
- the two-step assessment process clarifies the process that was already implicitly done by consultants undertaking heritage assessments
- heritage studies and assessments undertaken in accordance with Planning Practice Note 1 should not need to be revised under the LH Guide
- there has been little opportunity for LH Guide to be applied and tested through regular statutory processes.

Ms Miller confirmed:

- the heritage citations and Statements of Significance prepared for the Amendment are consistent with the template provided in the new guidelines
- the LH Guide has not changed her opinion regarding the identified significance of any of the four properties she considered, or on the appropriateness of the Amendment.

Mr Hemingway stated the LH Guide's expanded heritage criteria content is based on the Heritage Victoria guidelines for assessing places of State significance. He added:

- his organisation has applied the approach in the State guidelines for some time, through a local significance lens
- he did not change his opinion about applying relevant criteria or significance to the places he assessed after reviewing the citations against the LH guide.

(iv) Discussion

How much weight should be given to the LH Guide?

The LH Guide, as released on 29 May 2026, introduces comprehensive and detailed new guidance, qualifications and definitions that did not exist in Planning Practice Note 1. A notable proportion of advice in the LH Guide is consistent with approaches applied in heritage studies in Victoria.

The LH Guide has no statutory weight and should be followed when there is no good reason to depart from its advice. There may be certain circumstances where a varied approach to some of its advice may be justified.

Should further work be done to the Amendment if it does not align with the LH Guide?

The Amendment was prepared and exhibited before the LH Guide was made publicly available. Considerable content in the LH Guide broadly reflects the assessment methodology applied to the eight properties affected by the Amendment.

A key distinction is the LH Guide provides a detailed stepped approach for assessing each heritage criterion (A to H). It would be unfair and unreasonable to expect Council to allocate further resources to respond more specifically to each of these steps.

For example, Planning Practice Note 1 referred to conducting 'some comparative analysis' to substantiate the significance of a place when applying a threshold. Its guidance was limited to:

The comparative analysis should draw on other similar places within the study area, including those previously included in a heritage register or overlay.

The LH Guide includes comprehensive guidance on the comparative analysis process, including:

A comparative analysis is required as part of the threshold assessment. It is used to determine how rare, representative, distinctive or illustrative a place may be within the context of the local area and enables a decision about whether a place enables understanding or appreciation of specific values better than most other similar places.

This guidance provides more detail on assessing whether a candidate place is comparable and meets the threshold for a relevant criterion. It would be unfair and

against departmental advice to require a heritage assessment to reconsider the number and type of comparative examples to align with this guidance.

The Panel has considered whether the Amendment has applied an appropriate methodology based on Planning Practice Note 1 – the relevant guidance at the time.

(v) Conclusions

The Panel concludes:

- The heritage assessment methodology for each property should be based on guidance in Planning Practice Note 1 because the Amendment was prepared before the Victorian Local Heritage Guidelines was released.
- It would be unfair and unreasonable to require further work to the Amendment to align it with specific guidance in the Victorian Local Heritage Guidelines.
- The Victorian Local Heritage Guidelines (Department of Transport and Planning):
 - has no statutory weight and there is good reason to depart from its advice for reasons explained above
 - is generally consistent with, and extends content in, Planning Practice Note 1
 - provides helpful context that should be referred to, but not relied on, when assessing each property.

2.3 Heritage assessment methodology

(i) The issues

The issues are whether:

- the methodology for assessing the eight properties is appropriate
- each building be assessed on its current condition
- private financial impact is relevant when assessing heritage significance.

(ii) Evidence and submissions

Council explained that it adopted a process in May 2023 which enabled community members to nominate possible heritage places. It subsequently engaged external heritage consultants to conduct detailed heritage assessments.

Ms Miller and Mr Hemingway each explained the methodology for assessing the eight properties which included:

- historical research to understand the place's background and context
- site inspections generally from the public realm to establish current appearance and condition, intactness and integrity, and any features that may detract from or contribute to its significance
- review documentation such as plans to analyse the site's fabric
- a comparative analysis of each place against:
 - relevant comparators in the Heritage Overlay in Boroondara
 - relevant examples outside the municipality where necessary
- a citation with statement of significance
- assessed against Planning Practice Note 1 including the heritage criteria.

Both heritage experts considered the methodology for assessing their respective properties was appropriate, thorough and robust.

Objecting submissions considered:

- certain properties has not been appropriately assessed
- a building should be assessed on its current condition rather than how it may have originally appeared
- the Heritage Overlay.

(iii) Discussion

The Panel agrees with Ms Miller, Mr Hemingway and Council that the methodology for assessing the heritage significance of the eight properties is appropriate and in line with guidance in Planning Practice Note 1.

A candidate place should be assessed based on its current condition. However, this includes considering whether the alterations are reversible to enable the building to be restored to its original form irrespective of whether this occurs. For example, removing paint from external walls to expose original bricks and patterns. There are available sensitive techniques to achieve this.

A property is unlikely to achieve local heritage significance if its alterations are irreversible and have compromised its integrity.

(iv) Conclusions

The Panel concludes:

- The methodology for assessing the six properties in Amendment C412boro and two properties in Amendment C417boro is appropriate.
- Each building's integrity should be assessed on its current condition, while considering whether any alterations are reversible.
- Private financial impact is not relevant when assessing heritage significance but may be relevant to the Amendment if it impacts the broader community.

2.4 Strategic justification

(i) The issue

The issue is whether the Amendment is strategically justified.

(ii) Background

Planning Scheme Clause 71.02-3 (Integrated decision making) states that planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The LH Guide states:

Balancing heritage with other planning objectives

Conservation of places of heritage significance is one of a number of planning objectives set out in the Act and planning schemes. When preparing a planning scheme amendment, a council must balance these different objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. This means that, as with any proposed planning provision, a Heritage Overlay listing should be implemented in a way that complements the strategic framework of the planning scheme and responds to policy conflicts.

...

A comprehensive strategic assessment of a proposed Heritage Overlay should:

- Identify all relevant state and local planning policies, including settlement, housing, activity centre and employment policies.
- Evaluate how the Heritage Overlay impacts the achievement of these policies and determine if it delivers a net community benefit.
- Recommend whether it is appropriate to proceed with the Heritage Overlay, including whether any changes are required to:
 - the extent of the Heritage Overlay, or
 - council's strategic framework, structure plans, local policies or other strategic work as a result of the Heritage Overlay (to manage potential policy conflicts).

(iii) Evidence and submissions

Submissions – objectors

1360 Toorak Road:

- the site is prominent in a commercial corridor with a tram line that continues to accommodate future growth, investment and urban renewal opportunities
- applying the Heritage Overlay would significantly impact future use and development
- the planning, economic and land-use implications have not been sufficiently considered
- public benefit should outweigh the planning and economic impacts.

Submission – Council

The Amendments:

- strike an appropriate balance with policies relating to settlement, housing, urban design and activity centres and will result in a net community benefit
- are consistent with State and local policy, as set out in their respective explanatory reports.

Each explanatory report for the Amendments collectively state:

- the Amendments are consistent with:
 - the housing targets in the Planning Policy Framework for Boroondara
 - objectives in Clause 11.02-1S (Development capacity)
- no property is in an activity centre, train or tram-zone core or an inner or outer catchment
- all properties are in 'low change areas'¹ which are not relied on for additional capacity to meet future needs
- their heritage recognition does not conflict with areas identified for housing densification

¹ As referred to in Clause 02.04-3 (Housing framework plan)

The Amendments will not affect the housing supply outlined in Boroondara's Housing Strategy (September 2023) which identifies enough capacity for about 9,400 dwellings over the next 15 years.

Clause 16.01-1L:

- does not envisage that every property in Boroondara should be comprehensively developed
- envisages a mix of dwelling types and densities throughout
- includes strategies to:
 - Provide housing that protects the preferred neighbourhood character and adjoining residential amenity.

In response to questions from the Panel – There is minimal conflict between policy objectives seeking to protect heritage and those seeking to increasing housing supply.

(iv) Discussion

The Amendment proposes to apply the Heritage Overlay to only eight properties. Net community benefit, as referred to in the LH Guide, is attributed to the existing and future Boroondara community. This is relevant when considering whether the Amendment delivers net community benefit and sustainable development as required by Clause 71.02-3.

State and local housing supply targets are set at a municipal level. There are specific policies which direct more intense development to identified growth areas such as in and around an activity centre compared to other areas in the municipality.

Within this context, the Panel agrees with Council that the Amendment is strategically justification and has appropriately weighed up these policy objectives in favour of net community benefit. Of note:

- Boroondara can meet its housing target irrespective of the eight properties
- 6 of the residential properties are in low change areas where notable growth is not expected
- 1360 Toorak Road is in a lower order activity centre with existing built form restrictions.

The Neighbourhood Residential Zone applies to six of the residential properties This zone already restricts development through its:

- mandatory maximum residential building height of 9 metres (2 storeys)
- mandatory minimum garden area.

Housing Choice and Transport Zone Schedule 2 applies to 21 Alma Road. It restricts built form to a discretionary building height of up to 11 or 13.5 metres, depending on whether 21 Alma Road can be consolidated with another site.

The C412 explanatory report states *"neither property is located within an Activity Centre, a train or tram-zone core"*. However, 1360 Toorak Road is in the Commercial 1 Zone along a tram line in the Burwood Village Neighbourhood Centre.

Taking a simplistic view, it may be assumed there is a policy conflict between protecting heritage and enabling more intense development envisaged in an activity centre. However, on closer view, this is not the case because:

- notably less growth is envisaged in a neighbourhood activity centre compared to higher-order centres in Boroondara's activity centre hierarchy
- Design and Development Overlay Schedule 16 which applies to the Burwood Village Neighbourhood Centre applies a mandatory maximum building height of 11 metres to the site (equal to the default height in the General Residential Zone)
- the HO999 Statement of Significance recognises the single storey portion of the former factory (which comprises most of the site) is not significant, which would favour intensified new development.

The Heritage Overlay does not have the measurable restrictions unlike other overlay schedules such as a Design and Development Overlay or Built Form Overlay schedule which include maximum building heights, setbacks and other mandatory and discretionary requirements. The Heritage Overlay simply 'flags' identified heritage so that future development can be assessed against the existing heritage fabric.

For all eight properties subject to the Amendments, further consideration regarding potential policy objective conflict is predominantly hypothetical during the planning scheme amendment stage because it would be based on broad and immeasurable assumptions. The permit application stage is when:

- specific proposal design details are known and can be measured to determine impact on existing heritage fabric
- any identified competing policy objectives can be appropriately assessed to determine whether net community benefit and sustainable development are being achieved.

In either scenario, the Heritage Overlay does not introduce development measures or prohibit more intense development on properties with identified heritage significance.

This is evident in Melbourne's Central Business District and major activity centres where such development co-exists with heritage buildings. There is no supporting information to demonstrate that applying the Heritage Overlay would restrict development on 1360 Toorak Road to the extent where:

- Burwood Village Neighbourhood Centre cannot achieve its policy objectives
- Boroondara cannot meet its housing supply targets.

For these reasons and in line with Council's view, there is minimal conflict between policy objectives seeking to protect identified heritage and those seeking to increase housing supply.

(v) Conclusions and recommendations

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

- has minimal conflict between policy objectives seeking to protect identified heritage and those seeking to increase housing supply
- is supported by, and implements, the relevant sections of the Planning Policy Framework to achieve net community benefit for present and future generations
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends Council:

Adopt Boroondara Planning Scheme Amendment C412boro with the changes recommended in this report.

Adopt Boroondara Planning Scheme Amendment C417boro with the changes recommended in this report.

3 Amendment C412boro

3.1 1360 Toorak Road, Camberwell (HO999)

Exhibited Statement of significance



What is significant?

The Former Floor Coverings Pty Ltd Carpet Showroom at 1360 Toorak Road, Camberwell, is significant.

The double-storey front portion of the building (constructed in 1960) is of primary significance. Significant elements include the overall built form and materiality, including but not limited to the skillion roof, wide eaves, soffit lining, angled struts, cantilevered verandah, the sloping façade arrangement, metal window frames, single and multi pane glazing, terrazzo in-go and rendered plinth.

The single storey portion of the former factory (constructed c.1953) and later alterations, such as signage over the cantilevered verandah, are not significant.

How is it significant?

Former Floor Coverings Pty Ltd Carpet Showroom is of local historical, architectural (rarity), and aesthetic significance to the City of Boroondara.

Why is it significant?

Former Floor Coverings Pty Ltd Carpet Showroom is of historical significance as evidence of Boroondara's postwar commercial development. It demonstrates how retail shopping strips were established along tramlines laid down on arterial roads and how they evolved over the twentieth century. **(Criterion A)**

The 1960 remodelling of an earlier building in the Googie architectural style contributes to our understanding of postwar renewal to existing retail strips in response to changing consumer patterns. As consumer demands and car ownership increased during the postwar period, shopping habits shifted towards large, car-based shopping centres, drawing customers away from the retail strips established in the nineteenth and early twentieth centuries. To compete

with the rising popularity of shopping centres, retail strips underwent renewal with new, attractive shops or showrooms constructed to entice consumers. Postwar commercial development focused on appealing designs to draw consumers, often drawing upon Modernist styles. **(Criterion A)**

Former Floor Coverings Pty Ltd Carpet Showroom is of architectural significance as a rare and substantially intact example of the Googie style. The style originated in America and is closely associated with the rise of motor vehicle use and car culture. With its large scale, bold forms, eye-catching qualities, and prominent signage, the Googie style became synonymous with road-side buildings and commercial architecture. In Victoria, the style is sometimes referred to as Featurist architecture, and experienced a relatively short-lived period of popularity in the 1950s and 1960s. Surviving intact examples of the Googie style are rare, with most examples demolished or heavily modified over the late twentieth and twenty first centuries. **(Criterion B)**

The Former Floor Coverings Pty Ltd Carpet Showroom is of aesthetic significance as a largely intact and distinctive Googie designed showroom. Synonymous with mid-century American design, this architectural style blended modernism, striking retro-futuristic elements, and a rising car culture to produce an eye-catching design that encapsulated the hopefulness of a postwar era. The building exhibits key characteristics of the style, including its prominent corner location on an arterial road, its bold geometric form with exaggerated steel struts, sloped single pane glazing, and use of contrasting materials including glazing, steel and pebblecrete.

The building has aesthetic significance as an original example of Featurist architecture; an aesthetic which has stimulated critique and ongoing discourse since it was first discussed in 1960. The term Featurism, coined by Robin Boyd in his book, *The Australian Ugliness* (1960), was made in reference to emerging architectural trends of the 1950s in which the integration of eye-catching (non-structural) features and exaggerated advertising took precedence over form. In his critique, Boyd made specific reference to the introduction of Googie style architecture to Australia. Despite critiques about its aesthetic merit, the Googie style later gained acceptance and renewed popularity in the 1980s with movements such as pop art and post-modernism. The Former Floor Coverings Pty Ltd Carpet Showroom, as a rare surviving example of the Googie style, and of Featurist architecture, provides evidence of a divisive aesthetic that prompted discussion and critique over several decades. **(Criterion E)**

(i) The issue

The issue is whether 1360 Toorak Road, Camberwell achieves Criteria A, B and E and has enough local historical significance to justify applying the Heritage Overlay.

(ii) Evidence and submissions

Objecting submission considered 1360 Toorak Road:

- did not meet any of the identified criteria and had insufficient heritage significance
- has a style (Googie) that is not rare in Melbourne
- was not appealing and looked like any other place.

Council and Ms Miller considered that 1360 Toorak Road has been appropriately assessed, and it is of sufficient significance to justify applying the Heritage Overlay.

Ms Miller stated:

- the comparative analysis in the HO999 citation drew on Googie-styles outside Boroondara and one post-war design example in Boroondara because Boroondara has few examples of post-war commercial architecture, and no examples of the Googie style subject to the Heritage Overlay
- the site compares favourably against comparators and stands out in Boroondara as a rare and substantially intact example of the Googie style
- the site supports an understanding of how commercial areas developed along major transport routes through the twentieth century.

Council agreed with Ms Miller's evidence for 1360 Toorak Road, particularly that it met Criteria A, B and E. It submitted that Boroondara's Thematic Environmental History recognises that, regarding car-based retail centres in the post-war era:

In an effort to keep up with the burgeoning car-based retail culture, new shops erected in established retail strips in the 1950s were often designed along modern lines, with large plate-glass windows, prominent signage and deliberately eye catching architectural forms to attract the attention of passersby. ... The Anderson's carpet store in Toorak Road, designed by architect John Ahern in 1960, took this bold approach even further, with an entire double-height facade of sloping glass, enlivened by a row of angled struts to create a jagged effect.

...

As consumer demands and car ownership increased during the postwar period, shopping habits shifted towards large, car-based shopping centres, drawing customers away from the retail strips established in the nineteenth and early twentieth centuries. To compete with the rising popularity of shopping centres, retail strips underwent renewal with new, attractive shops or showrooms constructed to entice consumers. Postwar commercial development focused on appealing designs to draw consumers, often drawing upon Modernist styles.

Council submitted that 1360 Toorak Road:

- has a clear association with the post-war commercial development in Boroondara
- has sufficient intactness and integrity to allow its rare elements to be understood and appreciated
- exhibits Googie style characteristics in its location on an arterial road, bold geometric form with exaggerated steel struts, sloped single pane glazing, and use of contrasting materials including glazing, steel and pebblecrete.

Regarding the building's 'attractiveness', Council referred to the LH Guide which states for Criterion E:

A place does not need to conform to popular tastes to display aesthetic value. For example, while Brutalist architecture is described by some as being 'ugly', this does not preclude such buildings from being recognised for their aesthetic characteristics.

(iii) Discussion

The Panel agrees with Ms Miller and Council that 1360 Toorak Road achieves Criteria A, B and E for reasons explained in the HO999 citation, submission and evidence. No submission provided reasons why the place did not meet each of the criterion.

The place meets Criterion A, as it demonstrates Boroondara's postwar commercial development along arterial roads. The largely intact building has been designed to attract the attention through its Googie-style geometric form with exaggerated steel struts, sloped maximised glazing and varied materials. The original building's skilful composition of its style is rare in Boroondara. The submission that considered it not rare did not explain why or identify the other comparable sites to support its claim.

As explained in the LH Guide, Criterion E (aesthetics) relates to the place's characteristics including form, scale, setting, unity, contrast, colour, texture and materiality. It does not relate to how attractive a building may be considered or popular tastes.

(iv) Conclusion

The Panel concludes that 1360 Toorak Road, Camberwell achieves Criteria A, B and E and has enough local historical significance to justify applying the Heritage Overlay.

3.2 25 Weybridge Street, Surrey Hills (HO1001)

Exhibited Statement of significance



What is significant?

Ancyra at 25 Weybridge Street, Surrey Hills, is significant. It was constructed in 1889 for the farmer John Butler Maling (d. 1912), who had operated a farm holding on the surrounding land since at least the early 1870s. This agricultural holding was subdivided for suburban development as the Maling Estate in 1923, with his nearby clay quarry/dam later rehabilitated as Grovedale Park.

The significance of Ancyra is embodied by its late Victorian period form and fabric, including:

- Primary and secondary hipped roofs with slate cladding,
- Chimneys,
- Cast and wrought iron widow's walk,
- Cast-iron finials,
- Bracketed eaves,
- Brick walls, especially tuck-pointed bichromatic or polychromatic sections,
- Curved verandah, inclusive of cast-iron decoration, terracotta deck tiles, and bullnosed basalt edging,
- Front entrance door and basalt threshold, and
- Original windows, including their basalt sills and cast-iron grates.

Non-significant components at Ancyra are:

- All fencing, including metal gabled gate to Weybridge Street,
- Front garden concrete path,
- Garage/workshop,
- Gabled timber porch and associated altered opening (east elevation of the villa),
- Paint to brick walls, and
- Mid-1960s rear additions, identifiable by their corrugated metal-clad roof forms.

How is it significant?

Ancyra is of local historical and aesthetic significance to the City of Boroondara.

Why is it significant?

Ancyra is of historical significance as a late Victorian-period brick villa in Surrey Hills. It is illustrative of the affluent type of dwellings that, while limited and interspersed, featured prominently in the opening phase of the area's episodic transformation from an outlying rural landscape on the periphery of Melbourne to a middle-class dormitory suburb. **(Criterion A)**

Ancyra is of aesthetic significance as a largely intact and substantial late Victorian period bichromatic or polychromatic brick (overpainted) villa in the Italianate style, of which there are relatively few in Surrey Hills. Its fine material palette – slate tiles, basalt sills/threshold, tuck-pointed walls, cast and wrought iron ornamentation, and terracotta tiles – displays a high calibre of craftsmanship and denotes the dwelling as a handsome residence intended to be viewed from dual street frontages. Ancyra's more understated level of classicised adornment is also of note, emphasising its pleasing proportions and highlighting the decorative quality of its prominent roofscape – defined by multiple chimneys, finials, and a widow's walk – and its bold brickwork.

(Criterion E)

(i) The issue

The issue is whether 25 Weybridge Street, Surrey Hills achieves Criteria A and E and has enough local historical significance to justify applying the Heritage Overlay.

(ii) Evidence and submissions

Submission – The owners

The Heritage Overlay should not be applied to 25 Weybridge Street because it does not achieve Criteria A or E and accordingly does not have sufficient local heritage significance to justify the Heritage Overlay. Advice from heritage consultant, Martin Turnor of Bryce Raworth Pty Ltd appended to the submission supports this view.

The appended heritage consultant report considered the house is no longer largely intact due to the recently constructed rear addition. It added that this should be considered when assessing the significance of this property.

The heritage consultant report states the criteria in question should be met better than many or most other examples at a local level, or to a degree that is comparable to other examples that are subject to the Heritage Overlay. Regarding Criterion A, it stated:

- the house is no more expressive of late-Victorian era middleclass affluence than others in Boroondara
- grander and/or more ornate houses far better represent an 'affluent type of dwelling' constructed during suburban development in Surrey Hills.

The heritage consultant report considered Surrey Hills has better examples at:

- 26 Weybridge Street (HO630)
- 50 Wandsworth Road (HO415)
- 89 Union Road (HO409)
- 42 Warrigal Road (HO190)
- Surrey Hills North Residential Precinct (HO535)
- Surrey Hills English Counties Precinct (HO670).

Regarding Criterion E, the heritage consultant report added:

- the overpainted exterior walls provide no evidence of original brick colours
- the house has standard external details, and its craftsmanship is not better than other late-Victorian villas in Boroondara
- the house's overall design and composition does not specifically address both street frontages
- return verandahs are commonly found on 'landlocked' Victorian houses with only one street frontage.

Mr Hemingway considered 25 Weybridge Street to be of historical significance as a good surviving example of the phase of Surrey Hills at the east fringe of the municipality after the railway arrived in 1883 and before the Victorian economy collapsed in the early 1890s. He referred to the Melbourne Metropolitan Board of Works detail plan 2206 of 1925 which showed limited development in the area about 35 years after the house was constructed.

Council accepted Mr Hemingway's evidence and proposed to revise the HO1001 citation to add:

In mid-2024, the various additions that had hitherto been constructed behind the original front part were demolished. Also demolished was the small original rear western wing, which by that time had been encompassed by the additions.

Work on the new additions to the north, commenced in early 2025 and were completed during 2026.

...

The additions at the north end are readily appreciated as non-original sections. The walls are clad in vertically orientated, painted boards (including a 'concealed' garage door at the north-east corner). The roofs are clad in sheet metal with the central broad gable section being the most prominent and another broad, yet asymmetrical, gable extending along the east side/James Street.

Council also proposed to revise the HO1001 Statement of Significance to:

- date the rear additions as 2025-26 rather than mid-1960s
- delete 'corrugated' from the description of the rear addition metal-clad roof forms.

(iii) Discussion

Boroondara has many fine examples of Victoria-era heritage houses that meet Criteria A and E. This sets a higher threshold because any candidate place will have to be comparable at worst and better than most of these other heritage places at best. Within this context, the Panel considers that 25 Weybridge Street achieves Criteria A and E and has sufficient heritage significance to justify the Heritage Overlay. It accepts Mr Hemingway's evidence regarding this property.

The HO1001 Statement of Significance accurately describes the Victorian villa as largely intact. The recent additions are to the rear, leaving the house's face and side elevation James Street largely intact. Reference to intactness rarely applies to the rear elevation of a suburban property. This is important because the house needs to achieve this to be considered an individual heritage place.

The house's design and composition including its corner verandah has considered the property's two street frontages. This aspect is not pivotal to whether 25 Weybridge Street meets Criteria A and E.

The house does not have to be the most ornate or grandest to be comparable with other heritage homes in Boroondara. Nonetheless, the house clearly presents as an Italianate-style Victorian-period villa from both Weybridge Street and James Street. Some of its ornate details are masked by the overpainted external walls. For reasons explained in Chapter 2.2, the overpainted external walls can be reversed to expose the original biochromatic bricks and patterns.

Its 'widow's walk' is a point of difference between this and most other Victorian era houses. This represents the connection between the house and its surrounding farmland in its earlier years before suburbanisation.

Council's proposed changes to the HO1001 citation and HO1001 Statement of Significance are appropriate, as they correct content to reflect actual circumstances. The Panel does not make any recommendation to the citation because it does not form part of the Planning Scheme.

(iv) Conclusions and recommendation

The Panel concludes:

- 25 Weybridge Street, Surrey Hills achieves Criteria A and E and has enough local historical significance to justify applying the Heritage Overlay.
- Council's proposed changes to the HO1001 citation and HO1001 Statement of Significance since exhibiting the Amendment are appropriate because they correct content to reflect actual circumstances.

The Panel recommends:

Amend the Statement of Significance for HO1001 (25 Weybridge Street, Surrey Hills) to revise the final list point under 'What is Significant?' to *"2025-26 rear additions, identifiable by their metal-clad roof forms."*

3.3 Other candidate individual heritage places

3.3.1 The issues

The issues are whether it is justified to apply the Heritage Overlay to:

- 21 Alma Road, Camberwell (HO994)
- 50 Fitzgerald Street, Balwyn (HO996)
- 17 Raven Street, Kew (HO998)
- 141 Wattle Valley Road, Camberwell (HO1000).

3.3.2 Evidence and submissions

One submission objected to the entire Amendment without comment or reason.

Council and Ms Miller considered that 50 Fitzgerald Street, 17 Raven Street and 141 Wattle Valley Road:

- have been thoroughly assessed through an appropriate methodology
- meet their relevant criteria and have sufficient local heritage significance to justify the Heritage Overlay.

Council and Mr Hemingway had similar views for 21 Alma Road.

They referred to their respective statements of significance and extracts from the Boroondara Thematic Environmental History to support their views.

(i) 21 Alma Road, Camberwell

Figure 1 21 Alma Road photo



Statement of Significance: 21 Alma Road meets Criterion A (historical), Criterion E (aesthetic) and Criterion H (associative)

Source: Council Part B submission

Mr Hemingway considered 21 Alma Road had sufficient heritage significance to justify the Heritage Overlay for reasons expressed in the HO994 Statement of Significance.

Council accepted Mr Hemingway's evidence regarding 21 Alma Road. It submitted the house:

- is the type of high-end residential development that characterised the suburb's consolidation in the 1920s
- the 1920s is characterised in Boroondara's Thematic Environmental History
- and its garden setting demonstrate the appreciation of craftsmanship, privacy, and sense of informality that came to define the middle-class suburban ideal over the late 1910s and 1920s
- is comparable as a relatively early example of its type
- is distinguishable for its scale, quality and mix of the Arts and Crafts character and more novel West Coast bungalow style.

(ii) 50 Fitzgerald Street, Balwyn

Figure 2 50 Fitzgerald Street photo



Source: Council Part B submission

Statement of Significance: 50 Fitzgerald Street meets Criterion A (historical), Criterion D (representative) and Criterion E (aesthetic)

Ms Miller stated that 50 Fitzgerald Street:

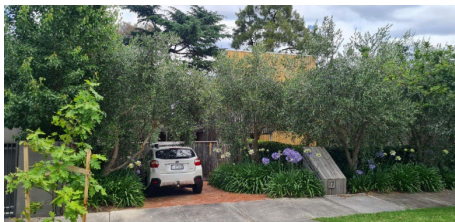
- has a high level of integrity and intactness
- is uncommon early and weatherboard example of a Queen Anne homestead
- demonstrates the area's early farming development
- compares well with other examples of Queen Anne / Federation era residential design in Boroondara.

Council accepted Ms Miller's evidence regarding 50 Fitzgerald Street. It submitted:

- Balwyn developed as an agricultural area after 1841 where farms, orchards, and dairies were established
- farming in Balwyn continued well into the twentieth century, despite suburbanisation
- the house is the oldest residence in the immediate surroundings and reflects:
 - the area's early farming development
 - the rising middle-class status of small-scale farms at the turn of the twentieth century.

(iii) 17 Raven Street, Kew

Figure 3 17 Raven Street photo



Source: Council Part B submission

Statement of Significance: 17 Raven Street meets Criterion A (historical) and Criterion E (aesthetic)

Ms Miller stated that 17 Raven Street:

- retains its integrity
- compares favourably against places with heritage protection
- has historical and aesthetic significance, as an intact and highly accomplished example of late modern residential architecture.

Council accepted Ms Miller's evidence regarding 17 Raven Street. It added the house reflects this organic approach in its design elements, including:

- its asymmetrical massing and geometric forms
- its inward facing arrangement, timber materiality and
- its response to the site's topography and existing vegetation.

Council submitted the design's response to the natural environment is further demonstrated through its courtyards, internal planning, and glazed single pane windows and sliding doors to *"create a dialogue between external and internal spaces"*.

(iv) 141 Wattle Valley Road, Camberwell

Figure 4 141 Wattle Valley Road photo



Statement of Significance: 141 Wattle Valley Road meets Criterion A (historical), Criterion E (aesthetic) and Criterion H (associative)

Source: Council Part B submission

Ms Miller stated that 141 Wattle Valley Road compared favourably against other examples of late modernist houses in Boroondara, particularly:

- those associated with important European émigré architects
- examples of Ernest Fook's work outside Boroondara.

Ms Miller added that its complex and holistic design, and internal intactness elevates it above the standard.

Council accepted Ms Miller's evidence regarding 141 Wattle Valley Road. It submitted the building includes European domestic design elements introduced to Australia by émigré architects such as Dr Ernest Fooks. They include its compartmentalised plan and sophisticated layering and integrated internal and external spaces, its flat broad-eaved roofs, planar walls, generous glazing, existing vegetation and courtyards and terraces.

3.3.3 Discussion

The objecting submission did not question whether it is justified to apply the Heritage Overlay to 21 Alma Road, 50 Fitzgerald Street, 17 Raven Street and 141 Wattle Valley Road. The Panel accepts the expert evidence and Council's submission regarding these properties. Nothing in the objecting submission contradicted their views.

3.3.4 Conclusions

The Panel concludes it is justified to apply the Heritage Overlay to:

- 21 Alma Road, Camberwell (HO994)
- 50 Fitzgerald Street, Balwyn (HO996)
- 17 Raven Street, Kew (HO998)
- 141 Wattle Valley Road, Camberwell (HO1000).

3.4 Internal alteration controls

(i) The issue

The issue relates to internal alteration controls proposed for 141 Wattle Valley Road, Camberwell.

(ii) Background

The Heritage Overlay requires a permit to internally alter a building if its schedule specifies the heritage place as one where internal alteration controls apply. The heritage assessments recommended internal alteration controls be applied to 17 Raven Street and 141 Wattle Valley Road.

The Amendment was authorised subject to a condition requiring the proposed internal alteration controls to be deleted from both properties. The Amendment was exhibited with internal alteration controls applied for 141 Wattle Valley Road but not for 17 Raven Street.

(iii) Evidence and submissions

Council advised the owners had engaged a heritage consultant to advise on internal and external works currently underway on the house. This includes the completion of a conservation management plan which states:

The house shall be conserved and protected, including the:

- Retention of interior fit-out to areas of primary significance
- Retention of timber joinery to all areas of primary significance
- Where alterations are proposed to areas of contributory significance, alteration proposals shall take into account Dr Ernest Fook's design intent
- All primary and contributory spaces, elements, fabric and fixtures must be protected during works
- 'Replacement' is not considered an option/remedy for site works damage – Fabric must be protected
- A site protection plan shall be reviewed by the heritage consult - this shall accompany any planning or building permit documentation package requiring approval/permit in 2025 and any other planning or building permit.

Ms Miller did not change her evidence or recommend any change to the Amendment in response to these works.

(iv) Discussion

The LG Guide states:

These controls should be applied sparingly and primarily to interiors of high significance or where an interior is fundamental to the understanding of the significance of the heritage place. The statement of significance for the heritage place should explain what is significant about the interior and why it is important.

The house at 141 Wattle Valley Road is one of those exceptional circumstances where the proposed internal alteration controls are fundamental to understanding the significance of the heritage place through the house and garden design concept intentionally applied by the architect. This is achieved through the skilful integration of the same materials on internal and external surfaces. This differs to earlier houses which treated the interior separate to the exterior.

As scarcely any of the heritage properties listed in the Heritage Overlay Schedule are subject to internal alteration controls, they continue to be applied sparingly in Boroondara. There is no evidence that applying such controls to a residential property will impede on the residents' lifestyle. This is demonstrated through the owners' willingness to engage heritage consultants to advise on internal alternations and other works.

The Panel has not commented on the appropriateness of internal alteration controls for 17 Raven Street because it was exhibited without them, so the owners did not have an opportunity to comment. The HO998 Statement of Significance recognises the “*dialogue between external and internal spaces*”. It is unclear whether the authorisation condition to remove internal alteration controls had regard to this fundamental relationship. In either case, internal alteration controls for 17 Raven Street should be reviewed through a separate process for reasons outlined for 141 Wattle Valley Road.

(v) Conclusions

The Panel concludes:

- The internal alterations controls should be applied to 141 Wattle Valley Road because its interior is strongly interrelated to the exterior and is fundamental to understanding the significance of the heritage place.
- The internal alteration controls for 17 Raven Street should be reviewed through a separate process because it appears to have a similar fundamental dialogue between the house and garden.

4 Amendment C417boro

4.1 46 Fortuna Avenue, Balwyn North (HO1002)

Exhibited Statement of significance



What is significant?

The 'Pat' & Anne Boyd House at 46 Fortuna Avenue, Balwyn North, is significant. The original part one, part two-storey residence was constructed circa 1950 to the design of the esteemed architect and public intellectual Robin Boyd, then in solo practice, for his older brother John à Beckett Penleigh ('Pat') Boyd and wife Anne née Davy. An envisioned addition to the north by Robin Boyd followed circa 1957 (as part of Grounds, Romberg & Boyd) but subsequently underwent alterations by later non-Boyd changes (circa 1985 and 1999). Boyd (as part of Romberg & Boyd) was also responsible for the substantial eastern skillion wing, which was built circa 1966 to accommodate a new living space. 'Pat' and Anne Boyd sold the dwelling in 1974.

The drawings for the first two phases list Neil Clerehan, a noted modernist architect in his own right, but the extent of his involvement is unknown.

The significant sections of the 'Pat' & Anne Boyd House are the formative plan form designed by Boyd (circa 1950) and his last carefully integrated eastern volume (circa 1966). Key elements of significance in these two wings are:

- Low-pitched gabled (circa 1950) and skillion (circa 1966) roof forms
- Double-height chimney breast in the south elevation (circa 1950 wing),
- 'Closed' eaves detailing to the west side of the circa 1950 wing and exposed rafter ends to the circa 1966 wing,
- White-painted brick walls,
- Intact openings and their timber-framed windows (both original and in-keeping replacements), particularly the Fortuna Avenue-facing window band (alternating fixed/casements) in the circa 1950 wing and the pair of 'Windowwalls' (circa 1966 wing – noting the northern has been sympathetically modified),
- Brick pavers in a basketweave pattern at the circa 1966 wing, which flow from its interior to the north and south, and

- Internally, noteworthy intact elements include the timber stairs with dowel screen, fireplaces at ground and first-floor levels, and the brick floor within the circa 1966 wing. These elements exemplify Boyd's characteristic restraint and 'quiet' material logic.

Significant landscape elements are:

- The curved white-painted brick garden wall between the house and garage, and
- Front entrance/garden English elm (*Quercus palustris*) tree.

The circa 1957 wing was also designed by Boyd, but due to subsequent changes, its integrity has been reduced to the point that it is no longer considered significant. However, the reversibility of later changes and their potential for informed reconstruction are noted.

Other non-significant elements are those not directly related to Boyd's design, namely the northern 'link' and wing, replacement metal deck roof cladding, the garage, driveway, brick stairs from the street, and general landscaping elements.

How is it significant?

The 'Pat' & Anne Boyd House is of local historical and aesthetic significance to the City of Boroondara.

Why is it significant?

The 'Pat' & Anne Boyd House is of historical significance as a distinctive example of post-WWII modernist domestic design. Its building type – the small-scale house finely resolved at the hands of an architect – while far from standard fare in the late 1940s and 1950s, was nevertheless important to the development of the municipality, especially that of its postwar 'boom' localities like Balwyn North, which achieved a reputation as a focal point for progressive modern architecture during this period. The core circa 1950 plan form of the dwelling is a relatively early instance of suburban modernism in Boroondara. The sustained connection to the place of its designer, Robin Boyd, one of Australia's most consequential architectural practitioners and voices, and the insight it yields into the ideas about modernism he engaged with is also of historical importance. **(Criterion A)**

The 'Pat' & Anne Boyd House is of aesthetic significance as a Robin Boyd design. Its principal part one, part two-storey low-pitched gabled form (circa 1950) and overall pared-down external expression is distinctly modernist and illustrative of Boyd's skill in achieving bespoke outcomes from deceptively simple sources, such as his exploration and promotion of the Postwar Melbourne Regional style, which Boyd carried out through his directorship of the RVIA Small Homes Service and identification of the so-called Victorian Type. The survival of some original internal elements, namely the stairs with dowel screen, restrained fireplaces, and basketweave brick floor, enhances the legibility of the design. Boyd 'edited' the dwelling on two further occasions, continuing its overall vocabulary and underlying ideas. The circa 1966 living room wing addition was deftly integrated by Boyd and, reflective of the decade, included some more conscious markers of affluence: generous internal space, twin 'Windowalls', and a notable sense of spatial continuity between the interior and exterior. Modifications to the two significant Boyd phases at the place have not eroded the ability to interpret his celebrated design approach and philosophy. The mature English Elm before the front entrance was likely planted by the original occupants and/or at the behest of Boyd and complements the entrance sequence to the dwelling. **(Criterion E)**

4.1.1 The issues

The issues are whether 46 Fortuna Avenue, Balwyn North:

- is sufficiently intact and retains a high level of integrity
- achieves Criteria A and E to have enough local historical significance to justify applying the Heritage Overlay.

4.1.2 Background

The HO1002 citation identifies the original house and later additions, as replicated in Figure 5.

Figure 5 46 Fortuna Avenue original house and extensions map



At its 4 May 2026 meeting, Council proposed to:

- revise the HO1002 citation and Statement of Significance to remove from the 'what is significant' section:
 - the front entrance/garden tree as a significant element
 - the curved garden wall as a significant element
- revise the Heritage Overlay Schedule for HO1002 to not activate the tree control and to not activate the outbuilding control for the curved garden wall.

Regarding intactness and integrity, the LH Guide refers to the following:

- The place remains substantially intact and retains a high level of integrity to allow the historical association with an important event, phase, period, process, function, movement, custom or way of life to be understood. **(Criterion A)**
- The visible physical evidence demonstrates a high degree of intactness or integrity. **(Criterion E)**

4.1.3 Intactness and integrity

(i) The issue

The issue is whether 46 Fortuna Avenue, Balwyn North is sufficiently intact and retains a high level of integrity to be considered as an individual heritage place.

(ii) Evidence and submissions

The owner's submission

The HO1002 citation inaccurately states:

While non-Boyd alterations/additions to the latter mean it is the most non-Boyd modified amongst this heritage-protected group, the changes are distinguishable and able to be visually separated (northern wing, linked by the altered circa 1957 Boyd section) and do not unduly detract from the fundamental decipherability of the significant Boyd sections.

The house is not substantially intact because:

- extensive internal and external alterations to the Robin Boyd components of the house in 1955, 1966, 1985, 1988 (possibly), 1990, 1992 and 1999 have changed the Robin Boyd design
- the 1966 wing by Robin Boyd is not generally intact, with alternations including the north glazing replaced to approximate the design of the south glazing
- changes to the 1955 extension are irreversible and have made the original extension illegible.

It is unclear why the Heritage Overlay should apply to all the property as an individual place when the Robin Boyd elements have been heavily altered and dominated by new development.

Mr Hemingway's expert evidence

The surviving original parts of the house (1948 and 1966) are intact. In response to a Panel question, Mr Hemingway explained that intactness relates to the amount of remaining fabric whereas integrity relates to the ability to understand the original design.

(iii) Discussion

46 Fortuna Avenue should only be considered for Criteria A and E if it meets the respective threshold test relating to intactness and integrity. A high degree of integrity is required to establish whether the property's historical association or aesthetics can be understood.

The point of difference between the owners and Mr Hemingway is the owners consider intactness based on the original ~1950 house whereas Mr Hemingway considers the house as comprising the ~1950, 1957 and 1966 sections. The question is – what is being assessed as original heritage fabric?

The 1966 addition obscures a notable proportion of the original 1950 house façade from the public realm, affecting the ability to appreciate its original form. However, the house evolved over about 16 years, with each of the three sections carefully designed by Robin Boyd to sensitively respond to the original design concept. All three sections (~1950, 1957

and 1966) form part of the house's evolution and early history with the same owners and architect. For simplicity, the Panel will refer to all three sections as the original house.

Accordingly, the house's intactness and integrity should be assessed based on the original house (as at 1966) against later additions and alterations. Robin Boyd did not design the later alterations which were constructed from 1985, well after the Boyds sold the property in 1974.

Later additions to the northern part of the property are attached to the northern façade of the original house. This resulted in the loss of the 'Windowall' designed by Robin Boyd. The architect has designed the additions based on a mid-century design concept that sensitively responds to the original house.

Generally, rear additions to heritage buildings are acceptable when they have a sufficient setback to understand the original form or are not visible from the public realm. The irregularly shaped site at 46 Fortuna Avenue has an extraordinarily wide property frontage, similar to a corner property where the rear yard is along the side boundary. However, the tall fence which runs along a notable portion of the Fortuna Avenue frontage mostly obscures views towards the rear yard and the later additions.

When considering the loss of the Windowall on the northern façade of the original house, and low-scale of the later additions which are mostly obscured from public view, the original house retains enough design elements and fabric:

- for the original house design to be understood
- to demonstrate a high degree of integrity.

Accordingly, the HO1002 citation accurately refers to the later changes being able to be visually separated and not unduly detract from the fundamental understanding of the Robin Boyd sections.

4.1.4 Criterion A (Historical)

(i) Evidence and submissions

Submission – The owners

The Heritage Overlay should not be applied to 46 Fortuna Avenue. It does not achieve Criterion A because:

- the extensively altered house is not a legible example of post-World War II modernist, architect-designed house
- its design by a prominent architect, Robin Boyd, is not enough
- the Robin Boyd Foundation does not list the house as one of his designs so it does not *"attain a public reputation as focal point/s for progressive architecture"* as claimed by the HO1002 Statement of Significance.

There is no evidence that Robin Boyd was involved in the landscape, and there appears to be no evidence of a consistent and surviving landscape plan.

Expert evidence – Mr Hemingway

46 Fortuna Avenue achieves Criterion A because:

- the house reflects the adoption of modernist houses during the postwar boom in suburbs such as Balwyn North
- the house was designed by one of Australia's leading architects for his brother
- the long gestation of the Robin Boyd phases of the house means that a unified design evolved over near 20 years
- the first phase represents an early modernist house in the area.

Submission – Council

46 Fortuna Avenue achieves Criterion A because:

- it is a legible example of a post-World War II modernist, architect-designed house with a clear association with the municipality's development
- Balwyn North achieved a reputation for progressive modern architecture during this period
- the house's core ~1950 plan is an early instance of suburban modernism in Boroondara
- the association of the place with the pre-eminent architect and public intellectual Robin Boyd, provides additional historical context.

The HO1002 citation's comparative analysis demonstrates the association of the place with the development of suburban modernism in Boroondara can be understood better than most other places.

(ii) Discussion

46 Fortuna Avenue achieves Criterion A as a legible post-World War II modernist, architect-designed house. The house, along with several other houses designed by Robin Boyd around that time, is one of the earlier examples of what would later become the popularisation of modernism in Boroondara suburbs such as Balwyn North. As recognised in the Boroondara TEH, many suburbs after World War II saw leading architects design progressive modernist architecture.

The HO1002 citation does not claim the house achieves Criterion A because it was designed by one of Australia's pre-eminent architects, Robin Boyd. The Amendment does not seek to apply Criterion H (associative significance) to recognise his work. Accordingly, the house does not need to be recognised as one of Robin Boyd's 'significant buildings' to achieve Criterion A.

The relationship between a pre-eminent architect, Robin Boyd, designing a house in three phases for his brother is of interest but not relevant when assessing Criterion A. However, the collection of individual modernist houses in Boroondara designed by leading architects, including Robin Boyd, during this early period further distinguishes the historical association of 46 Fortuna Avenue with this progressive architectural style and movement and early post-war era.

4.1.5 Criterion E (aesthetic)

(i) Evidence and submissions

Submission – The owners

The HO1002 citation concludes that 46 Fortuna Avenue is *“not a well-known or critically acclaimed design by Robin Boyd”* but concludes it is of *“aesthetic note”*. This alone means the house does not achieve Criterion E.

The property description in the HO1002 Statement of Significance is inaccurate, noting:

- the curved wall noted as significant was removed many years ago
- there is no evidence the mature English Elm at the front entrance was *“planted by the original occupants and/or at the behest of Boyd”*.

Expert evidence – Mr Hemingway

The ‘what is significant?’ section recognises the bank of east-facing windows to the original section because they are significant and defined. A house does not have to be published or lauded to be of potential heritage significance. The reversibility of the 1957 section remains a possibility given the original drawings of that phase survive, though it may never be enacted. The place’s heritage significance does not rely on this phase being reinstated.

Reference to the curved garden wall should be removed because it does not survive. The mature English Elm should be removed as a significant element from ‘What is significant’ because:

- it is unclear whether the original owners planted it at the behest of its architect, Robin Boyd
- on reflection, it is an unbalanced specimen because its form has been truncated due to being next to powerlines and will continue to require pruning.

The house has undergone internal and external alterations including additions. Most of the interior has been altered, noting the heritage controls are proposed to be limited to the stair and associated screen and the brick floor in 1966 wing. The internal Shoji screen wall has been removed but does not affect the place’s overall significance. The original core of the Boyd-designed 1948/50 and 1966 sections remain evidence and distinctive.

Submission – Council

Mr Hemingway’s expert evidence on 46 Fortuna Avenue is accepted and the property achieves Criterion E because:

- its physical fabric and special composition qualities exhibit characteristics of modernist architecture
- the ~1966 wing by Robin Boyd is generally intact and continues to demonstrate the Small Homes Service/Victorian Type philosophy
- later extensions did not affect the place’s aesthetics, though they altered some of Robin Boyd’s original work including the north facing window wall.

(ii) Discussion

46 Fortuna Avenue achieves Criterion E. The original house is generally intact, and its fabric and skilfully composed design present the characteristics of a modernist house. This includes its surviving low-pitched roof, double-height chimney breast, openings and timber-framed windows, Windowalls, coloured external walls and outdoor brick pavers that flow inside the house.

The Panel agrees with the owners that the curved wall no longer exists and that there is no evidence the mature English Elm at the front entrance was planted by the original occupants and/or at the behest of Boyd, as claimed in the HO1002 Statement of Significance. Both references should be removed from the HO1002 citation and Statement of Significance, as reflected in the post-exhibition versions.

As the original house displays these special compositional qualities, it does not necessarily have to be well-known or critically acclaimed to achieve Criterion E.

4.1.6 Conclusions and recommendations

The Panel concludes:

- The house at 46 Fortuna Avenue, Balwyn North including sections designed by Robin Boyd and constructed around 1950, 1957 and 1966:
 - is substantially intact and retains a high degree of integrity
 - achieves Criteria A and E and has enough local heritage significance to justify the Heritage Overlay (HO1002).
- The HO1002 citation and Statement of Significance should be revised to remove:
 - the front entrance/garden tree as a significant element because it is unclear whether the original owners planted it at the behest of its architect and will always have an unbalanced form due to ongoing pruning around the powerlines
 - the curved garden wall as a significant element, as it no longer exists.

The Panel recommends:

Amend the Statement of Significance for HO1002 (46 Fortuna Avenue, Balwyn North) to delete reference to the curved white-painted brick garden and to recategorise the English elm tree from a significant element to a non-significant element.

Amend the Heritage Overlay Schedule to:

- a) **no longer apply the tree controls for HO1002 (46 Fortuna Avenue, Balwyn North)**
- b) **delete “Yes (curved street garden wall south of the dwelling)” from the ‘Outbuildings or fences not exempt’ column of HO1002 (46 Fortuna Avenue, Balwyn North).**

4.2 4 Windsor Crescent, Surrey Hills (HO1003)

Exhibited Statement of significance - Example



What is significant?

Luxmee at 4 Windsor Crescent, Surrey Hills, is significant. It was constructed for Dr Navroji Bamanji Gandeia – a general practitioner born and educated in Bombay/Mumbai, India – in 1902 as a residence and surgery. The architectural practice Ward & Carleton was responsible for the design and the contractor, William Henry Cooper.

The significance of the Luxmee derives from its original form and fabric, namely:

- Massing,
- Hipped and gable roof, clad in terracotta tiles (possibly the original French/Marseilles) with finials and exposed rafter ends,
- Fretwork screen to gable ends,
- Tall brick chimneys,
- Red brick walls with rendered bands,
- Rendered floating pediment and festoon to front projecting bay,
- Tuscan order columns to the east verandah (if extant), and
- Original openings – mainly double hung sash windows with a highlight.

Non-significant components at Luxmee include:

- Infilled verandah and north-east corner,
- Car port,
- Clinker brick retaining wall to front garden bed,
- Plantings,
- Timber picket fence, and
- The rear shed (original but not inspected, assumed modified).

How is it significant?

Luxmee is of local historical and aesthetic significance to the City of Boroondara.

Why is it significant?

Luxmee is of historical significance as a commodious illustration of the Federation-period development activity in this part of the municipality, a key phase in its suburban consolidation. Luxmee is also important as one of the few known examples of a purpose-designed residence and surgery of that era. Its architectural refinement and quality are expressive of the high social standing attached to local GPs at the time. The building's connection to the well-regarded practice of Ward & Carleton, who were particularly active in the western part of Boroondara during the early 1900s, is also of note. **(Criterion A)**

Luxmee is of aesthetic significance as a largely intact and commodious example of early Federation-period residential architecture. Its composition and expression are distinctive within the municipality, reflecting an 'Anglo-Indian' version of the emergent bungalow type (including elements such as the prominent/heavy hipped roof with gablets and small gable ends, contained massing, and accentuated rafter ends) with some prominent classicising elements (such as the Tuscan order colonnade and 'floating' pediment), in contrast to the preponderance of equivalent houses, which are generally more exclusively Arts & Crafts in character. Luxmee is also distinguished by planning that includes a separate entry (to the west side) and the lack of an entry to the façade, elements that reflect its former use as a doctor's residence/surgery.

(Criterion E)

4.2.1 The issues

The issues are whether 4 Windsor Crescent:

- is sufficiently intact and retains a high level of integrity
- achieves Criteria A and E to have enough local historical significance to justify applying the Heritage Overlay.

4.2.2 Background

The HO1003 citation comparative analysis includes example shown in Figure 6.

Figure 6 HO1003 comparative analysis examples



169 Canterbury Road,
Canterbury (HO377)



169 Canterbury Road,
Canterbury (HO164 precinct)



6 Logan Street, Canterbury
(significant in HO145 precinct)



54 Broadway, Camberwell
(significant in HO159 precinct)



99 Studley Park Road, Kew
(HO193)



7 Adeney Avenue, Kew
(significant in HO142 precinct)



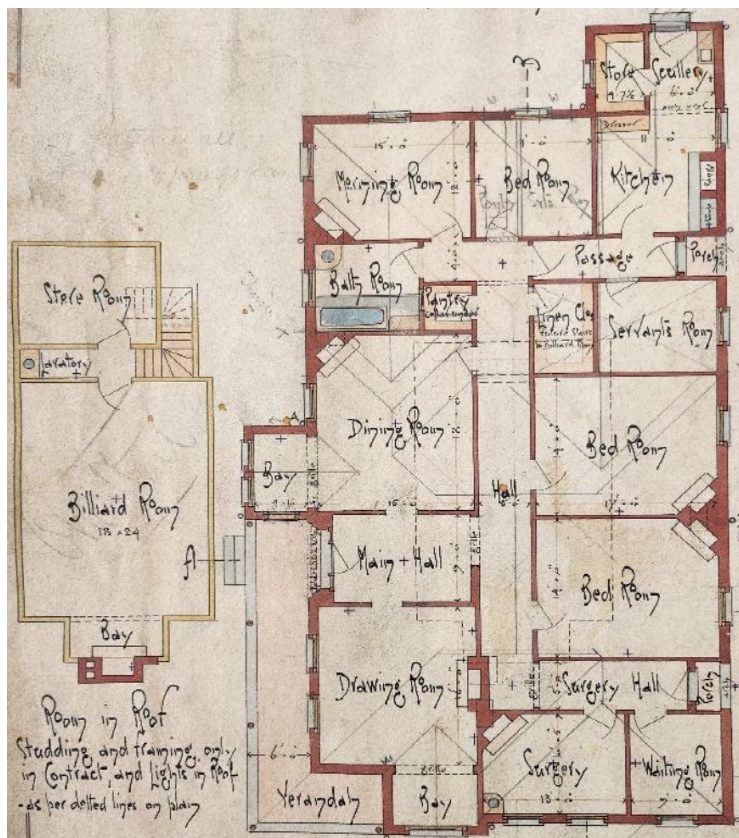
5 Adeney Avenue, Kew
(significant in HO142 precinct)

Source: HO1003 citation

The HO1003 citation includes the original floorplan (see Figure 7) which shows:

- the house entrance on the east side (left side of plan)
- the surgery entrance on the west side (right side of plan).

Figure 7 4 Windsor Crescent floorplan



Enclosed verandah

The house's verandah has since been enclosed with walls including windows. In response to the Panel's request, the 4 Windsor Crescent owners provided parties with photos of the enclosed verandah on 21 July 2026. The Panel provided:

- parties with an opportunity to comment on these photos by 24 July 2026
- Council with an opportunity to provide any final comments after that date.

The Panel has considered the photos and associated comments.

4.2.3 Intactness and integrity

Intactness and integrity are relevant to 4 Windsor Crescent achieving Criteria A and E.

(i) Evidence and submissions

Submission – The owners

The house at 4 Windsor Crescent is not intact, does not retain a high level of integrity, does not achieve Criteria A or E and accordingly does not have sufficient local heritage significance to justify applying the Heritage Overlay.

Mr Hemingway had not undertaken any investigations as to whether such works would reveal original heritage fabric.

At the Hearing – the Amendment does not propose to apply internal alteration controls so there would be no permit required to alter the heritage fabric within the enclosed verandah area.

Expert evidence – Mr Hemingway

The house is largely intact, and the integrity of the original design is readily appreciated. The east verandah has been enclosed but can likely be removed to reveal the original detailing if the four Tuscan order columns survive. The car port is non-original and partly obscures the west side of the house, but it is a separate element that can be removed without affecting the original house.

Expert evidence – Mr Turnor

The house is not substantially intact and does not retain a high level of integrity. The visible physical evidence does not survive to a high degree of intactness or integrity.

(ii) Discussion

The house at 4 Windsor Crescent is sufficiently intact, however its alterations, while limited to a small portion of the overall façade, have affected important elements that somewhat challenge its integrity.

The house's roof form, façade and associated details (other than the enclosed verandah area) remain intact. The detached car port constructed in the front yard limits the ability to:

- view the house's façade from north-western public vantage points
- understand the house in its original garden setting.

According to architectural plans and elevations, the original house had a large verandah with columns and an entrance along the east elevation. The entrance would have been visible from the public realm at an acute angle and provided some insight into the house's function.

Today, there is no visible sign of an entrance or verandah that formed part of the original design. The verandah has been enclosed in using design, colours and materials to blend in with the original house. While the new material itself is not identified as being significant, the enclosed area obscures the view to the residential entrance along the east elevation. This challenges the ability to understand the house's original design.

Internal photos show the original verandah continues to exist, except for the two front columns. There are architect plans and elevations that can assist in restoring the front verandah. However, the Heritage Overlay does not require the owners to restore the verandah and install a copy of the missing two columns so this may not eventuate.

Unusually, the (once external) original verandah now forms part of the house's internal space. The owner would be able to remove all existing heritage fabric from this space after the Heritage Overlay is applied. This is because the Amendment does not propose to apply internal alteration controls.

The Panel has considered these aspects of the house's integrity when deciding whether it achieves Criteria A and E.

4.2.4 Criterion A (Historical)

(i) Evidence and submissions

Submission – The owners

4 Windsor Crescent does not achieve Criterion A and:

- is not a rare or early example of a purpose-built house/medical premises
- is difficult or impossible to understand its association with historical purpose-built houses/medical premises from the public realm.

There is no indication of the second entry to the medical part of the building which is tucked away from the west façade.

Advice in the report appended to its submission from heritage consultant, Martin Turnor of Bryce Raworth Pty Ltd supports this, and is reflected in Mr Turnor's expert evidence.

At the Hearing –

- The combined comparative examples provided by Mr Hemingway and Mr Turnor appropriately tell the story of purpose-built houses/medical premises in Boroondara.
- All other comparative examples are more intact and may be appreciated from the public realm for their historical significance.
- 4 Windsor Crescent is *"demonstrably inferior"*.

Expert evidence – Mr Turnor

4 Windsor Crescent:

- does not achieve Criteria A and does not meet the threshold of local significance to justify applying the Heritage Overlay as an individual place
- has some modest degree of local historical interest as a former combined doctor's residence and surgery
- does not contribute to understanding Surrey Hills' early twentieth century growth better than other Edwardian villas in the suburb
- only generally demonstrates the Edwardian era suburbanisation of Surrey Hills.

The property meets the basic test specified in the LH Guide for Criterion A but does not meet the threshold test because:

- the place is not substantially intact and does not retain a high level of integrity
- the association with the Federation/Edwardian era suburban growth is not better understood than other houses of the era in Boroondara
- the association with early twentieth century practice of suburban doctors consulting from their home is not better understood than other places related to this theme.

The development era is better demonstrated in the Heritage Overlay precincts including:

- the Surrey Hills North Residential Precinct (HO535)
- Surrey Hills Redvers-Kennealy Street Residential Precinct (HO634)
- Surrey Hills English Counties Residential Precinct (HO670).

The LH Guide states:

Every place has its own history, related to its past occupation, development and use, but this does not mean the place necessarily demonstrates something of historical importance. Individual sites that are common in the local area may lack significance when considered in isolation, but a collection of these sites may meet the threshold for historical significance by demonstrating an important broader pattern of development. For example, a single interwar house may not be of local historical significance for demonstrating an area's history, but a precinct of such houses may be.

Regarding the dual use as a doctor's residence and surgery:

- the building form does not readily demonstrate the historical significance arising from the dual use when viewed from the street
- the surgery entrance is a small, recessed element on the concealed side elevation
- the theme of Providing Health and Welfare Services, as identified in the Boroondara Thematic Environmental History, however the subject site is not a good demonstration of this theme
- the practice of doctor's consulting from their home dates much further back than the early 1900s, as demonstrated in Collins Street in the 1850s and 1950s
- the Thematic Environmental History cites four other examples of the dual use.

4 Windsor Crescent is not a rare example of a doctor's residence and surgery.

Canterbury, Hawthorn, Kew and Surrey Hills have other examples at:

- 410 Burwood Road, Hawthorn (1880) [significant place within precinct, HO489]
- 63 Cotham Road, Kew (1886-87) [individual Heritage Overlay, HO200]
- 6 Hepburn Street, Hawthorn (c1888) [significant place within a precinct, HO164]
- 56 Auburn Road, Hawthorn (c1898-1899) [significant in a precinct, HO155] – see Figure 8

- 733 Glenferrie Road, Camberwell (1903-4) [significant graded place Glenferrie Road Commercial Heritage Overlay HO491] – see Figure 8
- 174 Union Road, Surrey Hills (1911) [significant place in a precinct, HO535] – see Figure 8
- 508-510 Burke Road, Camberwell (1920) [individual Heritage Overlay, HO992]
- 627 Whitehorse Road, Surrey Hills (1925) [individual Heritage Overlay HO631]
- 9 Rochester Road, Canterbury (1925) [Individual Heritage Overlay HO185].

Mr Turnor's expert statement included photos of some of the above examples and others from the HO1003 citation comparative analysis.

Figure 8 Former doctor's residence and surgery examples



56 Auburn Road, Hawthorn (c1898-99)



169 Canterbury Road, Canterbury (1903)



733 Glenferrie Road, Hawthorn (1903-04)



174 Union Road, Surrey Hills (1911)

Source: Mr Turnor's expert statement

The building is not an exceptional or key exemplar of the well-known architect practice, Ward and Carleton. Criterion H would be more typically applied for an association with an architect, but this criterion is not met simply because a house is designed by a noble architect. Better examples include 6 Logan Street, Canterbury and 54 Broadway, Camberwell (see Figure 9).

Figure 9 Ward and Carleton design examples**6 Logan Street, Canterbury****54 Broadway, Camberwell**

Source: Mr Turnor's expert statement

Expert evidence – Mr Hemingway

An individual heritage place and precinct often have different functions. A heritage place can be an isolated example whereas a precinct captures the streetscape of the period attributed with the precinct's significance.

The Surrey Hills North Residential Precinct (HO535) and English Counties Residential Precinct (HO670) comprise:

- many timber houses, but other parts of the municipality have much less
- buildings from three periods (Victorian, Federation and inter-war) that are generally more modest in scale, more economic and less distinctive than 4 Windsor Crescent which represents a higher end, architect designed house.

4 Windsor Crescent does not need to be a key exemplar of Eard and Carleton's output to be of local heritage significant. Typically, it should be a distinctive example, which it is. Exemplars are often included on the Victorian Heritage Register.

4 Windsor Crescent has more comparative examples than initially thought, however it remains an early example of the typology. Other identified examples are different to 4 Windsor Crescent, as most were built later in 1910s or 1920s except for Toolangi.

Submission – Council

4 Windsor Crescent meets the tests in the LH guide for Criterion A. It demonstrates:

- Federation-era development in this part of the municipality, as recognised in the Boroondara TEH (Part 6.7.1)
- the theme of combined doctor's surgery and residences in Boroondara, as recognised in the Boroondara TEH (Part 8.3.1).

The limited legibility of the separate entrance from the front of the dwelling does not diminish its significance as a combined doctor's surgery and residence. The limited visibility of the surgery entry is part of the building's style, and the site's dimensions and context.

(ii) Discussion

It is difficult to understand why the property achieves Criterion A when reading the 'Why is it significant?' section of the HO1003 Statement of Significance. Each of its claims are considered below.

Is of historical significance as a commodious illustration of the Federation-period development activity in this part of the municipality, a key phase in its suburban consolidation

It is unclear how 4 Windsor Crescent is an important example of Federation-era development activity. Most of the examples in the HO1003 citation and in Mr Turnor's expert statement better illustrate the Federation-era development activity in this part of the municipality. They include heritage precincts such as the Surrey Hills North (HO535), Surrey Hills Redvers-Kennealy Street (HO634) and Surrey Hills English Counties (HO670) which better demonstrate that development era in a broader suburban context.

The importance of 4 Windsor Crescent is not elevated simply because it was constructed in the earlier part of the Federation era. A heritage place's importance can be artificially inflated when too many factors are attributed to its significance. For example, a Federation-era place may appear more important if factors such as age and notable architects are added, thereby narrowing the number of comparable examples.

One does not have to go far to find a better example. The house at 5 Windsor Crescent (HO632) is on a corner property with one entrance along its Windsor Crescent elevation and another along its Alexandra Crescent elevation. At 4 Windsor Crescent, any sign of a purpose-designed residence and surgery is lost without evidence of a visible entrance from the public realm.

One of the few known examples of a purpose-designed residence and surgery of that era

At the Hearing and through Mr Turnor's evidence, it became clear that 4 Windsor Crescent is not one of the few known examples of a purpose-designed residence and surgery of that era. These examples help explain what a purpose-designed doctor's residence and surgery would have looked like at that time. When compared to the many other identified places, 4 Windsor Crescent is one of the worst examples because it cannot be readily understood for its former dual function.

Its architectural refinement and quality are expressive of the high social standing attached to local GPs at the time

4 Windsor Crescent cannot be understood as a doctor's residence and surgery. Neither of its entrances (residential or surgery) are visible from the street. Most examples in the HO1003 citation's comparative analysis and in Mr Turnor's evidence are better and more architecturally refined purpose-designed residence and surgeries in Boroondara. They better express the high social standing of general practitioners at the time.

The house at 4 Windsor Crescent achieves some of its scale through tall ceilings and proportionally larger elements. This is like other similarly scaled Federation houses in Boroondara. The point of difference is that 4 Windsor Crescent's design details and composition do not associate the social standing of a general practitioner during the

Federation-era as well as those other examples. This is particularly the case for those with a visible second entrance to the surgery.

Better examples with visible separate entrances include:

- 172 Auburn Road, Hawthorn – while a contributory (not individually significant) property of a precinct, has a building with an intact surgery wing (with a separate entrance) that protrudes to the footpath
- 169 Canterbury Road, Canterbury – separate side entrance faces the street.

The building's connection to the well-regarded practice of Ward & Carleton, who were particularly active in the western part of Boroondara during the early 1900s, is also of note

The 'Why is it significant?' section of the HO1003 Statement of Significance should be limited to explaining why the place is significant with regards to the applicable criteria. Any interesting information beyond this scope should appear only in the citation. This is because stating the building's connection to Ward & Carleton "*is also of note*" infers the architect's association is of historical significance or somehow contributes to Criterion A. This is misleading because the Amendment does not propose to apply Criterion H to the property. Ward & Carleton are highly regarded architects but that does not elevate the historical significance of 4 Windsor Crescent.

4.2.5 Criterion E (Aesthetic)

(i) Evidence and submissions

Submission – The owners

4 Windsor Crescent does not meet the basic test in the LH Guide to achieve Criterion E. It is inferior, or at best, average when compared to the examples in the HO1003 citation:

- 169 Canterbury Road, Canterbury (HO377) – shows a second entry for the medical premises
- 172 Auburn Road, Hawthorn in the Leslie Street Precinct (HO164)
- 6 Logan Street, Canterbury in the Maling Road Shopping Centre and Residential Environs Precinct (HO145)
- 54 Broadway, Camberwell in the Prospect Hill Road Precinct (HO159).

Expert evidence – Mr Turnor

The house does not achieve Criteria E and:

- is not a notable or distinguished example of Federation domestic architecture
- does not have distinct, distinctive, special or unusual aesthetic characteristics
- does not stand out from the large number of high calibre residences in Boroondara from the Federation era, as emphasised by the comparative examples in the HO1003 citation.

Mr Hemingway did not include a comparative analysis in his expert statement regarding Criterion E to properly conclude that 4 Windsor Crescent is 'well above the norm'.

Expert evidence – Hemingway

Aesthetic significance does not rely on the building being 'commodious' but rather the combination of detailing and articulation above the 'norm'.

Submission - Council

Council accepted Mr Hemingway's evidence and agreed with his comments regarding photos of the enclosed verandah area.

Onsite inspections

Onsite inspections are typically not conducted when the owner objects to the amendment, unless the owner asks for one. Council would accept and request the heritage consultant attend. Council would also attempt to contact the owner if the heritage consultant requested an inspection. Neither case occurred.

Errors in the HO1003 citation and Statement of Significance

There is a discrepancy between the exhibited citation and Statement of Significance for 4 Windsor Crescent where added words did not appear in the exhibited Statement of Significance. HO1003 Statement of Significance (Version 2) includes this change.

(ii) Discussion

4 Windsor Crescent is substantially intact, but the enclosed verandah challenges the ability to appreciate the house's original design. There is no sign of the verandah which formed an important part of its design or of an entrance. The residential entrance along the east elevation would have been previously visible from the public realm at an acute angle. This would have provided some insight into the house's function.

Boroondara has many substantially intact and finely composed examples of Federation-era heritage homes subject to the Heritage Overlay. Properties identified in the HO1003 citation's comparative analysis represent a small proportion of these houses. This sets a relatively high threshold when seeking to apply the overlay to candidate heritage places.

4 Windsor Crescent does not compare well with most of the examples in the HO1003 citation's comparative analysis. Its design incorporates materials and elements found in other Federation-era homes, however, its composition and details are plainer and less sophisticated compared to examples in the citation and in Mr Turnor's expert statement. This includes the plainer windows and limited timber detailing in its gables.

Boroondara Amendment C177 introduced better examples of Federation-era houses than 4 Windsor Crescent. This includes the adjacent house at 5 Windsor Crescent (HO632) which better reflects the aesthetics through its more finely composed details and elements that are clearly visible across two elevations due to its corner location.

Some of the different design features at 4 Windsor Crescent may make it distinctive in the generic sense but not with regards to aesthetic significance. The house at 205 Mont Albert Road is also an early Federation brick villa with better presented gablets and details.

4.2.6 Conclusions and recommendations

The Panel concludes that 4 Windsor Crescent:

- is sufficiently intact, but its integrity is challenged by the enclosed verandah obscuring acute views to the only previously visible entrance
- does not achieve Criteria A because it does not compare well with most other identified purpose-designed doctor's residence and surgeries which have two separate entrances visible from the public realm
- does not achieve Criteria E because:
 - it does not compare well with most other identified Federation-era examples
 - its original design cannot be fully understood because its original verandah and entrance are no longer visible
- does not have enough local historical significance to justify applying the Heritage Overlay.

The Panel recommends:

Delete the Heritage Overlay (HO1003) from 4 Windsor Crescent, Surrey Hills.

Amend the Heritage Overlay Schedule to delete HO1003 (4 Windsor Crescent, Surrey Hills).

Delete the HO1003 Statement of Significance for 4 Windsor Crescent, Surrey Hills.

Appendix A Document list

No	Date	Description	Provided by
2026			
1	3 Jun	Panel directions and Hearing timetable (version 1)	Planning Panels Victoria (PPV)
2	23 Jun	Late referred submission (1360 Toorak Road)	Council
3	29 Jun	Panel directions and Hearing timetable (version 2)	PPV
4	1 Jul	Council Part A submission	Council
5	6 Jul	Expert statement – Martin Turnor (4 Windsor Crescent, Surrey Hills)	4 Windsor Crescent owner
6	7 Jul	Expert statement – Claire Miller	Council
7	7 Jul	Expert statement – Andrew Hemingway	Council
8	8 Jul	Council Urban Planning Delegated Committee (UPDC) meeting agenda officer report – Amendment C412 (4 May 2026)	Council
9	8 Jul	Council (UPDC) meeting agenda officer report – Amendment C417 (4 May 2026)	Council
10	8 Jul	Panel directions and Hearing timetable (version 3)	PPV
11	10 Jul	Council Part B submission	Council
12	10 Jul	Evidence-in-chief presentation – Claire Miller	Council
13	10 Jul	Heritage citation (version 1) – 46 Fortuna Avenue	Council
14	10 Jul	Heritage citation (version 1) – 25 Weybridge Street	Council
15	15 Jul	Photos – 4 Windsor Crescent exterior	4 Windsor Crescent owner
16	21 Jul	Photos – 4 Windsor Crescent in the enclosed verandah	4 Windsor Crescent owner
17	24 Jul	Council closing submission with attachments: a) Heritage citation (version 2) – 4 Windsor Crescent b) Statement of significance (version 2) – 4 Windsor Crescent	Council
18	24 Jul	Memo – 23 Jul 2026 from RBA (4 Windsor Crescent)	Council

Appendix B Planning context

B:1 Planning policy framework

Council submitted that the Amendments are supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The State policy objectives are set out in section 4 of the PE Act. They include to:

- provide for the fair, orderly, economic and sustainable use, and development of land
- conserve and enhance buildings, areas or places which are of scientific, aesthetic, architectural or historical interest or special cultural value
- facilitate development in accordance with the above objectives
- facilitate the provision of affordable housing in Victoria
- balance the present and future interests of all Victorians.

Planning Policy Framework

Clause 15.01-5S (Neighbourhood character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.03-1S (Heritage conservation) seeks to ensure the conservation of places of heritage significance.

Relevant strategies are:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the protection of natural heritage sites and man-made resources and the maintenance of ecological processes and biological diversity.
- Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance.
- Encourage appropriate development that respects places with identified heritage values.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Clause 02.03-4 (Built Environment and Heritage) includes the direction to *“protect all individual places, objects and precincts of cultural, aboriginal, urban and landscape significance”*.

B:2 Other relevant plans, strategies and policies

i) Plan for Victoria

Plan for Victoria states at Pillar 3 (Great places, suburbs and towns):

Heritage protection: We'll preserve Victoria's rich and diverse cultural heritage by protecting significant sites and precincts.

B:3 Boroondara Community Plan 2025-35

The Boroondara Community Plan 2025-35 sets out the 10-year vision for Boroondara's future based on values, aspirations and priorities important to the community, and includes the Council Plan 2025-29 and includes:

- **Theme 2** – *Our places are thriving, liveable and support local access to housing, jobs, and vibrant activity centres, while celebrating our unique identity and heritage*
- **Aim 2.3** – *Balancing growth, amenity and heritage - Our places evolve through good planning and high-quality and diverse development, meeting future needs while preserving liveability, character and heritage.*

B:4 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework. The Heritage Overlay purposes are:

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

The Heritage Overlay:

- requires a planning permit to demolish, subdivide, build or carry out works
- enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit).

The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

B:5 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines). That discussion is not repeated here.

Victorian Local Heritage Guidelines

The LH Guide explains the key processes for applying the Heritage Overlay to a heritage place in two parts:

- Part A explains the assessment and documentation process.
- Part B explains how to apply the Heritage Overlay.

The Heritage Guidelines:

- provides a framework for assessing local heritage values and determining whether places meet the threshold of local heritage significance.
- apply local heritage criteria for assessing the heritage significance of a place.

Table 3 Local heritage criteria

Criteria		
A	Historical significance	Importance to the course or pattern of our history.
B	Rarity	Possession of uncommon, rare or endangered aspects of our history.
C	Research potential	Potential to yield information that will contribute to understanding our history.
D	Representativeness	Importance in demonstrating the principal characteristics of a class of places or environments.
E	Aesthetic significance	Importance in exhibiting particular aesthetic characteristics.
F	Creative or technical significance	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
G	Social significance	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
H	Rarity	Special association with the life or works of a person, or group of persons, of importance in our history.

Source: LH Guide, page 18