

Glen Eira Planning Scheme Amendment C240glen
McKinnon heritage review

Panel Report

Planning and Environment Act 1987

27 March 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

Glen Eira Planning Scheme Amendment C240 Glen

McKinnon heritage review

27 March 2026



Con Tsotsoros, Chair

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Glossary and abbreviations

Council	Glen Eira City Council
DELWP	Department of Environment, Land, Water and Planning (former)
DTP	Department of Transport and Planning
PE Act	<i>Planning and Environment Act 1987</i>
the TEH	Glen Eira Thematic Environmental History (Refresh 2020)

Overview

Amendment summary

The Amendment	Glen Eira Planning Scheme Amendment C240glen
Common name	McKinnon heritage review
Brief description	Proposes to implement the recommendations of the <i>City of Glen Eira McKinnon Heritage Review 2023</i> by applying the Heritage Overlay to 14 individual places and two precincts
Subject land	14 individual places and two precincts specified in Chapter 1.1
Planning Authority	Glen Eira City Council
Authorisation	5 June 2025 with conditions
Exhibition	31 July to 12 September 2025
Submissions	Total: 13 Opposed: 8

Panel process

The Panel	Con Tsotsoros
Directions Hearing	Glen Eira Town Hall and by video, 17 December 2025
Panel Hearing	Glen Eira Town Hall and by video, 25 and 26 January 2026
Site inspections	Unaccompanied, 24 and 26 January 2026
Parties to the Hearing	Glen Eira City Council represented by Adeline Lane of Jackson Lane Legal, who called expert evidence on: - heritage from Jim Gard'ner of GJM Heritage Glen Eira Historical Society represented by Anne Kilpatrick Hannah Vesikko and Steve Collins represented by David Song of Song Planning, who called expert evidence on heritage from Katherine White of Lovell Chen Joanne Cohen and Samuel Cohen represented by Eric Cohen Rachael Vassallo
Citation	Glen Eira PSA C240glen [2026] PPV
Date of this report	27 March 2026

Executive summary

Glen Eira Planning Scheme Amendment C240glen (the Amendment) seeks to implement the recommendations of the City of Glen Eira McKinnon Heritage Review 2023 by applying the Heritage Overlay to 14 individual places and two precincts.

The Amendment was exhibited from 31 July to 12 September 2025 and received 13 submissions, of which eight objected. The objecting submissions raised issues related to the Heritage Review methodology, development opportunity, building maintenance and alterations, and the heritage significance of certain properties.

Strategic issues

The Amendment is well founded and strategically justified and:

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

The McKinnon Review is a comprehensively prepared document that has applied a robust methodology, consistent with advice in Planning Practice Note 1.

Private financial impact and property value are not a relevant criterion for assessing whether a property has sufficient local heritage significance to justify applying the Heritage Overlay.

Building maintenance and alterations are not relevant when assessing if a property has sufficient heritage significance to justify applying the Heritage Overlay.

McKinnon Village Precinct (HO275)

The Heritage Overlay already applies to 131-157 McKinnon Road and the Amendment does not provide an opportunity to reassess and remove it.

146-154 McKinnon Road and 131-157 McKinnon Road present a cohesive streetscape and contribute to the McKinnon Village Precinct's heritage significance. It is appropriate and justified to apply the Heritage Overlay (HO275) to 146-154 McKinnon.

The HO275 Statement of Significance should be revised to note:

- 'Nicholls Buildings, erected 1928' in the tenth contributing element in 'What is significant?' regarding the parapet building name
- the "row of fourteen premises on the north side of McKinnon Road constructed as one project by local identity and builder, Leslie Sydney Nicholls" in 'Why is it significant?'.

Individual places

18 Clee Street

18 Clee Street does not meet Criteria A and D, and does not have sufficient local heritage significance to justify applying the Heritage Overlay.

230 Jasper Road

230 Jasper Road is sufficiently intact to meet the local threshold as an individual place and has sufficient local heritage significance to justify the Heritage Overlay (HO264). The HO264 heritage citation and Statement of Significant should be revised to note the verandah fretwork, posts and floor tiling are stylistically appropriate.

123 McKinnon Road

123 McKinnon Road has sufficient heritage significance to justify the Heritage Overlay (HO263).

Recommendations

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

- 1. Adopt Glen Eira Planning Scheme Amendment C240glen as exhibited with the changes recommended in this report.**
- 2. Amend the HO275 Statement of Significant to:**
 - a) add *“Nicholls Buildings, erected 1928”* to the tenth contributing element in ‘What is significant?’ to the building parapet description
 - b) add *“row of fourteen premises on the north side of McKinnon Road constructed as one project by local identity and builder, Leslie Sydney Nicholls”* in ‘Why is it significant?’ to the sentence describing the highly intact precinct of interwar commercial buildings.
- 3. Remove the Heritage Overlay (HO272) from 18 Clee Street, McKinnon.**
- 4. Amend the HO264 Statement of Significant to:**
 - a) replace ‘Front verandah turned timber posts’ with ‘Front verandah’ as an element contributing to the place’s significance
 - b) delete ‘verandah fretwork’ as a later alteration that does not contribute to the place
 - c) add *“The verandah posts, fretwork and floor tiling are not original but are stylistically appropriate for the heritage place”* at the end of the ‘What is Significant?’ section.

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to implement the recommendations of the City of Glen Eira McKinnon Heritage Review 2023 (Heritage Review) by applying the Heritage Overlay to 14 individual places and two precincts.

Specifically, the Amendment proposes to apply the Heritage Overlay to the following properties in McKinnon:

- 2 Glen Orme Avenue (HO259)
- 40 Wheatley Road (HO261)
- 36 Murray Road (HO262)
- 123 McKinnon Road (HO263)
- 230 Jasper Road (HO264)
- 330 McKinnon Road (HO265)
- 3 Norman Street (HO266)
- 5 Ellindale Avenue (HO267)
- 15 Lees Street (HO268)
- 74 McKinnon Road (HO269)
- 1-4/1 Clee Street (HO270)
- 4 Clee Street (HO271)
- 18 Clee Street (HO272)
- part 186-200 McKinnon Road (HO273)
- McKinnon Hill Residential Precinct: 51-63 McKinnon Road (odds) (HO274)
- McKinnon Village Precinct: 129-167 (odds) and 146-154 (evens) McKinnon Road, 2A-2C Elm Grove and 2A-2E Glen Orme Avenue (HO275).

1.2 Background

Table 1 Chronology of events

Background summary	
Nov 2022	Council engaged GJM Heritage Pty Ltd to conduct the McKinnon Heritage Review
4 Jul 2023	Council resolved to adopt the Heritage Review and seek authorisation from the Minister for Planning
16 May 2024	Department of Transport and Planning (DTP) requested further information
24 May 2024	Council responded to DTP's request
5 Jun 2025	Minister for Planning through DTP authorised the Amendment subject to conditions
19 Jun 2025	Council advised the department that 5 Lydia Street, Bentleigh was removed from the Amendment because it was legally demolished

Background summary

31 Jul – 12 Sep 2025 Council exhibited the Amendment

1.3 Planning Practice Note 1

Planning Practice Note 1 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

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

Planning Practice Note 1 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

1.4 The Panel's approach

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

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

This Report deals with the issues under the following headings:

- Strategic issues
- McKinnon Village Precinct (HO275)
- Individual places
 - 18 Clee Street (HO272)

- 230 Jasper Road (HO264)
- 131 McKinnon Road (HO263).

1.5 Limitations

PE Act section 23(6) states:

A planning authority must not refer to the panel a submission which, in the opinion of the planning authority, is—

- (a) frivolous or vexatious; or
- (b) wholly irrelevant to the amendment.

The Panel has had no regard to comments in submissions that may be regarded as defamatory.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clause 02.02 The strategic directions and properties within the Glen Eira Council Plan 2021-2025 are underpinned by four elements including <i>"A liveable and well planned City: Our planning aims to balance population growth with enhancing the unique character and heritage of our City"</i> .
Planning Policy Framework	- Clause 15.03-1L
Planning scheme provisions	- Heritage Overlay
Ministerial directions	- Ministerial Direction 11 (Strategic Assessment of Amendments) - Ministerial Direction 15 (The Planning Scheme Amendment Process)
Planning practice notes	- Planning Practice Note 1 (Applying the Heritage Overlay) - Planning Practice Note 46 (Strategic Assessment Guidelines)

2.2 McKinnon Heritage Review

(i) Background

Council commissioned GJM Heritage to prepare the Heritage Review in 2022. The Heritage Review explains that its purpose was to:

1. undertake a heritage gap study of the suburb of McKinnon and the northern portion of the suburb of Bentleigh to identify places and precincts of potential heritage significance; and
2. determine whether those places identified satisfy the threshold for local heritage significance and inclusion in the Heritage Overlay of the Glen Eira Planning Scheme.

(ii) Methodology

The Heritage Review Section 3 explains the methodology, noting it adopted the approach in Planning Practice Note 1 and the principles of the ICOMOS Burra Charter (including its guidelines for identifying and assessing places).

The methodology can be broadly summarised as:

- Defining a Heritage Place
- Defining 'Locally Significant' Heritage Threshold
- Document review
- Survey of the study area

- Detailed assessments of 20 individual places and two potential precincts that comprised:
 - historical research of primary and secondary sources into each place to determine, where possible, key details such as degree of intactness compared to the original design
 - locality research to provide a context for each place and precinct to help understand their value in Glen Eira's developmental history
 - research to determine the historic themes for each place and precinct
 - physical analysis through site inspections and available photography or documented evidence
 - comparative analysis for each place to establish its context within the municipality and its significance threshold
 - assessment of each place against the Planning Practice Note 1 criteria
 - preparing a Statement of Significance for each place and precinct in accordance with Planning Practice Note 1
 - determining the extent of the Heritage Overlay (heritage curtilage)
 - for a place that met the local significance threshold, whether the following Heritage Overlay Schedule controls should apply:
 - tree controls, paint controls, solar energy system or internal alteration controls
 - outbuildings and fences
 - allowing prohibited uses.

(iii) Heritage Review findings

The Heritage Review found:

- 15 places of the assessed properties are of local individual significance and justify applying the Heritage Overlay
- two precincts are of local significance and justify applying the Heritage Overlay
- five places do not meet the threshold of local individual significance to justify applying the Heritage Overlay.

2.3 Strategic justification

(i) The issues

The issues are:

- whether the Heritage Review has been appropriately prepared to support the Amendment
- whether the Amendment is strategically justified.

(ii) Background

The Amendment's authorisation letter of 5 June 2025 referred to an extract from the 4 July 2023 Council meeting report which states for 123 McKinnon Road:

Applying the heritage overlay to this property would likely place restrictions on future commercial development at this site. With the demand for commercial floorspace expected to grow across many centres within Glen Eira future commercial opportunities need to be considered.

In weighing up competing planning objectives including heritage and the need to maintain and expand commercial floorspace, the McKinnon Neighbourhood Activity Centre could still meet the future commercial needs of its catchment without this one site.

The authorisation letter advises:

Council should consider reviewing the application of a Heritage Overlay at 123 McKinnon Road to ensure that the application of a Heritage Overlay for this site is balanced with the need to achieve further residential intensification and future commercial opportunities in the commercial area of the centre.

(iii) Evidence and submissions

Council submitted the Amendment is consistent with section 4(1)(d) of the PE Act which seeks to conserve buildings, areas and places of interest and balance the present and future interests of all Victorians is reflected through planning policies. It achieves this by protecting, enhancing and promoting local heritage.

Several submissions objected to the Heritage Overlay being applied to certain properties. They stated:

- only the most significant buildings should be protected because the Heritage Overlay will restrict future development opportunity
- further development can provide economic gains and affordable housing and rental income
- there is insufficient evidence to support the explanatory report claim:
 - The retention of heritage fabric will bring economic benefit as it strengthens the attractiveness of the area and encourages people to want to visit, work, spend time and money in Glen Eira
- Glen Eira already has very expansive heritage
- the proposed planning provisions will limit necessary improvements to meet contemporary living and energy standards
- implementing the Heritage Review will not benefit the community
- applying the Heritage Overlay will financially impact individuals and businesses through increased insurance premiums.

Council referred to Planning Practice Note 1 which describes the threshold for achieving local heritage significance as *“those places that are important to a particular community or locality”*.

Council also referred to the *Advisory Committee Report on the Review of Heritage Provisions in Planning Schemes* (August 2007) which expressed the threshold question as:

...is the place of sufficient import that its cultural values should be recognised in the planning scheme and taken into account in decision-making?

The Committee report notes:

...the issue for planning purposes is simply whether a place is of sufficient heritage note in the local context to warrant planning controls being put in place to ensure that its heritage value is taken into account when development proposals are being considered.

Regarding the Heritage Review approach, opposing submissions stated:

- the method for selecting properties for the Heritage Review is inappropriate because it appears to be based on age alone without adequate historical, architectural, or community context

- none of the affected property owners requested the Heritage Review.

Council called Jim Gard'ner as a heritage expert. Mr Gard'ner stated:

- the proposed implementation of a review of McKinnon's heritage places is timely, appropriate and is supported by Council's planning strategy
- the Heritage Review was undertaken in a rigorous and independent manner.

Council submitted the Heritage Review adopted a thorough and rigorous methodology, consistent with Planning Practice Note 1 which states:

The heritage process leading to the identification of the places needs to clearly justify the significance of the places as a basis for its inclusion in the Heritage Overlay. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.

Council added:

- each place and precinct is linked to one or more historical themes within the City of Glen Eira Thematic Environmental History (Refresh) 2020
- the Amendment aligns with and achieves relevant policy outcomes (see Table 2).

Council advised that Ministerial Direction 11 was revised in November 2025 to ask:

Is the amendment consistent with the delivery of the relevant housing target set out in the Planning Policy Framework?

Council considered the Amendment would not have a negative impact on Glen Eira's proposed housing targets in the Planning Policy Framework. It explained:

- the Municipal Strategy directs most housing growth into activity centres and areas within the Housing Choice and Transport Zone
- the Amendment affects 47 properties, of which:
 - 19 properties have an existing Heritage Overlay
 - only 17 new properties are in the investigation area for the proposed train and tram zone activity centres.

Council added:

The heritage overlay adds an additional layer of assessment for a property but its objective is not to prevent growth in housing numbers or improvements and additions to existing dwellings.

(iv) Discussion

The Panel agrees with Council that the Amendment is strategically justified. The Amendment meets the obligation set out in section 4(1)(d) of the PE Act to protect places with local heritage significance for present and future generations. It follows guidance in Planning Practice Note 1 to differentiate places that achieve this threshold from those that do not.

The Heritage Overlay approach, planning policy objectives, and 123 McKinnon Road are discussed in further detail.

Heritage Overlay approach

Recognising its obligation, Council engaged professionally qualified heritage consultants to conduct a review of heritage in McKinnon. This resulted in the Heritage Review – a comprehensively prepared document that has applied a robust methodology, consistent with advice in Planning Practice Note 1.

The Panel recognises the submissions that question whether:

- the properties subject to the Amendment have enough heritage significance to warrant protection
- protecting these properties will benefit the community.

All properties of a certain age have some degree of heritage. However, Victorian and local planning policies seek to protect only those which are important to the community – in this case, the Glen Eira community. The Heritage Review has appropriately applied the local threshold definition set out in Planning Practice Note 1:

‘Local Significance’ includes those places that are important to a particular community or locality.

This approach aligns with the submission that only the most significant buildings should be protected. Buildings that do not meet this local threshold should not be regarded as having heritage significance to justify applying the Heritage Overlay.

Properties selected for review have been appropriately assessed to determine whether they meet the threshold for local heritage significance. The Heritage Review has achieved this through a comprehensively robust approach. This is evident through its documented methodology and recommendations which excluded properties that did not meet this threshold.

Planning policy objectives

The Panel agrees with Council’s submission regarding the Amendment’s alignment with planning policy objectives.

Clause 71.02-3 of the Planning Scheme seeks integrated decision making by weighing up competing policy objectives to achieve net community benefit and sustainable development. Several submissions assert that seeking to apply the Heritage Overlay to identified heritage will affect policy objectives that seek housing affordability and supply. These are hypothetical propositions at this stage of the planning process because the Heritage Overlay:

- identifies properties with heritage significance to ensure any future development responses sensitively to the heritage fabric – it does not prohibit development
- enables a landowner to apply for a planning permit to develop, alter and demolish buildings
- enables a landowner to maintain the property (such as painting and repairs) if it does not change its appearance without a planning permit.

Accordingly, it would be incorrect to suggest that policy objectives relating to heritage compete with those seeking housing growth and other development.

This is consistent with previous Panel findings and a Victorian Supreme Court decision. As found in *Dustday Investments Pty Ltd v Minister for Planning [2015] VSC 101*, the Amendment assumes a strategic role in setting the appropriate statutory planning framework for assessing the potential impact of future development on existing heritage fabric. Accordingly, it says:

Later, when a permit application is made to the responsible authority the policy framework governing the application is appropriate having regard to the particular characteristics or significance of the land or the buildings on the land.

The Panel agrees with Council that the Heritage Overlay identifies locally significant heritage and seeks Council to assess any future development proposal accordingly. It does not prevent housing growth, though it may discourage certain purchasers and may affect the degree of growth.

This is consistent with the Victorian Supreme Court decision which states a planning scheme amendment seeking to apply the Heritage Overlay should not engage in 'trade-offs' against other competing objectives and Planning Scheme provisions. Rather, it should consider whether the land has the characteristics or significance to justify applying the Heritage Overlay.

Relevantly, the Panel observed new multi-storey development including housing in the McKinnon Activity Centre on Commercial 1 Zone properties with the Heritage Overlay – along McKinnon Road between Elm Grove and McKinnon Railway Station.

Policy objectives such as those related to housing affordability and supply may be relevant during the planning permit process when an actual development proposal exists and its details are known.

This two-staged approach to heritage is consistent with extensive Panel findings and Victorian Supreme Court decisions.

123 McKinnon Road

As referred in the authorisation letter, the Panel reviewed the appropriateness of considering policy objectives when considering whether to apply the Heritage Overlay to 123 McKinnon Road.

At the planning scheme amendment stage, it can only be concluded there are no competing policy objectives between heritage and those seeking development in an activity centre. As discussed earlier in this report, the Heritage Overlay simply identifies locally significant heritage and requires the responsible authority to assess new development proposals against the heritage fabric. This is evident in Melbourne's Central Business District and activity centres where significant new buildings have been developed on properties with the Heritage Overlay.

It is difficult to single out one property, such as 123 McKinnon Road, when weighing up policy objectives. Policies seeking sufficient housing supply are set at a municipal level. This includes Clause 16.01-1S which sets housing target of 63,500 houses for Glen Eira. There was no information presented to the Panel to demonstrate Glen Eira's housing capacity, capacity scenario analysis, or how it is progressing to achieve its target. Any consideration below the municipal threshold should be considered if there is clear evidence that Glen Eira cannot meet its specified target.

Activity centre policy relevant to the McKinnon Activity Centre does not single out individual properties. The ability for the centre to effectively contribute to the municipal housing target or commercial floorspace should therefore be considered on a centre-wide basis rather than site-by-site. It would be incorrect to suggest a policy conflict simply because some of the theoretical development potential of 123 McKinnon Road is diminished when the activity centre itself can achieve relevant policy objectives. McKinnon is a neighbourhood activity centre, being the second lowest centre within Glen

Eira's activity centre hierarchy plan (Clause 02.04-2) where less intensification is sought compared to other higher order centres.

These policy objectives may be more relevant during the planning permit application stage. This is when details of a development proposal are evident and any potential impacts can be measured. That is when Glen Eira's municipal-wide floorspace needs and capacity and the McKinnon Activity Centre's role within the municipal hierarchy would be considered. Competing policy objectives would only be an issue if Glen Eira was unable to meet its future floorspace needs. In its report, Council formed the view that the Activity Centre could still meet the future commercial needs of its catchment without 123 McKinnon Road.

Without necessary details, any potential development impact at 123 McKinnon Road is based on broad assumptions and cannot be measured.

(v) Conclusions and recommendation

The Panel concludes:

- Private financial impact and property value are not a relevant criterion for assessing whether a property has sufficient local heritage significance to justify applying the Heritage Overlay.
- The McKinnon Review is a comprehensively prepared document that has applied a robust methodology, consistent with advice in Planning Practice Note 1.
- The Heritage Overlay does not prevent housing growth, though it may discourage certain purchasers and may affect the degree of growth.
- The Amendment is well founded and strategically justified and:
 - is supported by, and implements, the relevant sections of the Planning Policy Framework
 - is consistent with the relevant Ministerial Directions and Practice Notes
 - should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends Council:

- 1. Adopt Glen Eira Planning Scheme Amendment C240glen as exhibited with the changes recommended in this report.**

2.4 Building maintenance and alterations

(i) The issue

The issue is whether building maintenance and alterations are relevant when assessing if a property has sufficient heritage significance to justify applying the Heritage Overlay.

(ii) Evidence and submissions

Submissions that objected to the Heritage Overlay being applied stated the proposed planning provisions will:

- limit necessary improvements to meet contemporary living and energy standards
- restrict the ability to maintain and alter buildings.

Council and Mr Gard'ner stated the Heritage Overlay would not prohibit building maintenance or alterations. Mr Gard'ner stated the Heritage Overlay enables an owner to:

- repair timber joinery or the rectify other building defects through maintenance and periodic like-for-like repair without the need for a planning permit
- apply for a permit for more substantial works such a roof replacement.

Mr Gard'ner considered that modernist houses are not inherently more difficult to retrofit to meet current environmental performance standards than buildings from any other era. He explained there are numerous examples of successfully repaired, renovated and upgrade post-war modernist houses in metropolitan Melbourne and across Australia.

(iii) Discussion

Planning Practice Note 1 does not include building maintenance and alterations as relevant criteria when assessing whether a place has sufficient local heritage significance.

Having said that, the Panel agrees with objecting submissions to the extent that applying the Heritage Overlay should not unreasonably burden an owner seeking to maintain or alter their building. It also agrees with Council and Mr Gard'ner that the Heritage Overlay will not result in such an outcome. The Heritage Overlay enables:

- internal alterations including modernisation and energy efficiency measures without a permit
- maintenance works including repairs and painting that do not alter the appearance without a permit
- external alternations and demolition subject to a permit.

This is evident in the many examples of heritage properties with alterations and further development. This includes:

- commercial buildings along McKinnon Road where multi-level development with apartments have been added
- residential properties throughout Melbourne where the house beyond the roof ridgeline has been demolished to accommodate multi-level extensions.

(iv) Conclusion

The Panel concludes that building maintenance and alterations are not relevant when assessing if a property has sufficient heritage significance to justify applying the Heritage Overlay.

3 McKinnon Village Precinct (HO275)

Exhibited Statement of significance

What is significant?

The McKinnon Village Precinct, an interwar commercial precinct constructed between c.1925 and c.1940. The precinct comprises nos. 129, 131, 135, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161A, 163, 165 & 167 McKinnon Road, 2A-2C Elm Grove and 2A-2E Glen Orme Avenue on the north side of McKinnon Road and nos. 146, 148, 150, 152 & 154 on the south side of McKinnon Road, McKinnon. Elements that contribute to the significance of the place include:

- Strong interwar character in an eclectic Stripped Classical style, which utilises a range of simple decorative motifs and geometric forms
- Consistent zero-setbacks to the street frontage
- Brick construction, finished in face brick or render
- Roofs concealed behind decorative parapets
- Symmetrical first floor elevations
- Predominantly two-storey scale
- Rendered and clinker brick detailing to walls, parapets and window sets
- Prominent pilasters articulating individual premises
- Variety of metal casement and timber sliding sash windows some with decorative lead lighting
- Parapet detailing including blank building nameplates and one building name (no. 145)
- Early painted façade sign (no. 159)
- Original shopfronts with expansive shopfront glazing, decorative glass treatments including stained glass, recessed entries, decorative tiling and original door sets to nos. 129, 141, 145, 147, 149, 151, 154, 155, 159, 161A, 163 and 165 McKinnon Road.

Later alterations and additions, including the rear additions and outbuildings and later shopfronts, are not contributory. Townhouse developments at 2A-2C Elm Avenue and 2A-2E Glen Orme Avenue are not contributory.

How is it significant?

McKinnon Village Precinct is of local historical, representative (architectural) and aesthetic significance to the City of Glen Eira.

Why is it significant?

The McKinnon Village Precinct has strong associations with the interwar period of development in the City of Glen Eira. In this period, extensive tracts of land in McKinnon and surrounding areas were developed for residential purposes and rapid commercial development occurred to support the growing population. As a highly intact precinct of interwar commercial buildings, the McKinnon Village Precinct clearly illustrates this important phase of development in the City of Glen Eira **(Criterion A)**.

The McKinnon Village Precinct is a fine and highly intact example of an interwar commercial precinct. The rows of commercial shop/residences display typical features of this class of place including brick construction (both red brick and rendered), roofs concealed behind parapets, predominantly two-storey scale, rendered and clinker brick detailing to walls, parapets and window sets, prominent pilasters articulating individual premises, a variety of window sets, parapets and original shopfront forms and detailing **(Criterion D)**.

The McKinnon Village Precinct forms a highly cohesive group of commercial buildings dating to the interwar period. Constructed in a broadly Stripped Classical style, the eclectic application of Classically inspired decorative motifs and detailing to the facades, and the variety of window, parapet and pilaster forms, presents a picturesque streetscape. The high proportion of retained original or early shopfronts, comprising decorative glass treatments, recessed entries, decorative tiling and original door sets, elevates the aesthetic qualities of the streetscape **(Criterion E)**.

3.1.1 The issues

The issues are whether the exhibited McKinnon Village Precinct (HO275) should:

- include 146-154 McKinnon Road
- continue to include 131-157 McKinnon Road, which already exist in the Heritage Overlay (HO75).

3.1.2 Background

The Heritage Review and HO275 Statement of Significance recognise that buildings in the McKinnon Village Precinct have been altered. Reading the intactness and integrity of these buildings, the Review states:

The commercial premises within the McKinnon Village Precinct remain highly intact to their period of construction and retain a high degree of integrity to the interwar period in fabric, form and detail. While the buildings have undergone some minor alterations, particularly to shopfronts, awnings and rear additions, these do not diminish the ability to understand and appreciate the place as a finely detailed precinct dating from the 1920s to the 1930s. A number of original shopfronts remain largely intact, in particular at 129, 141, 145, 147, 149, 151, 154, 155, 159, 161A, 163 and 165 McKinnon Road.

The HO275 heritage citation included a comparative analysis that found the McKinnon Village Precinct to be:

- a representative and highly intact group of predominantly 1920s shops and residences
- typical of commercial development that occurred in suburbs such as McKinnon, Bentleigh, Glen Huntly and Carnegie
- to be most comparable with the following interwar commercial precincts:
 - Caulfield South Shopping Centre and Environs (HO66)
 - Glenhuntly Tram Terminus Estate Shops Precinct (HO159)
 - Bentleigh Retail Precinct (HO160)
 - Shops, 369-377 Centre Road, Bentleigh (HO163)
 - Grand View Estate Shops, 165- 189/189A Centre Road, Bentleigh (HO165).

3.1.3 146-154 McKinnon Road

Figure 1 146-154 McKinnon Road



Source: Mr Gard'ner's expert report

(i) Evidence and submissions

Several submissions requested the Heritage Overlay not be applied to 146-154 McKinnon Road because they:

- are simply old and do not have local significance
- are not important to a particular community
- do not meet the heritage threshold criteria
- have been significantly altered so no longer conform with the streetscape and lack architectural expression.

The submissions added:

- new development at 136-138,140,142,144, and 156 McKinnon Road has 'destroyed' the ability to justify the Heritage Overlay for 146-154 McKinnon Road
- there is no evidence that:
 - LS Nicholls (131-157 McKinnon Road) was involved in constructing 146-154 McKinnon Road
 - 146-154 McKinnon Road relate to interwar buildings found in Carnegie and Bentleigh – specifically Bentleigh HO160 were built in the 1940s
- 146-154 McKinnon Road are described inaccurately in the Heritage Review and:
 - do not present as an intact commercial streetscape with a high degree of consistency in architectural style, materiality and detailing
 - cannot be 'linked' to buildings on the northern side of the street
 - have no building symmetry or decorative windows.

Mr Gard'ner considered:

- the McKinnon Village Precinct to be a *"representative and highly intact group of predominantly two-storey shop/residences dating from the interwar period"*
- *"the precinct presents as an intact commercial streetscape with a high degree of consistency in scale, form, architectural style, materiality and detailing"*
- it is appropriate to apply a new precinct Heritage Overlay, including 146-154 McKinnon Road that share a common history and similar architectural expression with the rest of the precinct.

(ii) Discussion

The relatively recent development at 144 McKinnon Road and developments to its west are outside the proposed Heritage Overlay (HO275) and does not impact on heritage buildings in the McKinnon Village Precinct. Nonetheless, the 144 McKinnon Road development's first two storeys are at a similar height to two storey heritage buildings, and its upper floors are recessed to minimise their visual impact. This built form sensitively responds to neighbouring heritage.

The Panel accepts Mr Gard'ner's evidence regarding 146-154 McKinnon Road, and agrees that, along with other heritage buildings in the precinct, they form a cohesive commercial streetscape.

3.1.4 131-157 McKinnon Road

(i) Evidence and submissions

A few submissions objected to the Heritage Overlay continuing to apply to 131-157 McKinnon Road. They considered:

- the buildings have been 'heavily' altered
- the Heritage Review incorrectly describes the shops as consistent and eclectic
- the shop row has been identified as having heritage value simply because there is a building name plate applied to the fabric

Council disagreed with the submissions and responded:

- the Heritage Overlay (HO75) already exists on 131-157 McKinnon Road
- the buildings have had some alterations, but the row remains substantially and sufficiently intact
- the extent of alteration is commonly seen on heritage shopfronts across the municipality
- the Heritage Review clearly explains the physical characteristics of the shops as:
The eclectic use of simplified Classical motifs creates a highly consistent streetscape.
- a name on a building alone does not make it significant however a substantial row of 14 premises by a single developer as a single project is historically noteworthy and worthy of the Heritage Overlay.

Mr Gard'ner agreed the Heritage Overlay should continue to apply to 131-157 McKinnon Road.

Council proposed changes to the HO275 Statement of Significance to:

- revise in 'What is significant?' the tenth contributing element to note the parapet building name reads 'Nicholls Buildings, erected 1928'
- note in 'Why is it significant?' the *"row of fourteen premises on the north side of McKinnon Road constructed as one project by local identity and builder, Leslie Sydney Nicholls"*.

(ii) Discussion

The properties at 131-157 McKinnon Road have been previously found to be of local heritage significance and would be inappropriate for the Panel to reassess their significance through this Amendment. Any alterations made to the shopfronts:

- before the Heritage Overlay (HO75) was applied were found to not affect the buildings' heritage significance
- after the overlay was applied were assessed as sensitively responding to existing heritage fabric.

The Panel considers the change from Heritage Overlay listing HO75 to HO275 to be of an administrative nature that does not justify removing the overlay.

3.1.5 Conclusions and recommendation

The Panel concludes:

- 146-154 McKinnon Road and 131-157 McKinnon Road present a cohesive streetscape and contribute to the McKinnon Village Precinct's heritage significance.
- It is appropriate and justified to apply the Heritage Overlay (HO275) to 146-154 McKinnon Road.
- The Heritage Overlay already applies to 131-157 McKinnon Road and the Amendment does not provide an opportunity to reassess and remove it.
- The HO275 Statement of Significance should be revised to note:
 - 'Nicholls Buildings, erected 1928' in the tenth contributing element in 'What is significant?' regarding the parapet building name
 - the "row of fourteen premises on the north side of McKinnon Road constructed as one project by local identity and builder, Leslie Sydney Nicholls" in 'Why is it significant?'.

The Panel recommends:

2. **Amend the HO275 Statement of Significant to:**
 - a) **add *"Nicholls Buildings, erected 1928"* to the tenth contributing element in 'What is significant?' to the building parapet description**
 - b) **add *"row of fourteen premises on the north side of McKinnon Road constructed as one project by local identity and builder, Leslie Sydney Nicholls"* in 'Why is it significant?' to the sentence describing the highly intact precinct of interwar commercial buildings.**

4 Individual places

4.1 18 Clee Street (HO272)

Exhibited Statement of significance



What is significant?

Lombard House at 18 Clee Street, McKinnon, a postwar Modernist house constructed in 1957.

Elements that contribute to the significance of the place include:

- Single-storey house in the postwar Modernist style with cranked floor plan
- Cream brick construction
- Low-pitched metal-clad gable roof
- Broad eaves with exposed rafter ends and shallow timber fascia
- Expansive timber framed glazing including window walls with glazed doors
- Concealed entry behind brick garden wall.

The carport to the rear is not contributory.

How is it significant?

Lombard House at 18 Clee Street, McKinnon is of local historical and representative (architectural) significance to the City of Glen Eira.

Why is it significant?

Lombard House at 18 Clee Street, McKinnon has strong associations with postwar suburban development in the City of Glen Eira when a number of Modernist houses were constructed in the municipality, often for those with an appreciation of Modernist architecture, its design principles, and the value of employing an architect. The house at 18 Clee Street, McKinnon makes a strong contribution to this important phase in the development of the City of Glen Eira **(Criterion A)**.

Lombard House at 18 Clee Street, McKinnon is a fine and highly intact representative example of a postwar Modernist style house. It displays typical characteristics of this style, including a single-storey box-like form, low pitched gable roof form with broad eaves, exposed rafter ends and shallow timber fascia, expansive timber-framed glazing including window walls with glazed doors, and a concealed entry **(Criterion D)**.

(i) The issue

The issue is whether 18 Clee Street has sufficient heritage significance to justify the Heritage Overlay (HO272).

(ii) Background

The HO272 citation compares 18 Clee Street with:

Table 3 HO272 citation comparable properties

Property	Photo	Property	Photo
386 Alma Road, Caulfield North (HO127)		56 Thomas Street, Brighton East (HO170)	
14-16 Clee Street, McKinnon (HO224)		6 Labassa Grove, Caulfield North (HO232)	
2 Edinburgh Avenue, Caulfield (HO225)		23 Edinburgh Avenue, Caulfield (HO226)	
49 Aroona Road, Caulfield North (in Aroona Road Modernist Precinct, HO238)			

Source: Heritage Review

(iii) Evidence and submissions

The owners of 18 Clee Street object to the Heritage Overlay (HO272) being applied to their property. They considered it lacked the architectural merit or association found in more notable examples.

Regarding key features referenced in the HO272 Statement of Significance, they submitted:

- the cranked floor plan is typical of kit homes from the era, with no known architectural pedigree

- cream brick is a widespread and unremarkable material choice for decades
- the roof is not metal clad – it is a deteriorating leaking asbestos roof that needs to be urgently replaced
- broad eaves and rafter ends are common construction practice – not of heritage value
- the timber glazing is single glazed, thermally inefficient, and poorly maintained resulting in timber rot and needing to be replaced
- the air leaks between all doors and windows, resulting in increased pressure on heating and cooling systems.
- the concealed entry is:
 - only obscured by vegetation, and is not architectural design
 - partially obscured by a one-metre-high brick planter box that is in disrepair.

At the Hearing, the 18 Clee Street owners submitted the community will not be able to appreciate the property's alleged historical significance because it is:

- of historical interest but not historical significance
- not architecturally significant or more notable than other similar properties that are not subject to the Heritage Overlay.

They considered 4 Hume Road and 30 Aroona Road in Caulfield North to be examples of properties without the Heritage Overlay that achieved a higher level of importance than 18 Clee Street.

The 18 Clee Street owners referred to Melbourne PSA C387melb [2021] PPV where the Panel stated:

There seems little point in including places in the Heritage Overlay if the wider community is not able to appreciate them or convey important and tangible information of our history for current and future generations and it becomes an exercise for heritage purists.

The 18 Clee Street owners called heritage evidence from Martin Turnor of Bryce Raworth. Mr Turnor considered that 18 Clee Street was not of sufficient historic or representative significance (Criteria A and D) to justify applying the Heritage Overlay.

Council submitted the 'absence' of a known architect for the house, and the possibility it was designed by a designer who was not a registered architect, is not fatal to the house meeting the identified criteria.

Criterion A

Regarding Criterion A, Mr Turnor stated:

- not every post-war modernist house sufficient contributes to this development phase
- the key test is whether a place makes an important contribution to a historical pattern of development.

Mr Turnor referred to:

- the Glen Eira Thematic Environmental History (the TEH) which acknowledges that fine architectural houses were less common outside of Caulfield North
- the Heritage Review which notes that McKinnon's transformative period of suburban growth was in the interwar period when 'vast' numbers of predominately freestanding villas and bungalows were erected

Specific to 18 Clee Street, he considered the house:

- was not confirmed by the HO272 citation as the work of an architect
- is not architecturally important for reasons explained for Criterion D
- was constructed in the late 1950s which is outside the area's most significant period of development, and makes it not locally important to meet Criterion A.

Mr Gard'ner explained:

- the HO272 citation refers to a 1964 real-estate advertisement that claims 18 Clee Street was *"architecturally designed and supervised"*
- the Heritage Review process could not identify a specific architect.

He stated that while there was no information to definitively confirm the house was designed by a registered architect, this is not the principal factor when determining whether it is justified to apply the Heritage Overlay to 18 Clee Street. He added:

There were skilled non-architect designers and designer-builders operating within a Modernist oeuvre who were able to create well resolved architectural designs that demonstrate the principal characteristics of this class of place.

Criterion D

Mr Turnor considered that 18 Clee Street:

- is not 'box-like', as described by the citation
- is unlike the cubi-form flat-roofed European modernist inspired house designs that are important to Glen Eira
- has typical design characteristics of the postwar Modernist style, including the low-pitched gable roof with broad eaves and exposed rafters and windows
- should be a degree better than or comparable with other examples with the Heritage Overlay to meet Criterion D.

Mr Turnor referred to the seven examples in the HO272 citation to conclude the citation does not *"satisfactorily demonstrates that the subject building is of an equivalent architectural quality or historical importance to these comparative examples"*. He agreed with the citation that:

- the two storey examples displayed *"higher level of architectural finesse"* than 18 Clee Street
- 18 Clee Street was most comparable with more modest scale forms like 6 Labassa Grove, 56 Thomas Street, and 23 Edinburgh Avenue.

Mr Turnor considered that 18 Clee Street did not compare well with examples in the HO272 citation, and compares more readily with 2 Wimbledon Court, St Kilda (HO239). He noted:

2 Wimbledon Court is a contributory place in the Wimbledon Estate Precinct (HO239) and as such gains significance beyond that of 18 Clee Street by virtue of forming part of a notable collection of modernist houses designed by European émigré architects.

Mr Turnor applied the draft Victorian local heritage criteria and threshold guidelines to conclude that 18 Clee Street does not the local threshold for heritage significance.

Mr Gard'ner considered that 18 Clee Street meets Criterion D because it demonstrates the principal characteristics of post-war modernist architecture like the comparative examples in the HO272 citation. He explained these characteristics do not need to be unique or rare to justify the Heritage Overlay.

At the Hearing, Mr Gard'ner conceded the HO272 citation inaccurately refers to:

- a metal clad roof – appears to be of Super Six asbestos cement sheet material
- glazed doors in the window walls – there is a solid door
- timber-framed window wall on the western elevation – the window sill is just below existing vegetation.

Mr Gard'ner added:

- the inaccurate description does not affect the property's heritage significance, though the HO272 citation and Statement of Significance should be corrected
- it was typical for Modernist houses to conceal the entry door from street view
- a notable architect is needed to achieve Criterion E, but not for Criterion D.

(iv) Discussion

The Panel found it challenging to determine whether the Heritage Overlay should be applied to 18 Cleve Street. This is because it was difficult to establish whether the property had sufficient local heritage significance or whether its design is simply of local interest. The line between the two is referred to as the 'threshold'.

While considering evidence and submissions, the Panel has relied on the guidance in Planning Practice Note 1 to assess the property's heritage significance. It did not rely on the draft consultation Victorian local heritage guidelines or Victorian state heritage guidelines to form its views.

It is unlikely the draft consultation Victorian local heritage guidelines will resemble the final version. It would be inappropriate to apply assessment criteria in a form that may not eventuate. The Victorian state heritage guidelines set out different assessment criteria that targets state level heritage.

References to Melbourne PSA C387melb [2021] PPV and Glen Eira C214glen [2021] PPV were not overly helpful within the context of 18 Cleve Street.

Melbourne PSA C387melb [2021] PPV included more discussion and context than what was presented at the C240glen Hearing. While commenting on heritage that can be appreciated by the wider community, the C387melb Panel said that ultimately experienced or qualified practitioners determine significance. It explained:

This ensures that important places are included on merit and not because they are popular landmark buildings (although this may be a factor in its significance) or clearly understood to be of an era or theme and avoids the application of subjectivity and taste.

The C387melb Panel concluded a place needs to be demonstrably important to its phase (theme, period or era) and class to meet Criteria A and D respectively.

The C214glen Panel found the 30 Aroona Road, Caulfield North had sufficient local significance to achieve Criteria E (aesthetic significance) and H (associative significance). This required a different assessment to 18 Cleve Street because the HO272 citation specifies Criteria A and D.

Submissions and experts agreed that 18 Cleve Street is sufficiently intact to be a candidate for the Heritage Overlay. The Panel regards the house as highly intact. Their views differed on whether the property met Criteria A and D and whether it had sufficient local heritage significance to justify the Heritage Overlay.

Criterion A (Historical significance)

The threshold of local heritage significance is higher for an individual heritage place than a property contributing to the significance of a heritage precinct. This is because the individual place needs to demonstrate importance to the course or pattern of cultural history.

Consistent with Planning Practice Note 1, the key question is why 18 Clee Street is important to Glen Eira's history and what distinguishes it from any other postwar Modernist house in Glen Eira. The Panel turned to the HO272 Statement of Significance to explore this further.

The house was built in 1957 so there is no question it was built during the postwar era. What is unclear is why the property has *"strong associations with"* and makes a *"strong contribution to"*, postwar suburban development in Glen Eira.

The HO272 Statement of Significance refers to:

- the house being constructed when "a number of Modernist houses were constructed in the municipality, often for those with an appreciation of Modernist architecture, its design principles, and the value of employing an architect"
- Glen Eira residents who appreciated *"the value of employing an architect"*.

The Panel considers this infers an architect was employed to design the house. No party or expert could confirm the house at 18 Clee Street was designed by a registered architect. The 1964 advertisement which states the house was *"architecturally designed and supervised"* cannot be relied on as an accurate source.

The Panel agrees with Council and Mr Gard'ner this is not a principal factor when determining whether the property achieves Criterion A. However, if a notable European émigré architect designed the home for a compatriot client, 18 Clee Street would more likely have been considered for Criteria E and H.

In the absence of this information, the Panel then turned to the TEH for any insight into why 18 Clee Street is important enough to meet Criterion A. The TEH is not a complete record of every historic event in Glen Eira's history. However, it documents the municipality's important development phases and explains why they are important to its local history. This forms an important base for assessing whether a place has sufficient local heritage significance.

The TEH makes considerable references to Glen Eira's events associated with the postwar era. As noted earlier, the most striking is the high proportion of wealthy European émigré families who built homes from the mid-1950s to the early 1970s by commissioning some of Melbourne's leading architects such as Ernest Fooks, Kurt Popper, Bernard Slawik, Anatol Kagan, and Holgar & Holgar. There is no evidence that 18 Clee Street is one of those homes.

The TEH also refers to areas such as the enclave including Aroona Road, Howitt Road and Lumeah Road where entire residential streetscapes were reshaped during the same postwar era. The Panel agrees with Mr Gard'ner that the several postwar Modernist buildings in Clee Street are not cohesive enough to be considered a heritage precinct. If it was, 18 Clee Street would have been a candidate contributory property.

The TEH also refers to other specific postwar events, sites and suburbs that do not relate to 18 Clee Street or McKinnon more broadly.

The property at 18 Clee Street is of local historic interest because it is a skilfully designed Modernist house. However, state planning policy seeks to differentiate properties that have heritage significance from those which are simply of historic interest. Available information does not explain why this property is important to the course or pattern of Glen Eira's local history. Based on this information, the Panel considers it has not been demonstrated that 18 Clee Street achieves Criterion A.

Criterion D (Representativeness)

Having found that 18 Clee Street does not meet Criterion A, it must meet Criterion D to justify applying the Heritage Overlay. Planning Practice Note 1 states a place needs to be important in demonstrating the principal characteristics of a class of cultural or natural places or environments to achieve Criterion D.

The Panel agrees with expert evidence and submissions that, unlike the description in the exhibited HO272 citation, 18 Clee Street does not have a metal-clad gable roof, glazed doors in the window walls and a window wall on the western elevation. The Panel agrees with Mr Gard'ner that the roof cladding and entry door are not important elements when assessing the property.

The examples shown in the HO272 citation's comparative analysis typically have floor-to-ceiling window walls, particularly on their front elevation. While 18 Clee Street does not, this is not a flaw because its design orientates the front entrance to its northern elevation which incorporates two window walls – one in each of the angled sections.

The entry door's location along the side of the house (northern elevation) obscures it from the street view. The property's considerable vegetation removes virtually all side views towards the entrance. This appears to be a conscious design response, consistent with other Modernist houses with concealed entry doors.

The house at 18 Clee Street has typical Modernist-style characteristics including:

- floor-to-ceiling windows, though along its side elevation
- low-pitched roof, noting other examples have flat roofs
- exposed rafters and broad eaves in some places
- an attempt to integrate house and garden.

The Panel agrees with Mr Turnor that displaying typical Modernist style characteristics does not in itself achieve Criterion D. The house needs to be comparable with other examples within Glen Eira, particularly with those already subject to the Heritage Overlay. The threshold for 18 Clee Street to achieve this will be relatively high because Glen Eira has many such examples of postwar Modernist houses.

Other examples in Glen Eira more creatively and skilfully express the Modernist style than 18 Clee Street. For example, 23 Edinburgh Street, which more closely aligns with the 18 Clee Street design:

- has a floor-to-ceiling window wall at its front façade which seamlessly integrates with its front garden
- applies a blend of different cladding materials
- has a more minimalist styling with a cleaner focus on its geometric lines

- presents a more thoughtfully designed entrance from the car port that is integrated into the overall building design.

Other two storey examples including those designed to respond to their sloped landform better integrate Modernist style characteristics into their design. They are more important in demonstrating the characteristics of their class.

Having said that, 18 Clee Street is a good example of a postwar Modernist house, however it is less articulated than the comparable examples. The degree of difference is so marginal, it made the Panel's task of determining whether it was comparable with other examples difficult. However, the margin is enough for the Panel to find that 18 Clee Street does not compare as well with other examples, not be important enough to demonstrate characteristics of its class, and to not achieve Criterion D.

(v) Conclusions and recommendation

The Panel concludes that 18 Clee Street:

- does not meet Criteria A and D
- does not have sufficient local heritage significance to justify applying the Heritage Overlay.

The Panel recommends:

3. Remove the Heritage Overlay (HO272) from 18 Clee Street, McKinnon.

4.2 230 Jasper Road (HO264)

Exhibited Statement of significance



What is significant?

The house at 230 Jasper Road, McKinnon, a late Federation residence constructed between 1915 and 1917.

Elements that contribute to the significance of the place include:

- Single-storey timber house, typical of modest houses from the late Federation period
- Corrugated metal-clad gabled-hip roof form and integrated verandah roof
- Exposed rafter ends
- Red brick chimney
- Asymmetrical front elevation with prominent projecting gable end
- Rough cast render and half timbering effect to jettied gable end
- Notched weatherboards
- Front verandah with turned timber posts
- Timber-framed sash windows and front door with toplight and sidelights.

Later alterations and additions, including the rear extension, verandah fretwork and front fence are not contributory.

How is it significant?

The house at 230 Jasper Road, McKinnon is of local historical and representative (architectural) significance to the City of Glen Eira.

Why is it significant?

The house at 230 Jasper Road, McKinnon has strong associations with the development of McKinnon in the first part of the twentieth century when undeveloped land from late nineteenth century land holdings and subdivisions began to be tentatively developed following the hiatus caused by the 1890s Depression. The house at 230 Jasper Road is one of a small number of highly intact places remaining in the suburb to demonstrate this phase of development. The house clearly illustrates this early phase of development in the southern part of the City of Glen Eira **(Criterion A)**.

The house at 230 Jasper Road, McKinnon is a highly intact representative example of a modest house from the late Federation period. It displays typical characteristics of the period including timber construction, a gabled-hip roof with integrated front verandah, tall red brick chimney, prominent front gabled bay forming an asymmetrical front elevation, rough cast rendering and half-timbering effect to the jettied gable end, verandah supported on turned timber posts and notched weatherboarding **(Criterion D)**.

(i) The issues

The issues are whether 230 Jasper Road:

- is sufficiently intact to meet the local threshold as an individual place
- has sufficient heritage significance to justify the Heritage Overlay (HO264).

(ii) Evidence and submissions

The owners of 230 Jasper Road object to the Heritage Overlay (HO264) being applied to their property. They submitted:

- the building's architectural features and elements (turned timber posts, fretwork and verandah surface) referenced in the Heritage Review are not original
- the building was significantly renovated without many heritage features when they purchased the property
- since then, the roofline and other structural elements have been significantly altered, and the building has a second storey.

The submission also objected because:

- the Heritage Overlay is for an individual property outside a heritage precinct
- the property is at risk of being overshadowed by new development on surrounding properties.

The owners included supporting photographs (see Figure 2) that showed the building before further alterations.

Figure 2 230 Jasper Road photos



At its 5 November 2025 meeting, Council resolved to revise the HO264 Statement of Significance to:

- recognise the verandah fretwork, posts and floor tiling are not original but are appropriate for the heritage place
- remove references to:
 - the front verandah having turned timber posts
 - verandah fretwork as a later alteration and addition.

Mr Gard'ner considered 230 Jasper Road has sufficient heritage significance to justify applying the Heritage Overlay. He agreed with Council's proposed changes to the HO264 Statement of Significance subject to referring to the verandah fretwork, posts and floor tiling as 'stylistically' appropriate. The changes reflected his initial advice to Council in response to submissions.

Mr Gard'ner agreed with the following Council response to the house's rear alterations:

It is also noted that many heritage residential buildings have rear additions that alter the roofline at the rear of the residence, but which are substantially concealed in views from the public realm. This type of change is consistent with local heritage policy ... which encourage the location of first floor additions behind the principal façade and principal visible roof forms. It does not undermine the assessed significance of the place.

Council commended the owners for the care taken in recent works to the house that respected its heritage values.

(iii) Discussion

The owners of 230 Jasper Road have sensitively altered the house to reflect its original style to the point where the Heritage Review assumed it was the original form. The HO264 heritage citation and Statement of Significant should note the verandah fretwork, posts and floor tiling as *"stylistically' appropriate"* to inform any future alterations and assessments.

As discussed in Chapter 2.4, there are many houses in Melbourne that have had extensions to the rear of the original heritage fabric. This includes part demolition of the heritage structure. The Panel agrees with Council that the extension to 230 Jasper Road is appropriate alteration, as it did not alter the roofline and it is largely concealed from the public view. The house retains sufficient integrity to be considered of local heritage significance.

(iv) Conclusions and recommendations

The Panel concludes:

- 230 Jasper Road is sufficiently intact to meet the local threshold as an individual place and has sufficient local heritage significance to justify the Heritage Overlay (HO264).
- The HO264 heritage citation and Statement of Significant should be revised to note the verandah fretwork, posts and floor tiling are stylistically' appropriate.

The Panel recommends:

- 4. Amend the HO264 Statement of Significant to:**
 - a) replace 'Front verandah turned timber posts' with 'Front verandah' as an element contributing to the place's significance**

- b) delete 'verandah fretwork' as a later alteration that does not contribute to the place**
- c) add *"The verandah posts, fretwork and floor tiling are not original but are stylistically appropriate for the heritage place"* at the end of the 'What is Significant?' section.**

4.3 123 McKinnon Road (HO263)

Exhibited Statement of significance



What is significant?

'Essex' at 123 McKinnon Road, McKinnon, a late Federation residence constructed c.1913.

Elements that contribute to the significance of the place include:

- Single-storey timber house, typical of modest houses from the late Federation period
- Corrugated metal-clad gabled-hip roof form
- Red brick chimney with rendered banding
- Asymmetrical front elevation with prominent projecting gable bay
- Rough cast render and half timbering effect to gable end
- Window hood with decorative timber brackets to projecting gable bay
- Front verandah with timber posts
- Front door with top light and timber-framed sash windows.

Later alterations and additions, including the single-storey rear addition, outbuildings and front fence, are not contributory.

How is it significant?

'Essex' at 123 McKinnon Road, McKinnon is of local historical and representative (architectural) significance to the City of Glen Eira.

Why is it significant?

'Essex' at 123 McKinnon Road, McKinnon has strong associations with the development of McKinnon in the first part of the twentieth century when undeveloped land from late nineteenth century subdivisions began to be tentatively developed following the hiatus caused by the 1890s Depression. Constructed on land that formed part of the 1880s 'Railway Park' subdivision, 'Essex' at 123 McKinnon Road is one of a small number of places remaining in the suburb to demonstrate this phase of development. 'Essex' clearly illustrates this early phase of development in the southern part of the City of Glen Eira **(Criterion A)**.

'Essex' at 123 McKinnon Road, McKinnon is a highly intact representative example of a modest house from the late Federation period. It displays typical characteristics of the period including timber construction, gabled-hip roof, prominent front gabled bay forming an asymmetrical front elevation, rough cast rendering and half-timbering effect to the gable end, front verandah supported on timber posts and red brick chimney with rendered banding **(Criterion D)**.

(i) The issue

The issue is whether 123 McKinnon Road has sufficient heritage significance to justify the Heritage Overlay (HO263).

(ii) Evidence and submissions

Several submissions objected to applying the Heritage Overlay (HO263) to 123 McKinnon Road. Collectively, they stated:

- the building's red brick chimney with rendered banding and front verandah with timber posts do not demonstrate historical significance and representativeness
- these elements are typical for homes in the early twentieth century
- the property lacks sunlight and is being 'enveloped' into low level urban development
- there is no benefit in extending the McKinnon Village Precinct to include the property
- applying the Heritage Overlay would restrict it from becoming as a shop and residential building as seen at 121 and 129 McKinnon Road
- the property has not been occupied by a person of interest and should be developed after its current occupant leaves
- the building:
 - is simply an old cheaply built weatherboard home
 - is no different to the many homes built during the 1890s depression era
 - does not conform with adjacent buildings
 - has been significantly altered, specifically the metal roof and decorative timber frieze.

Mr Gard'ner considered that 123 McKinnon Road had sufficient heritage significance to justify applying the Heritage Overlay. He explained:

- the house is a highly intact representative example of a house of the late Federation (Edwardian) period that demonstrates many of the principal elements of this period and style
- very few pre-First World War buildings remain substantially intact in McKinnon and this house helps demonstrate the earliest stages of European settlement in the area
- the loss of some of the decorative timber frieze to the verandah has only a minor impact on the intactness of the house
- the HO263 Statement of Significance acknowledges the single-storey rear addition, outbuildings and front fence are not contributory.

Council accepted Mr Gard'ner's evidence regarding 123 McKinnon Road.

(iii) Discussion

Chapter 2.3 discusses potential policy objectives associated with a future permit application for this property.

The Panel accepts Mr Gard'ner's evidence regarding 123 McKinnon Road. It is a highly intact Federation (Edwardian) period house.

Any development beyond the curtilage (being the extent of Heritage Overlay mapping along the property boundary) of 123 McKinnon Road is not relevant. This is because the curtilage is an area of sensitivity that may potentially affect the heritage fabric and is included so that Council can assess the potential impact of any future development proposal.

(iv) Conclusion

The Panel concludes that 123 McKinnon Road has sufficient heritage significance to justify the Heritage Overlay (HO263).

Appendix A Document list

No.	Date	Description	Provided by
1	23 Dec 2025	Panel Directions and Hearing Timetable (version 1)	Planning Panels Victoria (PPV)
2026			
2	7 Jan	Submitter map (to the Panel only)	Council
3	2 Feb	Panel Directions and Hearing Timetable (version 2)	PPV
4	17 Feb	Panel Directions and Hearing Timetable (version 3)	PPV
5	18 Feb	Council Part A submission	Council
6	18 Feb	Expert report – Jim Gard’ner	Council
7	18 Feb	Expert report – Martin Turnor	18 Clee Street Owners
8	24 Feb	Council Part B submission	Council
9	24 Feb	HO264 Statement of Significance: 260 Jasper Road (Version 1, with tracked changes)	Council
10	24 Feb	HO272 Statement of Significance: 18 Clee Street (Version 1, with tracked changes)	Council
11	24 Feb	Hearing presentation – Jim Gard’ner	Council
12	24 Feb	Hearing submission	Glen Eira Historical Society
13	24 Feb	Hearing submission	18 Clee Street Owners
14	24 Feb	18 Clee Street photos (Submission Appendix A)	18 Clee Street Owners
15	26 Feb	HO275 Statement of Significance: McKinnon Village (Version 1, with tracked changes)	Council