Planning and Environment Act 1987
Panel Report
Moonee Valley Planning Scheme Amendment C186
Proposed Heritage Overlay - 5 Alma Street, Aberfeldie

4 June 2018
Planning and Environment Act 1987
Panel Report pursuant to section 25 of the Act
Moonee Valley Planning Scheme Amendment C186
Proposed Heritage Overlay - 5 Alma Street, Aberfeldie
4 June 2018

Cathie McRobert, Chair
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List of Abbreviations

GRZ  General Residential Zone
HO   Heritage Overlay
Plan Melbourne  Plan Melbourne 2017-2050: Metropolitan Planning Strategy
FPN1  Planning Practice Note 1 Applying the Heritage Overlay (January 2018)
The Act  Planning and Environment Act 1987
The Permit Application  Planning permit application pMV/389/2017
Overview

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</tr>
</tbody>
</table>
| **Appearances**     | Moonee Valley City Council represented by Kristin Richardson of Maddocks who called evidence from:  
                      - Nigel Lewis of Context Pty Ltd in Heritage  
                      Puja Superannuation Fund Trustees Ravindra and Noella Hiremath represented by John Atkins of Counsel who called evidence from:  
                      - Peter Lovell of Lovell Chen in Heritage |
| **Citation**        | Moonee Valley PSA C186 [2013] PPV |
| **Date of this Report** | 4 June 2018 |
Executive summary

(I) Summary

Moonee Valley Planning Scheme Amendment C185 (the Amendment) seeks to apply the Heritage Overlay (HO448) to 5 Alma Street, Aberfeldie on a permanent basis¹.

The existing building on the site presents as an asymmetrical single-storey interwar bungalow with wide colonnaded verandah, an original fence and a double garage.

The owner of the site originally objected to proposed HO448 on the basis that the local heritage significance of the property had been overstated. The submission also noted several inaccuracies in the exhibited draft heritage citation, in particular, relating to the integrity of the garage and its contribution to the significance of the property as a whole.

During the Panel process, consultation between the expert witnesses narrowed the issues in contention. They agreed that:

- the HO should apply to the house, front garden and front fence to Alma and Beaver Streets
- reference should be made in the citation to distinguish the land to the rear from the main house area (beyond four metres south of the gutter line of the main roof) as that part of the site does not contribute to the heritage significance of the Place
- the citation should be updated to reflect further assessment and included as a reference document in the Clause 22.01 policy (although Council did not support including it as a reference document).

The issues remaining in contention related to:

- whether the HO should apply to the whole of the site
- the heritage value of the remaining rear wall of the original single garage
- the identification in the citation of the criteria the site meets to justify its inclusion in the HO.

The Panel concludes:

- The Amendment is supported by, and implements, the relevant sections of the planning policy and is consistent with the relevant Ministerial Directions and PPN1.
- The HO should apply to the whole of the site until a permit for development of the rear of the property is granted.
- The remaining northern garage wall makes a limited contribution to the heritage significance of the place. The citation should be updated to describe the changes to the garage and remove references to the garage in the statement of significance.
- While the place meets the threshold of significance for inclusion in the HO, the citation elevated its significance. References to Criterion A (historical significance), Criterion B (rarity) and the site being a landmark should be deleted from the

¹ Amendment C185 (gazetted on 25 January 2018) applied an interim heritage control to the land which will expire on 30 October 2018.
citation. The citation should be revised to state that the rear of the site and the garage do not contribute to the significance of the place.

- It is desirable to accord the citation for the site the status of a reference document to the Clause 22.01 policy.

(ii) Recommendations

Based on the reasons set out in this Report, the Panel recommends that Moonee Valley Planning Scheme Amendment C186 Proposed Heritage Overlay - 5 Alma Street, Aberfeldie be adopted as exhibited subject to the following:

1. Delete garage from the column ‘Outbuildings or fences which are not exempt under clause 43.01-3’ in the Schedule to clause 43.01-3.

2. Update the citation for 5 Alma Street, Aberfeldie to include the following revisions:
   a) Update the “Description & Integrity” (shown in the Appendix of this report)
   b) Delete reference to Criterion A, Criterion B and the place being a landmark, from the Assessment Against Criteria and in the Statement of Significance
   c) Specify that the garage and the rear of the property do not contribute to the significance of the place (shown in the Appendix of this report).

3. Include the updated citation for 5 Alma Street, Aberfeldie as a reference document in the Clause 22.01 (Heritage) policy.
1 Introduction

1.1 The Amendment

The Amendment proposes to apply the Heritage Overlay (HO448) to 5 Alma Street, Aberfeldie (the site) on a permanent basis. The exhibited Schedule to the HO does not exempt the garage and front fence to Alma and Beaver Streets from permit requirements under the overlay, however, controls relating to external paint, internal alteration or trees are not proposed.

Figure 1 Proposed HO448 5 Alma Street, Aberfeldie (Source: Council Part B submission)

The site is located on the south-east corner of Alma and Beaver Streets. The existing building presents as an asymmetrical single-storey interwar bungalow with wide colonnaded verandah, an original fence and a double garage.

Figure 2 Street view of the site looking north from Alma Street [Source: Context Pty Ltd]

Figure 3 The rear garden area (Source: Lovell evidence)

Figure 4 The double garage presentation to Beaver Street (Source: Lovell evidence)

Figure 5 The altered east end wall of the original garage (Source: Lovell evidence)
The exhibited heritage citation report identifies 5 Alma Street, Aberfeldie as being significant at a local level\(^2\). The statement of significance for the site in the exhibited citation is reproduced below:

**What is Significant?**

The property at 5 Alma Street, Aberfeldie, built in c.1929-30, is significant. The house is an asymmetrically designed villa, designed to address not only the principal Alma Street frontage, but also the Beaver Street frontage. The house is sited with equal setbacks from both frontages with a simple path system entered from the corner gateway under the timber pergola. The house combines an eclectic and rich combination of styles with an unusually high standard of detailing, including unpainted roughcast walls with a red brick base that extend to the window sills, repeated on the verandah baiustrade, geometric pattern leadlight windows and original fully glazed doors with vertically oriented geometric pattern with timber glazing bars. The red brick walls have clinker brick highlights. The house has a strong sense of horizontality, derived from the wide verandah and the low pitched hipped roof punctuated by the two projecting gables that terminate the return verandah.

The garden, with simple path layout and beds for annuus and minimal permanent planting, which is characteristic of interwar gardens, is significant. The original long low fence, which matches the materiality of the house but in a different configuration, is also significant. The large double garage, with gabled roof and finial designed to match the house, and the original industrial grade roller shutter doors are also significant.

Non-original alterations and additions to the house are not significant, including the replacement grey cement roof tiles. The ripple iron side fence and timber pergola are sympathetic in style but not significant.

**How is it significant?**

5 Alma Street, Aberfeldie, is of local historic, architectural and aesthetic significance to the City of Moonee Valley.

**Why is it significant?**

Historically, 5 Alma Street, Aberfeldie, is significant for the evidence it provides of key phases in the development of Aberfeldie as a suburb in the first decades of the twentieth century. Aberfeldie was first subdivided from the earlier riverside estates in 1888 but, located some distance from train and tram services, it did not develop significantly until the 1910s and 1920s. Built in c.1929-30, 5 Alma Street was, relatively, a later development in the neighbourhood (Criterion A).

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\(^2\) Clause 22.01 of the Moonee Valley Planning Scheme defines Significant Place as:

A heritage place that has cultural heritage significance independent of its context. Significant places may also contribute to the significance of a heritage precinct. Significant places will usually have a separate citation and statement of significance.
Aesthetically, 5 Alma Street is significant as an interwar villa that exhibits many features typical of the interwar brick Bungalow style, a popular form of domestic architecture in the suburbs during the 1920s, with elements that recall both California and Indian Bungalow idioms. Typical features of the style include the strong horizontality of its roof form, the visually prominent low-pitch roof, the wide colonnaded return verandah, the grouped verandah posts, roughcast rendering, shingled panel above the corner bay window, and geometric pattern leadlight glazing, and projecting timber window frames. Also significant is the simple landscape design of the bath layout with beds for annuals and minimal permanent planting, which are characteristic of gardens from the interwar period. The lack of large plants in the front garden ensured the house remained the dominant feature of the corner site (Criterion D).

The aesthetic quality of 5 Alma Street is enhanced by the high degree of intactness of the house and its original features and detailing, and by the high degree of integrity of the site as a whole which retains its characteristic front garden, original front fence, and garage. The large double garage is significant for its design, rare for the period in the manner that the gabled roof and final match the house. It retains its original industrial grade roller shutter doors (Criteria D and B).

Aesthetically, 5 Alma Street is distinguished by its high architectural quality and intactness. The house combines an eclectic and rich combination of styles with an unusually high standard of detailing. The house is of particular note for the unusual quality of roughcast, especially under the verandah where it has been protected from weather. The two bay windows are of note for the leaded glass with a distinctive vertically oriented geometric pattern on both upper and lower sashes of the double hung windows. These are located below the front gable and on verandah return. The wide colonnaded return verandah is the most striking feature of the house. Six pairs of short precast cement square fluted columns with brick bases support the verandah roof and its extension past front bay window (Criterion E).

Aesthetically, 5 Alma Street is significant as a landmark. The design of the house, the striking architectural features, its corner siting, and low scale front garden augment this landmark quality (Criterion E).

The integrity of the house and grounds (including the garden, front fence and garage) is remarkably high, other than for the replacement grey cement roof tiles. In this regard, 5 Alma Street compares favourably with 10 and 30 Leslie Road, Aberfeldie, both of which are identified as individually significant places within the Riverview Estate Precinct. The integrity of 5 Alma Street distinguishes it from other interwar corner houses in Aberfeldie in the Heritage Overlay that were built in a similar style and which are of similar architectural quality. The intactness of the house, its landmark quality, and the integrity of the site as a whole, compare favourably with some of the best-known interwar landmark corner houses in Melbourne (Criterion E).
1.2 Post-exhibition changes supported by Council

After considering the submission and on advice from Context (which accepted that the garage has been modified and extended to the south), Council supported updating the description and removing reference to the garage from:

- the Statement of Significance
- the column ‘Outbuildings or fences which are not exempt under clause 43.01.3’ in the Schedule to the HO (so that this column only applies to the front fences facing Alma and Beaver Streets).

At the Hearing, Council qualified this position to align with evidence from Mr Lewis that the northern garage wall contributes to the significance of the place and this should be recognised in the place citation (see Chapter 2.2). Council’s Part A submission included a copy of a revised citation (14 January 2018).

1.3 Background to the proposal

(i) Relevant heritage studies

The Moonee Valley Planning Scheme\(^3\) refers to the eight heritage studies, however, the Essendon Conservation Study prepared by Graeme Butler in 1985 is the only study that included the site or the immediate area. That study involved a survey of elements considered to be of heritage importance in the study area (Essendon, Moonna Ponds, and Ascot Vale). Although Aberfeldie was not specifically studied, the site was one of a number of properties in the suburb that were considered ‘D’ grade buildings.

Council commissioned the Stage 1 Heritage Gap Study October 2014 (the Heritage Gap Study) by Context Pty Ltd to:

- provide a systematic approach to identify places in the municipality dating from the time of European contact which are of potential heritage value and not protected by the HO
- provide a prioritised work program to guide future heritage studies (over the next 8+ years)
- minimise ad hoc heritage assessments.

The Heritage Gap Study identified approximately 3,500 places that could potentially have heritage significance, together with priorities for future assessment. The site was identified in a list of “new places of potential heritage significance identified as part of the desktop study” and as an ‘interwar residential building’ for ‘high priority studies’. A preliminary ‘Heritage Citation Report’ for the site was provided\(^4\).

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\(^3\) Clause 22.01.7

\(^4\) See the Heritage Gap Study Appendix C (‘Places and Precincts for future Assessment’), Appendix D (‘Recommended Stage 2 Studies’) and Appendix F page 136, which provides a preliminary ‘Heritage Citation Report’ for the land.
(ii) **Chronology of events leading to the Amendment**

Table 1 sets out the chronology of events leading to the Amendment, including adoption of the Heritage Gap Study, the application for a permit to redevelop the land and interim heritage protection through Amendment C185.

Table 1  
**Chronology of events leading to the Amendment**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 2014</td>
<td>Council adopted the Heritage Gap Study</td>
</tr>
<tr>
<td>May 2015</td>
<td>Council considered the introduction of an internal process for the consideration of demolition requests and planning permit applications for properties that were identified in the Heritage Gap Study but not yet included within a HO. Council resolved to:</td>
</tr>
<tr>
<td></td>
<td>- Confer delegation of requests to the Minister for Planning for interim HOs1 to the Chief Executive.</td>
</tr>
<tr>
<td></td>
<td>- Endorse the process for the consideration of applications for demolition under Section 25A of the Building Act 1993.</td>
</tr>
<tr>
<td>June 2017</td>
<td>Planning permit application MV/389/2017 (the Permit Application) to construct three new dwellings on the site was lodged with Council.</td>
</tr>
<tr>
<td>July 2017</td>
<td>Context provided a Preliminary Heritage Assessment to Council for the site.</td>
</tr>
<tr>
<td>September 2017</td>
<td>Council resolved to:</td>
</tr>
<tr>
<td></td>
<td>- Seek authorisation from the Minister to prepare and exhibit the Amendment.</td>
</tr>
<tr>
<td></td>
<td>- Formally request that the Minister apply interim controls to the site pursuant to s 20(4) of the Planning and Environment Act 1987 (The Act)</td>
</tr>
<tr>
<td></td>
<td>- Refer submissions requesting changes to the Amendment that are not resolved to a Planning Panel.</td>
</tr>
<tr>
<td>17 October 2017</td>
<td>The Minister authorised Council to prepare Amendment C186.</td>
</tr>
<tr>
<td>November 2017</td>
<td>The Permit Application lapsed as the applicant did not respond to Council's request for further information.</td>
</tr>
<tr>
<td>25 January 2038</td>
<td>Amendment C185 (interim heritage protection for the site) gazetted.</td>
</tr>
</tbody>
</table>

1.4 **Planning context**

(i) **Policy framework**

**State Planning Policy**

The Amendment Explanatory Report and Council’s submission to the Panel indicate that the Amendment responds to the relevant provisions of the Act and planning policy support for the protection of places of cultural heritage significance. Of particular relevance are:

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*Under Section 20(4) of the Planning and Environment Act 1987*
The objectives for planning in Victoria in the Act include ‘to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.’

Clause 9 requires planning authorities to consider and apply the strategy of Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Plan Melbourne). This includes:
- Direction 4.4 to ‘respect Melbourne’s heritage as we build for the future’.
- Policy 4.4.1 is to ‘Recognise the value of heritage when managing growth and change’ and includes supporting commentary:
  
  With all three levels of government sharing responsibility for protecting Melbourne’s post-settlement cultural heritage, decision-making must be consistent and credible and be based on clear and widely accepted heritage conservation principles and practices.
  
  Realising the community benefit of heritage will require careful management of the ongoing processes of change to the urban environment. Decisions must be based on an appreciation of Melbourne’s past as well as an understanding of its future needs.
  
  There will need to be continuous identification and review of currently unprotected heritage sites and targeted assessments of heritage sites in areas identified as likely to be subject to substantial change.
  
- The Five-Year Implementation Plan for Plan Melbourne Action 69 addresses heritage planning initiatives, including:
  
  Ensure that Melbourne’s heritage assets and distinctive historic precincts are protected, enhanced and celebrated ...

- Clause 11.06-4 (Place and identity), includes the strategy:
  
  Recognise the value of heritage by carefully managing the ongoing processes of growth and change in the urban environment.

- Clause 15.03-1 (Heritage conservation) which aims ‘To ensure the conservation of places of heritage significance’ through strategies that include:
  
  Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
  
  ...

  Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.

  Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.

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Section 4(d) of the Act and Clause 10.02.
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.

Support adaptive reuse of heritage buildings whose use has become redundant (emphasis added).

Local Planning Policy

Council’s Heritage Policy (Clause 22.01) applies to all land included in the HO. It seeks to (most relevantly):

- encourage conservation of heritage places in accordance with the principles and procedures set out in the Burra Charter
- maintain the integrity, intactness and significance of heritage places
- ensure that alterations and additions and new buildings respect and complement the heritage place
- avoid alterations, additions or demolition that would result in the incremental or complete loss of significance of a heritage place
- maintain an appropriate setting for a heritage place.

The policy discourages new buildings that would be visually dominant. With regard to subdivision, it is policy to maintain the contributory elements of the heritage place on a single lot and avoid the potential for new buildings that could adversely affect a heritage place.

(ii) Planning scheme provisions – zones and overlays

The Heritage Overlay

The purposes of the HO 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 General Residential Zone

The site is in the General Residential Zone (GRZ) and no overlays currently apply. In the GRZ a planning permit is required for subdivision, development of more than one dwelling on a lot and for a dwelling on a lot of less than 500 square metres. If the lot is greater than 500
square metres a building permit would be required but not a planning permit if the relevant standards are met.

(iii) Ministerial Directions and Practice Notes

Ministerial Directions and planning practice notes of particular relevance are:

- Ministerial Direction No 11 - Strategic Assessment Guidelines and Planning Practice Note 46 (Strategic Assessment Guidelines).
- Ministerial Direction on the Form and Content of Planning Schemes.
- Planning Practice Note 1 Applying the Heritage Overlay (revised January 2018) (PPN1).

Under “What Places Should be Included in the Heritage Overlay”, PPN1 includes:

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

PPN1 establishes that recognised heritage criteria are to be used for all new heritage assessment work. The following criteria were referred to in the exhibited citation for the site:

- 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 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).

The thresholds to be applied in the assessment of significance shall be ‘State Significance’ and ‘Local Significance’, which includes places that are important to a particular community or locality. Some comparative analysis of similar places within the study area, including those that have previously been included in a heritage register or HO, is required to substantiate the significance of each place.

Documentation for each place must include a statement of significance that clearly establishes the importance of the place using the three-part format of ‘What is significant?’; ‘How is it significant?’ and ‘Why is it significant?’

PPN1 guidance relating to HO curtilages, which is a central issue to be addressed, is discussed in Chapter 2.

(iv) Discussion

There is clear State and local policy support for the protection of places of heritage significance. Specific issues raised in submissions, in particular, the extent of the proposed HO, are discussed in Chapter 2. Otherwise, the Panel concludes that the Amendment is well founded and is strategically justified.
Conclusion
The Panel concludes that:

- The Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework and is consistent with the relevant Ministerial Directions and PPN1.
- The Amendment is well founded and strategically justified, and the Amendment should proceed, subject to addressing the more specific issues raised in submissions as discussed in the following Chapter.

1.5 The issues

The original objecting submission on behalf of the owner of the site challenged whether the heritage significance of the place justifies its inclusion in the HO. The submission included a heritage assessment by heritage consultants Lovell Chen which:

- concluded the local heritage significance of the property has been overstated
- noted several inaccuracies in the exhibited draft heritage citation, in particular, the extensive modifications to the existing garage to an extent that it does not contribute to the integrity and significance of the property as a whole.

Further assessment of the site by Mr Lovell in the preparation of his evidence statement resulted in a view that differed, to some extent, from the views expressed in the original objecting submission (see below).

As part of the Panel process, the expert witnesses consulted to clarify matters that are agreed and disputed. This was a constructive process that narrowed the issues in contention. Table 2 reproduces the matters on which the experts agreed and did not agree on (with corrections made at the Hearing).

<table>
<thead>
<tr>
<th>Issue</th>
<th>Agreed/ Disagree</th>
<th>Mr Lewis</th>
<th>Mr Lovell</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Application of the HO to the house, front garden and front fence to Alma and Beaver Streets.</td>
<td>Agreed</td>
<td></td>
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<tr>
<td>2. Is an HO warranted?</td>
<td>Not agreed</td>
<td></td>
<td></td>
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<tr>
<td>3. Is an HO warranted across the complete land holding?</td>
<td>Not agreed</td>
<td></td>
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</tr>
<tr>
<td>The complete land holding should be included in the HO. However, it should be recorded that the land south of a line 4 metres south of the gutter line of the main roof has little if any significance.</td>
<td>The extent of land covered by the HO should be limited to the depth of the block extending from the Alma Street frontage to a line 4 metres south of the gutter line of the main roof.</td>
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<tr>
<td>4. Requirement for an incorporated plan. How to manage land not of significance?</td>
<td>Agreed</td>
<td></td>
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<tr>
<td>There is not a requirement for an incorporated plan. If the entire land is subject to the HO reference should be made in the citation (inclusive of a plan) to distinguish the land to the rear from the main house area, with greater</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Issue</td>
<td>Agreed/ Disagree</td>
<td>Mr Lewis</td>
<td>Mr Lovell</td>
</tr>
<tr>
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<tr>
<td>5. H0 columns to be ticked:</td>
<td>Not agreed</td>
<td>The north wall of the garage is important to the enclosure of the garden area. It is located north of the 4 metre line south of the main roof. It should not be exempt under Clause 43.01-3.</td>
<td>The whole of the garage should be exempt under Clause 43.01-3.</td>
</tr>
<tr>
<td>- The garage</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- The front fence to Alma and Beaver Streets</td>
<td>Agreed</td>
<td>Agreed</td>
<td>Agreed</td>
</tr>
<tr>
<td>6. Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inclusion of the citation as a reference document</td>
<td>Agreed</td>
<td>Agreed that a revised citation should be included in the planning scheme as a reference document.</td>
<td></td>
</tr>
<tr>
<td>Lovell Chen proposed changes to the citation. Mr Lewis proposed changes to the citation</td>
<td>Not agreed</td>
<td>Only agree with the proposed changes regarding the garage that includes the north garage wall.</td>
<td>The version of the citation to be included should be as per Lovell mark-up.</td>
</tr>
</tbody>
</table>

(i) **Matters not in dispute**

Submissions to the Panel on behalf of the site owner and Council adopted the views in the respective expert evidence they each called, with the exception that Council did not support the inclusion of the citation as a reference document in the planning scheme. There was consensus in the evidence that the house, front fence and front garden areas at 5 Alma Street meet the threshold under Criterion D (representativeness) and Criterion E (aesthetic value) and are of sufficient heritage significance to meet the threshold required for inclusion in the H0’. As noted in Chapter 1.2 Council supported removal of the references to the garage (with the exception of the northern garage wall) from the statement of significance. At the Hearing, Council qualified this position to align with evidence from Mr Lewis that the northern garage wall contributes to the significance of the place and this should be recognised in the place citation.

(ii) **Issues dealt with in this Report**

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

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9 It is noted that Mr Lovell and Mr Lewis did not consider the place satisfies Criterion A (historical value) or Criterion B (variety) at the same level.
the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

The process of consultation between the expert witnesses narrowed the issues in contention. The Panel accepts the consensus that emerged on the key issue of the significance of the front of the property and that the HO should apply. This position was reach as a result of the constructive approach adopted by the two highly respected experts.

The remainder of this report deals with the issues remaining in contention, under the following headings:

- Should the HO apply to the rear of 5 Alma Street, Aberfeldie?
- Should remnant fabric of the original garage be identified as contributing to the significance of the place?
- Should the place citation be a reference document?
2 Issues remaining in contention

2.1 Should the HO apply to the rear of 5 Alma Street, Aberfeldie?

(i) Evidence and submissions

The landowner and Mr Lovell argued that the extent of the HO should be limited to the land bounded by the north, east and west title boundaries and to a line drawn four metres south of the gutter line on the main roof form, excluding the skillion roof.

Mr Lovell acknowledged that it is the usual practice in an urban/suburban context to apply the HO to an entire property to provide certainty in mapping and facilitate management of the setting. However, in this case, it was his view that the inclusion of the rear of the site in the HO is not warranted on grounds of the significance of that land or the need to manage the house setting:

> While any additions or new building on southern land area may impact on the visual presentation of the building, my view is that, within the context of the other planning controls which would be considered in such works, the scale and nature of such development would not adversely impact on the assessed significance of the house and front and side garden areas.

Although Council and Mr Lewis acknowledged that the existing garage has less significance as a result of modifications, they maintained that the HO should apply to the entire property. Council highlighted that in this context, the guidance provided by PPN1 supports this approach. Council noted its capacity to assess whether the scale of development would diminish the heritage values of the front of the existing property would be limited because in Moonee Valley a planning permit would not be required under the GRZ for a single dwelling if the lot size after subdivision of the land exceeded 500 square metres.

(ii) Discussion

As acknowledged by both expert witnesses, PPN1 supports the usual practice of applying the HO to the whole of the property to ensure that any development, including subdivision, does not adversely affect the setting, context or significance of the heritage item. PPN1 cites a suburban dwelling and its allotment as an example. PPN1 sets out the process for establishing the HO curtilage:

1. Review the heritage study documentation and ask the question ‘What is significant?’. The polygon should capture those elements of the place that are significant...

2. In addition to capturing the elements that are significant, it is almost always necessary to include some surrounding land (a “curtilage”) in order to:
   * retain the setting or context of the significant building, structure, tree or feature
   * regulate development (including subdivision) in close proximity to the significant building, tree or feature.
3. Where possible, uncomplicated and easily recognised boundaries (such as a fence line) leave little room for potential dispute...

4. Use aerial photos where they exist to assist in identifying a reduced curtilage.

5. Where access is possible, 'ground truthing’ may be of assistance.

6. Explain the basis for the reduced curtilage polygon in the heritage study documentation.

7. Where questions might arise in the future as to the extent of the polygon shown on the planning scheme map, use the entry in the Schedule to the Heritage Overlay (i.e. column two) to specify the area covered by the polygon.

The Panel has some sympathy with the argument that this could be a case where it could be reasonable to depart from the usual practice, set out in PPN1, that an HO should apply to an entire site. The Panel is conscious that:

- There is agreement that the rear of the site, beyond four metres south of the gutter line on the main roof form (excluding the skillion roof), does not contribute to the heritage significance of the place.
- The “burden” of permit requirements under the HO is justified on the basis that the protection of significant heritage values needs to be taken into account in the assessment of development proposals.
- The planning permit process for subdivision would allow consideration of the land that should be maintained on the parent lot to retain the setting and context for the house, front garden and fence.
- ResCode provisions would limit the scale of development on the rear of the site.
- The combination of the HO map and schedule (column 2) would allow clear definition of the part of the site to which the HO applies. This is more specific than applies to various overlays that do not incorporate the whole of property where the planning concerns to be addressed only relate to part of a property (such as environmental hazards or to address specific design issues).

Nevertheless, there is clearly scope for development of the rear of the site and the Panel considers there should be a more nuanced approach to the assessment of development proposals for the rear of the site than may occur solely under ResCode. As Mr Lewis advised, the primary concern in this case would be to avoid excessive scale of new development and the HO would provide for specific consideration of whether the scale of new development would undermine significant heritage values towards the front to the site.

As noted at the Hearing, permit requirements after land to the rear is subdivided/developed should be minimised. It may well be appropriate to reduce the extent of the HO concurrently with a development application to align with new lot boundaries through a joint Amendment and permit process. At that time, the specific implications of a subdivision/development proposal for the heritage values of the site, both initially and in the longer term, could be evaluated and addressed. Mechanisms such as a building envelope(s) on the new title(s) could be considered to ensure both.
potential impacts on significant heritage values are managed; and
unnecessary future permit requirements are avoided.

(iii) Conclusion
The Panel concludes:
- The HO should apply to the whole of the 5 Alma Street, Aberfeldie until a permit for
development of the rear of the property is granted.

2.2 Should remnant fabric of the original garage be identified as
contributing to the significance of the place?

(i) Evidence
Mr Lovell emphasised the importance of accurate citations to inform future permit
processes. If the HO applies to the whole of the site, it is particularly important to clearly
indicate what does and does not contribute to the heritage significance of the site.

On further assessment, Mr Lewis agreed with Mr Lovell that the garage brickwork style,
roller shutter doors, and roofing tiles and finials suggest it is likely that the garage was
extended in the 1950’s. He accepted that the garage now plays a less important aspect of
the significance of the house and front garden.

However, Mr Lovell and Mr Lewis did not agree on whether the northern garage wall
contributes to the significance of the place and, therefore, whether it should be recognised
in the place citation.

Mr Lewis considered the north wall of the garage:

... still plays an important role by defining and enclosing the front garden and
provides an important aspect of the integrity of the garden.

Mr Lovell did not consider the original garage fabric that remains warrants any recognition.
While the northern garage wall remains in its original locations and does define the southern
part of the front garden, he noted that changes to the garage had increased the ridge height
of the garage roof. It was his view that enclosure of the front garden could be achieved
sympathetically without necessarily retaining the original northern garage wall.

Figure 6 View of northern garage façade from Alma Street (Source: Lewis expert statement)
(iii) Discussion

The Panel considers that the definition of the southern extent of the front garden contributes to the significance of the front garden. However, the remaining northern garage wall makes a limited contribution to the heritage significance of the place and does not warrant specific mention in the citation. As illustrated in Figure 6, while the northern garage wall does define the front garden, the altered roof also has a significant presence in the view from the street. As it is recommended that the HO apply to the entire property, appropriate means to define the front garden and maintain its sense of enclosure (which may involve retention of the garage wall) can be considered through the permit application process.

(iii) Conclusions

The Panel concludes:

- Definition of the southern extent of the front garden contributes to the significance of the front garden. However, the remaining northern garage wall makes a limited contribution to the heritage significance of the place and does not warrant specific mention in the citation.
- The citation should be updated to describe the changes to the garage and remove references to the garage in the statement of significance.

2.3 Changes to the citation

(i) Submissions and evidence

The revisions to the citation Mr Lovell put forward are shown in the Appendix. Mr Lovell's view that the significance of the place has been overstated and Council's response (supported by Mr Lewis) are summarised below:

- Reference to Criterion A should be deleted. The site has a history which is associated with a noted development phase, but which cannot be distinguished as illustrating this phase at an elevated level such that it might warrant individual recognition on historical value grounds. Council responded that the property provides a fine and intact representation of the interwar development phase, which warrants heritage recognition at local level. Mr Lewis considered the place met this criterion at the local level as it has distinctive attributes when compared with the housing and interwar development in the nearby Vida and Knight Street precinct (H05).
- Reference to Criterion B should be deleted. The house is one of many buildings which exhibit interwar bungalow features and is not rare such that it satisfies Criterion B. Council responded that the high degree of intactness of the dwelling combined with the integrity of the site as a whole renders it a rare example of an interwar bungalow in the City. Mr Lewis regarded the integrity of the place as remarkably high, although he did concede that the garage was not original as previously assumed.
- Statements referring to the site being a landmark should be revised. While the house at 5 Alma Street meets the representativeness (Criterion D) and aesthetic
(Criterion E) thresholds, its corner location and visibility from Alma Street do not elevate the residence to landmark status within this context.

- Various corrections or updates that reflect further information were not contentious.

(ii) Discussion and conclusion

The Panel prefers Mr Lovell to view the place, while providing a good representation of an inter-war house (Criterion D), does not meet the necessary thresholds for:

- Criterion A (historical significance), that is, “Importance to the course or pattern of our cultural or natural history”.
- Criterion B (rarity), that is, “Possession of uncommon rare or endangered aspects of our cultural or natural history”.

The Panel also agrees with Mr Lovell that the place does not act as a landmark. It is on a corner and is visible from both streets but the bungalow is not in a location of such prominence or of a form that would accord it the status of a landmark.

Conclusions

The Panel concludes:

- While the place meets the threshold of significance for inclusion in the HO, the citation elevated the significance of the place.
- References to Criterion A (historical significance), Criterion B (rarity) and the site being a landmark should be deleted from the citation.

2.4 Should the place citation be a reference document?

(i) Submissions and evidence

Mr Lovell recommended, and Mr Lewis agreed, that the heritage place citation should be included as a reference document to the Heritage Policy (Clause 22.01-7) to ensure it is accorded appropriate weight in future planning decisions. Mr Lovell noted that reference documents are generally identified in support of heritage listings within the scheme and it would be consistent to add the citation for the site to listed reference documents.

Council submitted that Clause 22.01-7 does not list individual heritage citations for individual sites and there is sufficient guidance in the Scheme for adequate interpretation of the heritage overlay for this site. Council referred to:

- Information on heritage places and precincts in the ‘Moonee Valley Heritage Database’ which includes a statement of significance (where one has been prepared) and is used when assessing applications for sites affected by the HO.
- Clause 43.01-5, which provides that, before deciding on an application the responsible authority must consider, as appropriate, ‘Any applicable statement of significance, heritage study and any applicable conservation policy’.
- Clause 22.01-8 provides it is policy to:
  - Consider the most recent statement of significance if there is more than one statement of significance for a heritage place. If there is a statement
of significance at both the individual and precinct level for a heritage place
then both should be taken into account.

- Obtain expert heritage advice to identify the contributory elements of a
  heritage place, where the responsible authority determines that the
  relevant statement of significance does not clearly identify these.

- ...

- Encourage the accurate restoration or reconstruction of colour schemes,
  materials and details to a known earlier state. This should be guided by the
  statement of significance and any additional supporting evidence.

- ...

(ii) Discussion and conclusion

The Panel recognises that the planning scheme makes it clear that statements of significance
are to be considered in planning decisions relating to heritage places. The HO requires
consideration the statement of significance before deciding on an application and the clause
22.01 policy clarifies that it is ‘the most recent statement of significance’ that should be
considered.

However, Council advised that the Clause 22.01 reference documents include citations for
the vast majority of places within the HO. While it may be a ‘belts and braces’ approach,
the Panel supports including the citation for the site as a Clause 22.01-1 reference document
to clearly identify the revised citation as the relevant document to inform decision making
(unless the citation is updated further in the future). This would accord the citation for the
site a status that is consistent with other places in the HO in Moonee Valley.

The Panel concludes:

- It is desirable to accord the citation for the site the status of a reference to the
  Clause 22.1C policy.

2.5 Recommendations

The Panel recommends:

1. Delete garage from the column ‘Outbuildings or fences which are not exempt
   under clause 43.01-3’ in the Schedule to Clause 43.01-3.

2. Updated the citation for 5 Alma Street, Aberfeldie to include the following
   revisions:
   a) Update the “Description & Integrity” (shown in the Appendix of this report)
   b) Delete reference to Criterion A, Criterion B and the place being a landmark
      from the Assessment Against Criteria and in the Statement of Significance
   c) Specify that the garage and the rear of the property do not contribute to the
      significance of the place (shown in the Appendix of this report).

3. Include the updated citation for 5 Alma Street, Aberfeldie as a reference
document in the Clause 22.01 (Heritage) policy.
Appendix Recommended changes to the place citation

(i) History and Historical Context

Thematic context - AS EXHIBITED

Place history - AS EXHIBITED

References - AS EXHIBITED

(ii) Description & integrity

5 Alma Street, Aberfeldie, is an asymmetrically designed villa designed to address not only the principal Alma Street frontage, but also the Beaver Street frontage.

The return verandah and fenestration addresses both frontages, as do the two gables. The house combines an eclectic and rich combination of styles with an unusually high standard of detailing.

It has a strong sense of horizontality, deriving from the wide verandah and the low pitched hipped roof. This is punctuated by the two projecting gables, which terminate the return verandah. This low building form comes from the Craftsman houses in the west coast of USA. Modern terra cotta finials punctuate the roofline.

The wide colonnaded return verandah is the most striking feature of the house. Six pairs of short precast cement square fluted columns with brick bases support the verandah roof and its extension past front bay window. Such paired colonnades were used by architects such as Walter Burley at 12 Lansell Road, Toorak, in 1916. This idiom is possibly derived from colonial buildings in South East Asia, such as the former Dutch East Indies, or from an Indian Bungalow style. The brick balustrade has separate openings for the two entrance doors. The walls are unpainted roughcast with a red brick base extending to the window sills, and repeated on the verandah balustrade. The red brick work has clinker brick highlights. Matching materials are used for the front fence, but in a different configuration. The house is of particular note for the unusual quality of roughcast, especially under the verandah where it has been protected from weather. The long low front fence matches the materiality of the house.

The two bay windows are of note for the leaded glass with a distinctive vertically oriented geometric pattern on both upper and lower sashes of the double hung windows. These are located below the front gable and on verandah return.

The paired front doors are fully glazed in a vertically oriented geometric pattern with timber glazing bars. The design is repeated for the second entrance on the verandah return. This gives the house an ambiguity with respect the main entrance.

The verandah has a patterned terra cotta geometric tiled floor.

The house is sited with equal setbacks from both frontages with a simple path system entered from the corner gateway under the timber pergola. The brick and roughcast front fence, as noted above, is designed to extend the house design along the street frontage and it returns along Beaver Street as a foreground to the return verandah. The simple landscape design of the path layout with beds for annuals and minimal permanent planting is characteristic of the interwar period. The lack of large plants in the front garden ensured the house remained the dominant feature of the corner site.

The large double garage, including the roller shutter doors, is a later addition which may incorporate the remains of an original single garage in this location. Is of a design that is rare for the period in the
manner that the gabled roof and final-match the house, it retains its original industrial grade roller shutter doors.

Comparative Analysis

There are other substantial and elaborately-designed corner houses in Aberfeldie which were built during the interwar period and which are in the Moonee Valley Heritage Overlay. Some of these houses are included in the Heritage Overlay for their individual significance. Others are within residential precincts in the Heritage Overlay.

H0067 Riverview Estate, Aberfeldie. Within this residential precinct two houses in particular are closely comparable to 5 Alma Street. They are 10 and 30 Leslie Road and both are places of individual significance within the Precinct. They share largely similar integrity of the site as a whole when viewed from the street. Both are corner houses of comparable high architectural quality, high standards of detailing, and high intactness as 5 Alma Street. They are also comparable as large single dwellings on garden allotments with original low front fences. Designed to address both street frontages, both houses have comparable landmark qualities as 5 Alma Street. 30 Leslie Road appears to have been extended at the back (with similar Federation era detailing and gable end treatment but different ridge detailing and roof pitch) and a new double carport/garage. It is not known if the garage at 10 Leslie Street is original, or has been modified or designed to be sympathetic to the style of the house and re-using terra cotta slate tiles from another roof plane not visible from the street. The villa at 5 Alma Street is of comparable architectural quality relative to 10 and 30 Leslie Road, and of comparable or higher intactness and integrity in terms of the site as a whole.

H0173 ‘Barter’, 393 Buckley Street, Aberfeldie. Built in 1921. 393 Buckley Street is comparable to 5 Alma Street in terms of the period in which it was built (interwar), its eclectic design, and combination of styles with an unusually high standard of detailing. It differs, however, in that it is a considerably more modest residence than the villa at 5 Alma Street and not a landmark corner building. Furthermore, the villa at 5 Alma Street is of considerably higher quality and intactness. The integrity of the 5 Alma Street property as a whole is also higher than at 393 Buckley Street.

H02 1-9 Dalene Street, Essendon. In nearby Essendon, the interwar brick villa and Bungalow style residences in this residential precinct in the Heritage Overlay are comparable in terms of the period in which they were built (interwar), the architectural style, elegant proportions and detailing of the houses. The precinct includes houses on corner sites, such as the house on the corner of Glass and Crisp streets which, like 5 Alma Street, is oriented to both street frontages. 5 Alma Street is a grander, more elegantly designed, and a more intact example than the example on the corner of Glass and Crisp Streets.

Widening the comparative sample beyond Moonee Valley, 5 Alma Street emerges as an excellent example of substantial and elaborate post Federation and interwar houses built on corner allotments. Many are landmark buildings, specifically designed to make maximum benefit of their siting. They often have two principal facades as well as corner entrances to provide an elongated entry path, sometimes with some form of entry pergola. They are often of larger or more elaborate design than surrounding houses constructed at the same time. Local people of substance, including doctors, keen to demonstrate their status, often built such houses. With the exception of the status of the first occupant (a commercial traveler), 5 Alma Street shares many of these qualities and features, and because of the integrity of the site as a whole, remains as one of comparatively few comparable examples.

Some examples include:
- ‘Shamoon’ 1650 Malvern Road, Toorak, built by Bevan and Purnell 1916
- Grange Road, Toorak (nr Traralga Avenue).

Some surviving examples include:
- 57a Droop Street, Footscray - a highly intact, interwar Bungalow with quirky high quality architectural detailing, original front fence, original garden features.
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- 46 Stevenson Street, Kew - a highly intact interwar Bungalow of high architectural quality, on a corner site, designed to address both streets, with original front fence, original or early garden paths, and original garage. Like 5 Alma Street, the garage design matches the house.

Discussion

In comparison with other early twentieth century houses on corner allotments in Aberfeldie that are included in the Heritage Overlay, 5 Alma Street is of comparable and, in some instances, higher architectural quality and intactness. Further, as a substantial and elegant villa on a prominent corner site, 5 Alma Street compares favourably with 10 and 30 Leslie Road in terms of its landmark value.

The integrity of the house and grounds (including front garden and fence and garage) is remarkably high, other than for the replacement grey cement roof tiles with tiled finials, in this regard. 5 Alma Street compares favourably with 10 and 30 Leslie Road, Aberfeldie, both of which are identified as individually significant places within the Riverview Estate Precinct. This integrity distinguishes 5 Alma Street (and 10 and 30 Leslie Road) from other interwar corner houses in Aberfeldie in the Heritage Overlay of similar architectural quality.

The house, its intact associated features, and the integrity of the front part of the site as a whole, compare favourably with some of the best-known interwar landmark corner houses in Melbourne.

Statement of Significance

What is significant?

The property at 5 Alma Street, Aberfeldie, built in c.1920-30, is significant. The house is an asymmetricaly designed villa, designed to address not only the principal Alma Street frontage, but also the Beaver Street frontage. The house is sited with equal setbacks from both frontages with a simple path system entered from the corner gateway under the timber pergola. The house combines an eclectic and rich combination of styles with an unusually high standard of detailing, including unpainted roughcast walls with a red brick base that extend to the window sills, repeated on the verandah balustrade, geometric pattern leadlight windows and original fully glazed doors with vertically orientated geometric pattern with timber glazing bars. The red brick walls have cinder brick highlights. The house has a strong sense of horizontality, derived from the wide verandah and the low pitched hipped roof punctuated by the two projecting gables that terminate the return verandah.

The garden, with simple path layout and beds for annuals and minimal permanent planting, which is characteristic of interwar gardens, is significant. The original long low front fence, which matches the materiality of the house but in a different configuration, is also significant. The large double garage, with gauged roof and missing designed to  match the house, and the original industrial-grade roller-shutter doors are also significant.

Non-original alterations and additions to the house are not significant, including the replacement grey cement roof tiles.

The ripple iron side fence and timber pergola are sympathetic in style but not significant.

The double garage on Beaver Street is not significant, nor is the rear south side garden and yard.

How is it significant?

5 Alma Street, Aberfeldie, is of local historic, architectural and aesthetic significance to the City of Moonee Valley.

Why is it significant?

Historically, 5 Alma Street, Aberfeldie, is significant for the evidence it provides of key phases in the development of Aberfeldie as a suburb in the first decades of the twentieth century. Aberfeldie was first
subdivided from the earlier riverside estates in 1988 but, located some distance from train and tram services, it did not develop significantly until the 1950s and 1960s. Built in c.1929–30, 5 Alma Street was, relatively, a later development in the neighbourhood. [Criterion A]

Aesthetically, 5 Alma Street is significant as an interwar villa that exhibits many features typical of the interwar brick Bungalow style, a popular form of domestic architecture in the suburbs during the 1920s with elements that recall both California and India Bungalow idioms. Typical features of the styles include the strong horizontality of its roof form, the visually prominent low-pitch roof, the wide colonnaded return verandah, the grouped verandah posts, roughcast rendering, shingled panel above the corner bay window, and geometric pattern headlight gazing, and projecting timber window frames. Also significant is the simple landscape design of the path layout with beds for annuals and minimal permanent planting, which are characteristic of gardens from the interwar period. The lack of large pines in the front garden ensured the house remained the dominant feature of the corner site. [Criterion D]

The aesthetic quality of 5 Alma Street is enhanced by the high degree of intactness of the house, and its original features and detailing, and by the high degree of integrity of the front part of the site as a whole which retains its characteristic front garden area, original front fence, and garage. The large double garage is significant for its design, rare for the period, in the manner that the gabled roof and flap match the house. It retains its original industrial-grade roller shutter doors. [Criteria D and E]

Aesthetically, 5 Alma Street is distinguished by its high architectural quality and intactness. The house combines an eclectic and rich combination of styles, the usual high standard of detailing, and the house is of particular note for the unusual quality of roughcast, especially under the verandah which it has been protected from weather. The two bay windows are of note for the leaded glass with a distinctive vertically oriented geometric pattern on both upper and lower sashes of the double hung windows. These are located below the front gable and verandah return. The wide colonnaded return verandah is the most striking feature of the house. Six pairs of short precast concrete square fluted columns with brick bases support the verandah roof and extension past front bay window. [Criterion E]

Aesthetically, 5 Alma Street is significant as a landmark. The design of the house, the striking architectural features, its corner siting, and low-rise front garden augment this landmark quality. [Criterion E]

The integrity of the house and grounds (including the garaging, front fence and garage) is remarkably high, the original, in the style typical of 1920s, 30s and 40s. It is often black, as are many of the smaller houses in the area. The house is of similar architectural quality. The intactness of the house. Its landmark quality, and the integrity of the front part of the site as a whole, compare favourably with some of the best-known interwar landmark corner houses in Melbourne. [Criterion E]

**Recommendations 2017**

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