

Heritage Council Regulatory Committee

Elliston Estate (Merchant Builders) and Rosanna Parklands (H2454)

153 Lower Plenty Road and 2, 4, 6 Bachli Court and 1, 3, 5, 7, 11, 15, 17, 23, 25, 27, 29, 31 Finlayson Street and 1–8 Cremin Court and 1–10 Ferrier Court and 1–11, 14 Von Nida Crescent, Rosanna, City of Banyule, Wurundjeri Country

Hearing – 27 February 2026

Members – Ms Margaret Baird (Chair), Ms Megan McDougall, Mr Michael McMahon

Determination of the Heritage Council

To include in the Victorian Heritage Register – After considering the Executive Director's recommendation and all submissions received, and after conducting site inspections and a hearing, the Heritage Council has made the following determinations:

- In relation to **Recommendation 1**, pursuant to section 49(1)(ab)(i) of the *Heritage Act 2017*, the Heritage Council has determined that part of the Elliston Estate (Merchant Builders) and Rosanna Parklands is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register in the category of Registered Place. The part of the place to be included in the Victorian Heritage Register is all of Rosanna Parklands located at 153 Lower Plenty Road, and the residential subdivision between Bachli Court and the southern portion of Von Nida Crescent, located at 2, 4, 6, Bachli Court and 1, 3, 5, 7, 11, 15, 17, 23, 25, 27, 29, 31 Finlayson Street and 1–8 Cremin Court and 1–10 Ferrier Court and 1–11 and 14 Von Nida Crescent, Rosanna.
- In relation to **Recommendation 2**, pursuant to section 49(1)(ab)(ii) of the *Heritage Act 2017*, the Heritage Council has determined that part of the Elliston Estate (Merchant Builders) and Rosanna Parklands is not of State-level cultural heritage significance and is not to be included in the Victorian Heritage Register. The part of the place that is not to be included in the Victorian Heritage Register is the area between the northern portion of Von Nida Crescent and the Northern Portion of Pickworth Court, located at 33, 35, 37, 39, 41, 43, 45, 47, 49 Finlayson Street and 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28 Von Nida Crescent and 1–15 Pickworth Court and 15 Phillips Crescent.
- In relation to **Recommendation 3**, pursuant to section 49(1)(d)(ii) of the *Heritage Act 2017* the Heritage Council has determined to include additional land in the Victorian Heritage Register, being the northern-most portion of Rosanna Parklands.

The Heritage Council has also determined, pursuant to section 49(3) of the *Heritage Act 2017*, to adopt categories of works or activities which may be carried out in relation to the place, for which a permit is not required (permit exemptions).

The Heritage Council refers the Recommendation of the Executive Director to the relevant planning authority (the City of Banyule) to consider retaining the areas of the Elliston Estate (Merchant Builders) that are not included in the Victorian Heritage Register, in the Heritage Overlay.

Ms Margaret Baird (Chair)

Ms Megan McDougall

Mr Michael McMahon

Decision Date – 28 May 2026

Acknowledgement

As a peak heritage body, we acknowledge the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage in Victoria. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

Appearances / Hearing submissions

Executive Director, Heritage Victoria ('The Executive Director')

The Executive Director recommended to the Heritage Council that part of the Elliston Estate (Merchant Builders) and Rosanna Parklands be included in the Victorian Heritage Register ('Heritage Register'), and part of the nominated extent not be included in the Heritage Register. The Executive Director was represented at the hearing by Mr Geoff Austin, Manager Heritage Registrations, and Ms Clare Chandler, Senior Heritage Officer (Registrations).

Susan Ottomanski

Ms Susan Ottomanski made submissions to the Heritage Council objecting to the Executive Director's Recommendation. Ms Ottomanski attended the hearing and presented submissions orally.

Melva Jones

Ms Melva Jones made submissions to the Heritage Council objecting to the Executive Director's Recommendation. Ms Jones attended the hearing and presented submissions orally.

Mary O'Dea and Neil Paine

Ms Mary O'Dea and Mr Neil Paine made submissions to the Heritage Council objecting to the Executive Director's Recommendation. Ms O'Dea attended the hearing and presented submissions orally.

Other interested parties

Banyule City Council (Ms Anne North)

Banyule City Council made a submission to the Heritage Council, pursuant to section 44 of the *Heritage Act 2017*, but did not participate in the hearing. Ms Anne North attended the hearing as an observer.

Emily Marson

Ms Emily Marson made a submission to the Heritage Council, pursuant to section 44 of the *Heritage Act 2017*, and requested to participate in the hearing. Ms Marson subsequently withdrew her submission and hearing participation request. She attended the hearing as an observer.

Ben Struthers

Mr Ben Struthers made a submission to the Heritage Council, pursuant to section 44 of the *Heritage Act 2017*, and requested to participate in the hearing. Mr Struthers did not make any additional submissions to the Heritage Council, and did not participate in or attend the hearing.

Introduction

The Place

- 01.** On 2 June 2025, the Executive Director made a split Recommendation to the Heritage Council, pursuant to Part 3, Division 3 of the *Heritage Act 2017* ('the Act'). The split Recommendation comprised the following three recommendations:
- that part of the Elliston Estate (Merchant Builders) and Rosanna Parklands, being all of Rosanna Parklands and the residential subdivision between Bachli Court and the southern portion of Von Nida Crescent, located at 153 Lower Plenty Road and 2, 4, 6 Bachli Court and 1, 3, 5, 7, 11, 15, 17, 23, 25, 27, 29, 31 Finlayson Street and 1–8 Cremin Court and 1–10 Ferrier Court and 1–11, 14 Von Nida Crescent, Rosanna, is of State-level cultural heritage significance and should be included in the Heritage Register in the category of Registered Place ('**Recommendation 1**')
 - that part of the Elliston Estate (Merchant Builders) and Rosanna Parklands, being the area between the northern portion of Von Nida Crescent and the northern portion of Pickworth Court, located at 33, 35, 37, 39, 41, 43, 45, 47, 49 Finlayson Street and 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28 Von Nida Crescent and 1–15 Pickworth Court and 15 Phillips Crescent is not of State-level cultural heritage significance and should not be included in the Heritage Register ('**Recommendation 2**')
 - that additional land, being the northern-most portion of the Rosanna Parklands, immediately south of Chapman Street, Rosanna, should be included in the Heritage Register. ('**Recommendation 3**').
- 02.** The Place is described on pages 6 and 7 of the Recommendation as follows:

Elliston Estate (Merchant Builders) and Rosanna Parklands is a public parkland and residential subdivision located in the Melbourne suburb of Rosanna on Wurundjeri Country. The place is bounded by Chapman Street to the north, Lower Plenty Road to the south, the Hurstbridge Railway Line to the west, and Finlayson Street to the east. The residential estate and public parklands are both part of the related whole envisioned by Merchant Builders and its architects and designers.

Elliston Estate

Elliston Estate is a project housing estate that adjoins the Rosanna Parklands. The Estate was developed in the late 1960s to the early 1970s by Merchant Builders with their design team that included leading architects such as Graeme Gunn and Charles Duncan, as well as noted landscape designer Ellis Stones. Merchant Builders' vision for the place was mostly realised in the southern section of the broader Estate, from Bachli Court to the southern half of Von Nida Crescent. This area shares landscape characteristics with the Parklands, featuring native vegetation and rockworks in both the public and private realms. There are very few concrete footpaths and powerlines have been placed underground. The houses are constructed with brown, tan or clinker brick with timber joinery and detailing, creating an earthy material palette. Most residences present as low-profile and often single-storey from the street, with integrated carports or garages. Residences that border the Parkland feature minimal or no fencing, further reinforcing a sense of subtle transition between the public and private spaces.

Beyond the southern section of Von Nida Crescent, the visible influence of Merchant Builders begins to diminish. Although there are examples of Merchant Builders' houses, there are also a greater number of residences designed by other architects. This area is predominantly characterised by later housing development and features varied architectural styles and landscaping treatments.

Rosanna Parklands

Rosanna Parklands is an expansive public parkland of roughly 25 hectares that is bisected in a north–south alignment by the Salt Creek. The main public access routes are

from the north and south, and a series of gravel trails provide access throughout the park. The park can also be accessed from the series of courts and crescents that abut the parklands from the residential estate. The landscape of the park is characterised by a mix of open, grassed areas, native shrubs and stands of mature eucalypts. These native plantings are a hallmark of Ellis Stones' approach to landscape design, as are the rockery features of which there are several examples. There are occasionally mounds and rises that recall the place's former use as a golf course. There are also occasional examples of exotic tree species that may also date from this era, and which Stones specified should be retained. The park features other amenities, including play equipment and timber seating, located at various points throughout the park.

03. The history of the Place is provided as **Attachment 1**.

Process following the Recommendation of the Executive Director

04. After the Recommendation was made to the Heritage Council on 2 June 2025, notice of the Recommendation was published in The Age newspaper and on the Heritage Council's website for a period of 60 days, in accordance with section 41 of the Act.

05. During the 60-day notice period three (3) submissions, pursuant to section 44 of the Act, were received in relation to the Place. Two submissions supported the Recommendations, and one submission objected to Recommendation 1 and requested that the Heritage Council conduct a hearing. Submissions to the Heritage Council were made pursuant to section 44 of the Act from:

- Ms Melva Jones who objected to Recommendation 1 and requested a hearing
- Ms Anne North, Strategic Planner, Banyule City Council, who supported the Recommendations and did not wish to participate in any hearing
- Mr Keith Miller, Lorne Aquatic and Angling Club, who supported the Recommendations and requested a hearing but did not submit a hearing participation form or make further submissions to the Heritage Council. Mr Miller did not participate in or observe the hearing.

06. The Regulatory Committee has given due consideration to all submissions made pursuant to section 44 of the Act, in making its determination.

Regulatory Committee

07. Pursuant to section 13(1) of the Act, a Regulatory Committee of the Heritage Council ('the Committee') was duly constituted to consider the Recommendation and all submissions received, and to conduct a hearing into the matter.

Hearing arrangements

08. On 8 September 2025 the Committee notified all individuals and organisations who had made a submission pursuant to section 44 of the Act, and all property owners and residents affected by the Recommendations, that a hearing would be conducted by the Committee. All submitters, owners and residents were invited to submit a *Hearing Participation Form (Form B)* to indicate whether or not they would participate in the hearing.

09. The Committee received six (6) Hearing Participation Forms, confirming that the following Interested Parties would make oral or further written submissions to the Committee:

- Mr Geoff Austin, on behalf of the Executive Director, Heritage Victoria
- Ms Melva Jones
- Ms Mary O'Dea and Mr Neil Paine
- Ms Susan Ottomanksi
- Mr Ben Struthers
- Ms Emily Marson.

10. On 1 October 2025, the Committee notified those individuals and organisations who had requested to participate ('Hearing Participants'), that a hearing had been tentatively scheduled to take place on 3 December 2025.
11. The Committee also directed Hearing Participants to advise the Committee in writing of any matters that they may have wished to raise with the Committee in a Directions Hearing, prior to the main hearing.
12. The Committee received no requests for any matters to be raised in a Directions Hearing. It did receive one request that the hearing date be delayed until 2026 to accommodate availability of a Hearing Participant.
13. On 28 October 2025, the Committee confirmed that no Directions Hearing was to be held and advised Interested Parties of the revised hearing date of 27 February 2026.
14. The Committee sought hearing submissions and submissions in reply prior to the hearing. The Executive Director made a hearing submission. No other person made additional written submissions or reply submissions prior to the hearing (save for Ms Marson's email referred to in the next paragraph).
15. The Committee records that on the day of the hearing Ms Marson notified the Committee in writing that her submission was withdrawn. She neither supported nor objected to the Recommendations. Ms Marson attended the hearing as an observer.

Committee site inspections

16. On 13 February 2026, Committee members Ms Margaret Baird and Ms Megan McDougall undertook an unaccompanied site inspection of the Place. The Heritage Council Secretariat Project Officer Ms Hannah Fairbridge was also in attendance. No Hearing Participants were in attendance and no submissions were sought, made or received during the site inspection.
17. On 11 March 2026, Committee member Mr Michael McMahon undertook an unaccompanied site inspection of the Place. No Hearing Participants were in attendance and no submissions were sought, made or received during the site inspection.
18. The inspections included external viewing of the nominated and recommended extent of Elliston Estate (Merchant Builders) and the Rosanna Parklands. No interior inspections were undertaken on either occasion.

Preliminary, procedural and other matters

Future use, maintenance and development

19. It is not the role of the Committee to consider future proposals or to pre-empt any decisions regarding future permits under the Act. Pursuant to sections 49(1)(a)–(c) of the Act, the role of the Committee is to determine whether or not the Place, or part of it, should be included in the Heritage Register and, if determined to register, pursuant to section 49(3), to determine categories of works which may be carried out without a permit (permit exemptions).
20. The Committee (and the Heritage Council similarly) have no current or future role in the consideration of permits under the *Planning and Environment Act 1987*. The Heritage Council's statutory remit is limited to the *Heritage Act 2017*.

Conflicts of interest

21. The Chair of the Committee invited Committee members to consider whether written declarations or otherwise were required to be made in relation to any matters that may potentially give rise to an actual or apprehended conflict of interest.
22. All members were satisfied that there were no real or perceived conflicts of interest.

Issues

23. The following section is not intended to be a complete record of written and oral submissions that were made to the Committee. It is a summary of what the Committee considers to be the key issues, followed by an explanation of the Committee's findings. Any reference to the Criteria or to a particular Criterion

refers to the *Victorian Heritage Register Criteria and Threshold Guidelines* (updated by the Heritage Council on 1 December 2022) ['Criteria for Assessment']. Please refer to **Attachment 2**.

Overview of submissions

24. The Executive Director recommended that part of the nominated extent met two of the Criteria for Assessment, and therefore the Place was of State-level significance and should be included in the Heritage Register. In the Executive Director's view, the following Criteria for Assessment were met at the State-level:
- **Criterion A:** Importance to the course, or pattern, of Victoria's cultural history
 - **Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural places and objects.
25. Ms Jones submitted that the Executive Director's selection process for the properties recommended for inclusion in the Heritage Register was 'random' and not based on the heritage significance of the individual residences. Ms Jones submitted that the fact that 14 Von Nida Crescent, Rosanna, was recommended for inclusion, while the property next door at 16 Von Nida Crescent was not recommended, despite both being Merchant Builders or Elliston developments, was evidence that the selection process had been 'random'.
26. Ms Jones also made submissions in relation to the financial imposition of heritage listing.
27. Ms O'Dea and Mr Paine submitted that while they supported the Recommendations to include Rosanna Parklands in the Heritage Register, they did not support inclusion of any part of the Elliston Estate, nor that inclusion of Elliston Estate was necessary to support the inclusion of Rosanna Parklands.
28. Ms O'Dea and Mr Paine submitted that they objected to inclusion of part of the Elliston Estate as:
- the Heritage Overlay applied by Banyule City Council provides sufficient protection
 - the design of the residence at 29 Finlayson Street, Rosanna, has been significantly altered; and
 - the Executive Director's recommendations are inconsistent, and the delineation between what is recommended for inclusion and what is not, is 'arbitrary'.
29. Ms O'Dea and Mr Paine suggested that the properties included in the Heritage Register should be those on the south side of Von Nida Crescent, being numbers 1, 3, 5, 7 and 9, as these are 'good examples of Merchant Builders houses that complement that early development in Bachli Court and Ferrier Court'.
30. Ms O'Dea and Mr Paine also suggested that the permit exemptions recommended are not extensive enough. They submitted that significant work needs to take place in the future and that inclusion in the Heritage Register will place 'undue burden' on them as property owners.
31. Ms O'Dea and Mr Paine submitted that 'the proposed listing on the Heritage Victoria Register [sic] provides an unwelcome intervention into how [they] live in their home'.
32. Ms Ottomanski submitted that the property at 10 Von Nida Crescent should not be included in the Heritage Register as it was constructed in 1996, is not a Merchant Builders residence, and it has a different setback to the Merchant Builders properties within the Elliston Estate.
33. Ms Ottomanski further submitted that the overall design of the property at 10 Von Nida Crescent has many aesthetic and structural differences to those designed and constructed by Merchant Builders in the late 1960s and early 1970s, including that the garden at 10 Von Nida Crescent is not an Ellis Stone design.

Matter agreed upon – Recommendation 3

34. Throughout the course of the proceedings one matter of agreement between the Executive Director and submitters was confirmed.
35. The parties agreed that the extent of registration of the Rosanna Parklands proposed by the Executive Director is suitable, including the portion of additional land the Executive Director nominated for inclusion in the Heritage Register (**Recommendation 3**).
36. The Executive Director's Recommendations considered the State-level significance of the Elliston Estate and the Rosanna Parklands. Some submitters contended that the Parklands are, alone, of State-level

significance, but, as referred to below, presented no material to the Committee to demonstrate or support those submissions.

37. The Committee has not considered the State-level significance of the Rosanna Parklands in isolation as it is satisfied of the relationship with the Elliston Estate. These matters are discussed below.

Extent of Registration

Nominated / Recommended extent made by the Executive Director

38. The Executive Director nominated the whole of Rosanna Parklands and the Elliston Estate (Merchant Builders) for inclusion in the Heritage Register. The nominated extent of the Rosanna Parklands is outlined in red in **Figure 1** below, and the nominated extent of the Elliston Estate (Merchant Builders) is distinguished by a yellow outline.



Figure 1: Nominated extent of the Rosanna Parklands and Elliston Estate (red and yellow lines)
Source: Executive Director's Recommendation, 2 June 2025

39. After accepting the nomination, the Executive Director also nominated additional land to the north of Rosanna Parklands, being the portion immediately south of Chapman Street, Rosanna.
40. The Executive Director recommended the whole of the Rosanna Parklands for inclusion in the Heritage Register (Recommendations 1 and 3), and part of the Elliston Estate (Merchant Builders) for inclusion in the Heritage Register (Recommendation 1). Part of the Elliston Estate was not recommended for inclusion in the Heritage Register (Recommendation 2).
41. The recommended extent of registration of the Elliston Estate (Merchant Builders) is shown in **Figure 2** below.

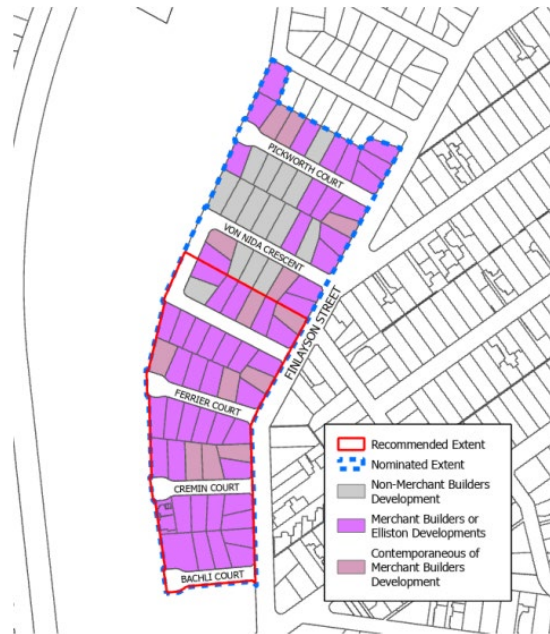


Figure 2: Recommended extent of the Elliston Estate (Merchant Builders), outlined in red.
Source: Executive Director's Recommendation, 2 June 2025

- 42.** In the Executive Director's view, only the southern portion of the Elliston Estate (Merchant Builders) met the threshold for inclusion in the Heritage Register. The Executive Director stated that the southern portion features a high proportion of houses constructed by Merchant Builders and designed by its architectural team.
- 43.** The northern portion of the estate, in the Executive Director's view, is 'less cohesive and less expressive of the era'. The Executive Director therefore recommended that the area not be included in the Heritage Register.
- 44.** During the hearing, the Executive Director reiterated his position that the Merchant Builders' impact on the estate becomes less noticeable in the north of the estate, where the concentration of Merchant Builders' designed homes and landscape principles reduces.
- 45.** When explaining the rationale for the extent of registration proposed, the Executive Director noted that the extent corresponds to the first stage of the Merchant Builders' development. The Executive Director referred to the 1968 plan of subdivision of the Elliston Estate (Lodged Plan LP83445) (**Figure 3**), which includes three stages of residential parcels. The Executive Director submitted that the recommended extent aligns exactly with the first stage of the plan of subdivision, in which the Merchant Builders' vision for the estate was realised (**Figure 4**).
- 46.** The Executive Director submitted ultimately that in stages 2 and 3 of the subdivision the impact of the Merchant Builders becomes less noticeable and the concentration of Merchant Builders' designed homes and landscape principles reduces.

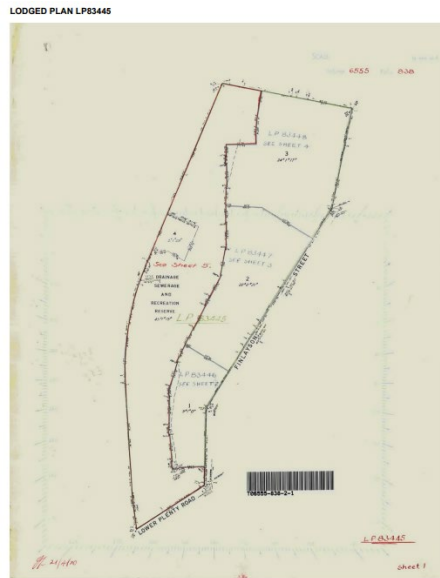


Figure 3: Lodged Plan LP83445 (1968)
Source: Executive Director’s Hearing Submission, p7

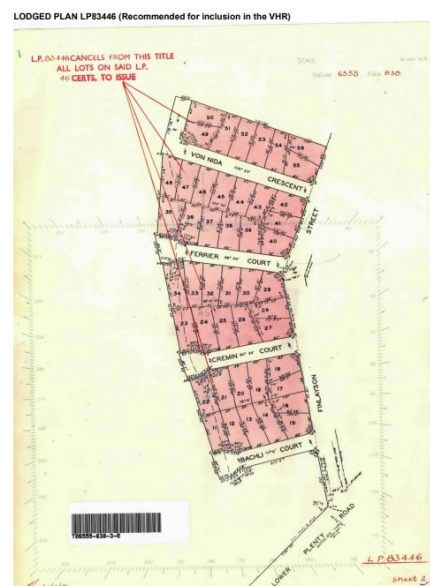


Figure 4: Stage 1 of Lodged Plan LP83445 (1970)
Source: Executive Director’s Hearing Submission, p8

Overview of positions

47. Several submitters broadly disagreed with the Executive Director’s recommended extent of registration of the residential estate.
48. While Ms O’Dea and Ms Jones agreed that the Elliston Estate is an important place and worthy of some level of protection, they both submitted that the recommended extent of registration of the Elliston Estate was not rational, and included an ‘arbitrary’ number and selection of houses.
49. Ms Jones submitted that the extent recommended seemed to ‘randomly pick houses’, and that if the entirety of Elliston Estate had been recommended for inclusion in the Heritage Register she would be more supportive of that. Ms Jones submitted that of the 200 houses proposed for sale and construction by the Merchant Builders, only 70 were ever built, and that if those 70 were proposed for inclusion in the Heritage Register that would be more logical than those residences set out in the Recommendation.
50. Ms Ottomanski did not make specific submissions about the recommended extent of registration, but did object to the recommendation to include the residence at 10 Von Nida Crescent in the Heritage Register.

51. Some submitters were generally supportive of Recommendation 3, which was to include Rosanna Parklands in the Heritage Register. Ms O’Dea and Mr Paine submitted their view that inclusion of Elliston Estate in the Heritage Register is not necessary to support the inclusion of Rosanna Parklands.

Committee discussion and conclusion

52. The Committee accepts the Executive Director’s recommended extent of registration, including with respect to the whole of Rosanna Parklands, for inclusion in the Heritage Register.
53. While the Committee is of the view that Rosanna Parklands is significant when considered together with the Elliston Estate (Merchant Builders), it does not find in the material before it that the Rosanna Parklands alone meets the threshold for State-level significance. The Committee therefore does not accept submissions that suggested that Elliston Estate (Merchant Builders) is not necessary to support inclusion of the Rosanna Parklands in the Heritage Register. The Committee further discusses the interaction between Rosanna Parklands and the Elliston Estate (Merchant Builders) under Criteria A and D below.
54. The Committee discusses the reasons for its findings in relation to the extent later in this document, when it discusses its findings in relation to the Criteria for Assessment.
55. **The Committee has determined that the extent of registration is the same as that recommended by the Executive Director. The extent of registration is provided as Attachment 3 in this determination.**

Victorian Heritage Register Criteria for Assessment (Attachment 2)

56. The Executive Director recommended that the Place satisfies Criterion A and Criterion D at the State-level.

Criterion A – Importance to the course, or pattern of Victoria’s cultural history

Overview of submissions

57. The Executive Director recommended that Criterion A was satisfied at the State-level as:

Elliston Estate (Merchant Builders) and Rosanna Parklands is historically significant as a post-war housing development in Victoria that epitomises the progressive planning and design ideals of the 1960s and 1970s. It was established by the influential firm Merchant Builders to designs of a group of leading architects and renowned landscape designer Ellis Stones. It demonstrates an attempt to provide an alternative to standard suburban subdivisions, through the provision of high-quality Modernist residences, merging private and public spaces, integration of dwellings and landscape, and via the incorporation of native Australian plantings, rockworks and landforms.

58. While verbal submissions by residents did not directly comment on the specific Criteria, nor object to any of the proposed Criteria, some submissions suggested that because the whole of Elliston Estate (Merchant Builders) was not considered for inclusion in the Heritage Register, the Recommendation was not sound.
59. Ms Ottomanski and Ms O’Dea agreed that while the residences that were specified as being ‘contemporaneous’ in the Recommendation are visually coherent within the southern portion of the estate, the fact that they are not Merchant Builders’ design or construction should mean that they are not included. Ms Ottomanski and Ms O’Dea submitted that it was the landscaping/gardens of these contemporaneous residences that made them visually coherent, but that the buildings themselves were clearly not Merchant Builders.
60. Ms O’Dea further submitted that some Merchant Builders’ residences fall outside of the recommended extent of registration, and that therefore the reasoning for the proposal to include some Merchant Builders’ residences in the Heritage Register was ‘random’ and ‘arbitrary’.
61. Ms O’Dea submitted that if all the Merchant Builders’ residences or the entire estate were to be included in the Heritage Register she would be ‘comfortable with that’. Ms O’Dea objected to the perceived ‘randomness’ of the residences recommended for inclusion.

62. Ms O'Dea submitted that in her view, there isn't any threat to the property at 29 Finlayson Street, Rosanna, and that not only must a place be significant to the State of Victoria, but that there must be some 'concept that there is a threat' in order for a place to be considered for state heritage listing. Ms O'Dea submitted that ultimately the Place should not be included in the Heritage Register, and that it was a local area that is not of State-level significance.
63. In her submissions during the hearing, Ms Jones suggested that she agrees with Ms O'Dea, that if the entire estate was proposed for inclusion in the Heritage Register, that would be supported. Both Ms O'Dea and Ms Jones submitted that the 'random' selection of residences 'did not make sense'.
64. The Executive Director's hearing submission responded to submissions made in relation to the reasons why the southern portion of the estate was proposed for inclusion in the Heritage Register.
65. The Executive Director noted that while there may be several different options for an appropriate extent of registration for the place, in his view the extent proposed captures the significance of the Place.
66. The Executive Director submitted that the entire estate could not be considered to reach the threshold for inclusion in the Heritage Register, and that the southern part of the estate recommended is of a degree of intactness and integrity that contributes to the State-level significance.
67. The Executive Director maintained the view that Criterion A was met at the State-level in relation to the extent of registration proposed.

Committee discussion and conclusion

68. The Committee finds that Criterion A is met at the State-level.
69. The Committee finds, based on the material before it and its site inspections, that the extent of registration proposed is highly intact to its era of construction. The Committee also finds that the integrity of the extent of registration recommended for inclusion is very good.
70. The Committee finds that the concentration of Merchant Builders' residences within the extent of registration proposed allows the clear association of the Place as a post-war suburban housing development to be understood better than most other places or objects in Victoria with substantially the same association.
71. The Committee acknowledges that the extent of registration proposed does not capture all Merchant Builders' residences, noting that there are an additional 18 Merchant Builders' residences located outside the extent of registration (but within the nominated extent, see **Figure 2**).
72. In considering the recommended extent of registration, the Committee has considered relevant questions as to how extent is determined. These include:
 - What area of land will allow the cultural heritage significance of the place (including all its elements) to be protected and understood for future generations?
 - Does extent include sufficient land to ensure that the setting, context or significance of the key elements will not be adversely impacted by development in the future?
73. In this case, the whole of the area that is the subject of the nomination is within a Heritage Overlay and will remain protected through local planning scheme provisions where not included in the Heritage Register. Similarly, it is not necessary to include every Merchant Builders' dwelling to assign an appropriate recommended extent.
74. The Committee finds that if the extent of registration were extended to the north of the Elliston Estate (Merchant Builders), a large number of non-contributory residences would be captured within the extent of registration. In the Committee's view this would diminish the intactness and integrity of the Place at the State-level. The Committee also finds that the extent to which the association of the Place with post-war suburban housing could be understood, and the capacity of the place to demonstrate the progressive design and planning philosophies of Merchant Builders, would be reduced.
75. While there is one non-contemporaneous residence, and eight contemporaneous residences within the extent of registration proposed, the concentration of Merchant Builders' residences and the sensitive and carefully designed contemporaneous residences do not significantly detract from or undermine the high-degree of integrity of the Place.

- 76.** It is influential to the Committee's findings that the recommended area is based on the historical staging of the development of the wider estate. That is, the first stage as shown in **Figure 3**, supplemented by the history summarised in **Attachment 1**. This has a direct bearing on the integrity of the Place and the reasons for which the Place is identified as of State-level significance under Criterion A. It is relevant to the Committee's conclusion not to extend the Place to include additional lots, such as two properties fronting Finlayson Street south of Von Nida Crescent that were not part of stage 1.
- 77.** The Committee finds that while the area to the north of the proposed extent of registration does include Merchant Builders' residences, it finds that the presentation and development of the landscape and setting of the area to the north of Von Nida Crescent are substantive and diminish the ability of the State-level values of the Place to be understood. Merchant Builders' homes can be picked out and there are some groupings (such as on Finlayson Street as evident in **Figure 2**). However, to increase the extent of registration of the Place to the boundary nominated (see the blue line on **Figure 2**), would mean capturing a concentration of non-contemporaneous, non-Merchant Builders' residences that do not represent the design principles of the Merchant Builders.
- 78.** The Committee finds that the extent of registration proposed is the most representative area of the Elliston Estate (Merchant Builders), and that the extent of registration should not be extended or reduced from that in the Recommendation.
- 79.** The Committee considered submissions that suggested that not all the Merchant Builders' residences are captured within the extent of registration proposed, and therefore there was no benefit to including any of the Elliston Estate within the Heritage Register. As alluded to above, if every Merchant Builders' residence were captured, either by including all the northern portion and the non-contemporaneous residences, or by including only the Merchant Builders' residences within the extent of registration, the ability of the Place to meet Criterion A at the State-level would be diminished.
- 80.** The Committee agrees that the Place has a clear association with the phase 'post-war suburban housing development' and that the extant features of the Place mean it represents the association with the phase better than most other places in Victoria with substantially the same association. Those features include the merging of private and public spaces, the landscape, and that the Place makes best use of the adjacent public parklands (Rosanna Parklands).
- 81. The Committee determines that Criterion A is satisfied at the State-level.**

Criterion D – Importance in demonstrating the principal characteristics of a class of cultural places and objects

Overview of submissions

- 82.** The Executive Director recommended that Criterion D was satisfied at the State-level stating:

Elliston Estate (Merchant Builders) and Rosanna Parklands is significant as a notable post-war housing estate complemented by an integrated public parkland. It is the work of leading project housing firm Merchant Builders and is a fine example, displaying progressive principles of post-war housing development in a naturalistic landscaped setting. The place demonstrates particularly considered planning and design. It features a group of Modernist residences designed by leading architects Charles Duncan, Graeme Gunn, Daryl Jackson and Evan Walker, and David McGlashan and Neil Everist. Dwellings are stylistically coherent and surrounded by informal, naturalistic landscape, which is dominated by native Australian plantings and vegetation. Collectively, the place is a particularly fine example of post-war housing development in the State of Victoria.

- 83.** While residents' submissions did not directly address Criterion D, Ms Ottomanski submitted that the residence at 10 Von Nida Crescent was constructed in 1996 and has a different setback and garden footprint to the Merchant Builders' residences surrounding it.
- 84.** Ms Ottomanski further submitted that 10 Von Nida Crescent should not be under the Heritage Overlay, nor included in the Heritage Register. Ms Ottomanski noted that because the residence was designed much later than the Merchant Builders' residences it has many differences, including with respect to its interior layout, garage, and site orientation. Ms Ottomanski noted that the only similarity between 10 Von Nida Crescent and the Merchant Builders' residences are Daniel Robertson bricks.

85. Ms O’Dea agreed with Ms Ottomanski’s submissions, reiterating during the hearing that the residence at 10 Von Nida Crescent does not resemble a Merchant Builders’ home. Ms O’Dea submitted that the reason 10 Von Nida Crescent appears ‘sympathetic’ to its surrounds is because of the landscaping rather than any design characteristic of the built form.

Committee discussion and conclusion

86. The Committee finds that Criterion D is met at the State-level.
87. The Committee agrees with the Executive Director that the Place belongs to the class ‘post-war housing estate’, and that the Place is a notable example of the class in Victoria.
88. While the Committee acknowledges that there are non-Merchant Builders’ residences within the extent of registration proposed, overall the Committee finds that the concentration of Merchant Builders’ residences and contemporaneous residences allows the characteristics and notable features of the post-war housing estate to be readily appreciated. This is within the identifiable first stage of the development of the estate and reflects the history set out in **Attachment 1**.
89. The Committee finds that to the north of Von Nida Crescent the materiality of the residences and consistency of the landscaping are not strong features of the estate. While there are Merchant Builders’ residences within the northern portion, the Committee finds that the extent to which the principal characteristics of the class are notable (being fine, influential or pivotal as referred to in Step 2 of the test for Criterion D, in the Heritage Council’s Criteria for Assessment) in that section of the estate is diminished.
90. The Committee also finds that if only the Merchant Builders’ residences in the northern portion of the estate were proposed for registration, those individual residences alone would not demonstrate the principal characteristics of the class of place at a State-level.
91. The Committee is of the view that the relationship between the Rosanna Parklands, the landscaping of the private residences and the public realm, and the resolution of the architecturally designed residences collectively contribute towards the State-level significance of the Place.
92. The Committee acknowledges that the residence at 10 Von Nida Crescent was constructed after the Merchant Builders’ residences, and has a different site setback and interior layout to Merchant Builders’ residences. However, the Committee does not find that this particular residence diminishes the cohesiveness of the Place. The design is sympathetic to its surroundings and imbues some of the principal characteristics of the Merchant Builders’ residences – it is a freestanding residence in a native garden setting, constructed with a natural palette of materials. It has complementary materials and design qualities to the Merchant Builders’ residences.
93. The Committee agrees that the Place (being the extent of registration proposed by the Executive Director) is a particularly fine example of housing development in Victoria during the post-war period.
94. **The Committee determines that Criterion D is satisfied at the State-level.**

Statement of Significance

95. The Executive Director included the following Statement of Significance in the Recommendation:

Statement of significance

Elliston Estate (Merchant Builders) and Rosanna Parklands is on the land of the Wurundjeri people.

What is significant?

Elliston Estate (Merchant Builders) and Rosanna Parklands, Rosanna, is a post-war project-housing estate developed in the late 1960s and early 1970s by the influential building company, Merchant Builders. Landscaping of the estate and adjacent Rosanna Parklands was designed by renowned landscape designer Ellis Stones from 1969-72.

How is it significant?

Elliston Estate (Merchant Builders) and Rosanna Parklands is of historical and architectural significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A

Importance to the course, or pattern, of Victoria's cultural history.

Criterion D

Importance in demonstrating the principal characteristics of a class of cultural places and objects.

Why is it significant?

Elliston Estate (Merchant Builders) and Rosanna Parklands is historically significant as a post-war housing development in Victoria that epitomises the progressive planning and design ideals of the 1960s and 1970s. It was established by the influential firm Merchant Builders to designs of a group of leading architects and renowned landscape designer Ellis Stones. It demonstrates an attempt to provide an alternative to standard suburban subdivisions, through the provision of high-quality Modernist residences, merging private and public spaces, integration of dwellings and landscape, and via the incorporation of native Australian plantings, rockworks and landforms. [Criterion A]

Elliston Estate (Merchant Builders) and Rosanna Parklands is significant as a notable post-war housing estate complemented by an integrated public parkland. It is the work of leading project housing firm Merchant Builders and is a fine example, displaying progressive principles of post-war housing development in a naturalistic landscaped setting. The place demonstrates particularly considered planning and design. It features a group of Modernist residences designed by leading architects Charles Duncan, Graeme Gunn, Daryl Jackson and Evan Walker, and David McGlashan and Neil Everist. Dwellings are stylistically coherent and surrounded by informal, naturalistic landscape, which is dominated by native Australian plantings and vegetation. Collectively, the place is a particularly fine example of post-war housing development in the State of Victoria. [Criterion D].

96. No submissions were made specifically in relation to the Statement of Significance. However, during the Hearing the Committee queried the level of detail included in the Statement of Significance as drafted in the Recommendation.
97. The Committee notes for the purpose of this determination that the Heritage Council has an established policy position in relation to Statements of Significance. The Heritage Council generally accepts that:

... neither the Executive Director nor the Heritage Council have any explicit power in the Act to "approve" or "endorse" the elements known as "statements of significance" or "permit policy".¹

98. The Committee refrains from making any statutory decision in relation to the Statement of Significance. However, it records in this determination appropriate amendments that may be made to the above Statement of Significance to provide greater clarity to the reasons for significance and to assist future decision making in relation to the Place.
99. During the Hearing, the Committee queried which landscape elements of the Elliston Estate (Merchant Builders), excluding Rosanna Parklands, contribute to its significance. The Executive Director responded that the native plantings that extend across nature strips to the kerbs result in an indistinguishable delineation between private and public land, which is an important feature. The Executive Director also noted distinguishing features such as the extant rock features, the cul-de-sacs leading straight to the parkland, the lack of overhead powerlines, and lack of formal footpaths. The Committee queried during

¹ Heritage Council Determination – Nicholas Building (23 December, 2024), p.9:
https://assets.heritagecouncil.vic.gov.au/assets/HCV-Determination-Nicholas-BuildingH2119_23DEC2024.pdf

the hearing whether the distinguishing features the Executive Director mentioned were adequately reflected in the Statement of Significance.

100. The Executive Director noted that the paragraph at Criterion A does mention some of those features, when it speaks to the 'merging private and public spaces, integration of dwellings and landscape, and via the incorporation of native Australian plantings, rockworks and landforms.' Regarding Criterion D, the Executive Director noted that some of the features were mentioned, but that a 'broad-brush' approach had been used and that it may be possible to mention the significant features in a more specific way.
101. The Committee is of the view that the Statement of Significance would benefit from more specificity, particularly in relation to Criterion D. The term 'considered planning and design' could be expanded to include more explicit reference to the significant features that the Executive Director has relevantly identified.
102. The Committee suggests that wording included in the description section of the Recommendation, and under the Step 2 State-level test for Criterion D could be incorporated into the Statement of Significance such as:
 - 'highly considered planning and design principles in the integration of housing and landscape features, such as undergrounding of services and minimal footpaths and front fences'
 - 'homes are realised in a consistent natural palette of materials'
 - 'the houses are constructed with brown, tan or clinker brick with timber joinery and detailing, creating an earthy material palette'
 - 'cohesive group with similar design qualities'.
103. The Committee also suggests that the Statement of Significance could refer specifically to the lack of overhead powerlines, and the remnant original light-poles that exist throughout the Place.

Permit exemptions (Attachment 4)

Overview of submissions

104. The Executive Director recommended a suite of works and activities that can be undertaken without a permit under the Heritage Act ('permit exemptions').
105. During the Hearing, the Executive Director submitted that the recommended permit exemptions seek to maintain the status quo of the permit requirements of the Banyule Planning Scheme Heritage Overlay (HO92). The Executive Director submitted that the only change to the current process is that owners wishing to make non-exempt changes would have to seek approval from Heritage Victoria rather than the City of Banyule, should the Place be included in the Heritage Register.
106. The Executive Director further noted that the heritage permit requirements are intended to mirror those under the Heritage Overlay. The Executive Director confirmed that for heritage permits, there will be no requirement for owners to seek a permit from both the City of Banyule and Heritage Victoria, and all heritage permit requirements that currently require approval under the Heritage Overlay would instead require approval from Heritage Victoria.
107. The Executive Director confirmed that for minor works that are not covered under the proposed permit exemptions, it would still be possible for property owners to seek a one-off permit exemption at any time from the Executive Director. The Executive Director further noted there is no fee for permit exemptions, and they can be turned around in a relatively fast timeframe.
108. During the Hearing, Ms Jones responded to the Executive Director's statement that Banyule City Council has appropriately managed the area under the Heritage Overlay for some years. Ms Jones submitted her objection to adding 'another level of bureaucracy' to the existing process.
109. Ms O'Dea submitted that in her view, the permit exemptions are not adequate.

Committee discussion and conclusion

110. The Committee acknowledges the submissions made in relation to the permit process, noting that a change in longstanding process can be disconcerting.

111. Ultimately, however, given the Committee's determination that the Place should be included in the Heritage Register, it agrees with the permit exemptions proposed by the Executive Director.
112. The Committee is of the view that the suite of permit exemptions which mirror the former requirements under the Heritage Overlay are sensible and provide for the most straight-forward process for property owners and authorities who may be involved in public works in the Place.
113. The Committee agrees that internal alterations should be permit-exempt.
114. The Committee acknowledges the specific submission made by Ms O'Dea in relation to roof replacement. The Committee agrees with the Executive Director that a change such as replacement of an existing roof would currently require approval from the City of Banyule under the Heritage Overlay. The Committee reiterates that rather than City of Banyule, owners will need to make an application for heritage permits to Heritage Victoria, but notes that this process is not more onerous than, or substantially different to, the process of applying through the local council. There is also scope for the Executive Director to make one-off exemptions in relation to proposed works.
115. The Committee agrees with the permit exemptions proposed by the Executive Director and adopts the exemptions set out in **Attachment 4**.

Other matters raised

116. The Committee notes that some submissions made to it before and during the hearing raised matters that cannot be considered under the Heritage Act, and are not for the Committee's statutory determination. The Committee nonetheless records those matters here.

Impact on property prices and insurance

117. The Committee acknowledges submissions made in relation to concerns about property devaluation after State-level heritage listing, and a concern that insurance costs will rise.
118. The Committee notes that property devaluation is a common concern in relation to local and state heritage listing. This matter is not relevant in the assessment of the Recommendation and is not relevant under the Heritage Act or Criteria for Assessment and, further, there is no independent evidence in support of the submission. The Committee notes that there is research to suggest that heritage-listed building achieve premium prices, or prices that are no different to unlisted buildings.²
119. In relation to the cost of insurance, the Committee notes that there are no special insurance requirements regarding the type of cover needed for a heritage-listed property.³

The effectiveness of the Heritage Overlay and necessity of State-level protection

120. The Committee records that some of the submissions queried why State-level heritage listing was necessary, when the Heritage Overlay has been in place some years, and has worked effectively to conserve the local heritage values of the Place.
121. The Committee agrees that Banyule City Council has managed the heritage considerations of the Place well for many years.
122. The Committee notes that the role of the Heritage Act is to 'provide for the protection and conservation of the cultural heritage of the State' which it achieves through the establishment of the Victorian Heritage Register that protects places and objects that are significant to the State of Victoria.
123. One of the Heritage Council's roles is to include places and objects in the Heritage Register (s.11(1)(g) of the Act).
124. The Committee notes that places and objects included in the Heritage Register do not need to be under threat of destruction or change. While the Banyule City Planning Scheme has worked to protect the local heritage values of the Place to-date, its inclusion in the Heritage Register is an acknowledgement that

² Why Heritage: A synthesis of evidence for the social, economic and environmental impacts of heritage (2023), p.19: https://assets.heritagecouncil.vic.gov.au/assets/SocialEcoValue-Report_Ch1-2-Part-1-revised.pdf

³ Heritage Victoria – Buying a heritage property: <https://www.heritage.vic.gov.au/heritage-listings/state-heritage-listing/buying-a-heritage-property> (accessed 1 April 2026)

this Place has values that are significant at a State-level. The Banyule City Council agrees with the Executive Director's assessment and supports the Recommendation.

Conclusion

- 125.** After considering the Executive Director's recommendation and all submissions received, and after conducting site inspections and a hearing, the Heritage Council has made the following determinations:
- In relation to **Recommendation 1**, pursuant to section 49(1)(ab)(i) of the *Heritage Act 2017*, the Heritage Council has determined that part of the Elliston Estate (Merchant Builders) and Rosanna Parklands is of State-level cultural heritage significance and is to be included in the Victorian Heritage Register in the category of Registered Place. The part of the place to be included in the Victorian Heritage Register is all of Rosanna Parklands located at 153 Lower Plenty Road, and the residential subdivision between Bachli Court and the southern portion of Von Nida Crescent, located at 2, 4, 6, Bachli Court and 1, 3, 5, 7, 11, 15, 17, 23, 25, 27, 29, 31 Finlayson Street and 1–8 Cremin Court and 1–10 Ferrier Court and 1–11 and 14 Von Nida Crescent, Rosanna.
 - In relation to **Recommendation 2**, pursuant to section 49(1)(ab)(ii) of the *Heritage Act 2017*, the Heritage Council has determined that part of the Elliston Estate (Merchant Builders) and Rosanna Parklands is not of State-level cultural heritage significance and is not to be included in the Victorian Heritage Register. The part of the place that is not to be included in the Victorian Heritage Register is the area between the northern portion of Von Nida Crescent and the Northern Portion of Pickworth Court, located at 33, 35, 37, 39, 41, 43, 45, 47, 49 Finlayson Street and 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28 Von Nida Crescent and 1–15 Pickworth Court and 15 Phillips Crescent.
 - In relation to **Recommendation 3**, pursuant to section 49(1)(d)(ii) of the *Heritage Act 2017* the Heritage Council has determined to include additional land in the Victorian Heritage Register, being the northern-most portion of Rosanna Parklands.

The Heritage Council has also determined, pursuant to section 49(3) of the *Heritage Act 2017*, to adopt categories of works or activities which may be carried out in relation to the place, for which a permit is not required (permit exemptions).

The Heritage Council refers the Recommendation of the Executive Director to the relevant planning authority (the City of Banyule) to consider retaining the areas of the Elliston Estate that are not included in the Victorian Heritage Register, in the Heritage Overlay.

- 126.** The Extent of Registration is provided as **Attachment 3** and the permit exemptions are provided as **Attachment 4**.
- 127.** The Committee thanks all interested parties for their submissions and participation in the hearing.

Attachment 1

Historical summary of the Place taken verbatim from pages 9–11 of the Executive Director’s Recommendation. Provided for information purposes only.

History

Merchant Builders

Post-war suburban development in metropolitan Melbourne was generally characterised by the rapid expansion of single dwellings on ‘quarter acre blocks’ in the middle suburbs and new greenfield sites in the outer suburbs. From around 1960, figures such as Robin Boyd criticised the ‘uglification’ of the Australian countryside and new suburbs.⁴ In the view of critics of conventional suburban development, the local climate and landscape were often ignored in the planning of the suburbs, and the houses were designed in a mix of styles with no coherence.

In 1965, John Ridge and David Yencken founded Merchant Builders, with the aim of providing an alternative to standard suburban residential development. Its approach used the project house model in which homebuyers could select an architect-designed residence of standardised design, often marketed via a display home. Merchant Builders recognised an opportunity for ‘good-quality, medium-cost housing’ and promoted a design approach that integrated ‘architecture, landscape and interiors’.⁵ Central to its principal design philosophy was integration of residential development with the surrounding environment. Employing some of Victoria’s leading architects, houses were designed along Modernist principles and the firm became known for its low-profile residences in a palette of natural materials, set in landscapes of native planting. Although homebuyers could vary standardised plans, a degree of consistency in housing design was emphasised. Merchant Builders also promoted energy-efficient and passive energy features.

The firm was at its most prolific in the 1960s and 1970s, and Elliston Estate was the largest of Merchant Builders’ housing developments. The Elliston Estate project was followed by the commencement of its Winter Park Cluster Housing project – a ‘cluster’ subdivision in Doncaster comprising detached houses constructed between 1970 and 1974. Winter Park received a citation from the Royal Australian Institute of Architects in 1975 and was included in the VHR in 1997 ([VHR H1345](#)).⁶ Merchant Builders received numerous other awards before disbanding in the 1980s, including Institute of Architects (Victorian Chapter) Bronze Medals (1970 and 1978), the Robin Boyd Environmental Award (1972) for the firm’s ‘decade of outstanding contributions to housing development in Melbourne’.⁷ Merchant Builders received numerous other awards before disbanding in the 1980s, including Royal Australian, the Herald-HIA housing prize (1978) and the Australian Design Council Award (1982).⁸ Merchant Builders is regarded as one of the most influential building companies in Victoria in the post-war era.

Early Development of the place

Year	Event
1840	<ul style="list-style-type: none"> James Watson purchased Crown Portion Five in the Parish of Keelbundora in 1840, which became the Rosanna Estate.
1911	<ul style="list-style-type: none"> A golf course and club house were established on part of the estate, to the immediate east of the Hurstbridge Railway Line. The course was first known as the Yarra Yarra Golf Club, then became Rosanna Golf Links.
1936	<ul style="list-style-type: none"> The property was purchased by Bruce Treganowan, who retained the golf course and renamed it Rosanna Golf Club.⁹
1961–68	<ul style="list-style-type: none"> In 1961, the lease of Rosanna Golf Club expired. The post-war residential boom in the area inspired the owner of the golf course to propose a

⁴ Graeme Davison, ‘The suburban idea and its enemies’, *Journal of Urban History*, 39 (5), 2013, p 842.

⁵ Anne Gartner, ‘Merchant Builders’ in Philip Goad and Julie Willis (eds), *The Encyclopedia Australian Architecture*, p. 451.

⁶ Winter Park Cluster Housing statement of significance, vhd.heritagecouncil.vic.gov.au/places/5076

⁷ *The Age* 27 November 1972, p. 2

⁸ Anne Gartner, ‘Merchant Builders’ in Philip Goad and Julie Willis (eds), *The Encyclopedia Australian Architecture*, p. 451.

⁹ Ellis Stones, 1971, *Australian Garden Design*, p 192

	<p>residential subdivision of the site. Heidelberg City Council reported receiving vast opposition from the local community to the proposal.¹⁰</p> <ul style="list-style-type: none"> • Heidelberg City Council purchased the golf course site in 1968,¹¹ having agreed to develop half of the site as a residential subdivision and retain the other half as public parkland.¹²
--	--

Development of Elliston Estate and Rosanna Parklands

Year	Event
1969	<ul style="list-style-type: none"> • In February 1969, Heidelberg City Council engaged with Merchant Builders Pty Ltd for the development of the land. Merchant Builders announced their project 'Elliston', with the housing to be developed over a three-year period.¹³ The Estate was to have underground power lines, individual courtyards, landscaped gardens and an abundance of natural parkland.¹⁴ • The design team for the Estate consisted of the following renowned architects of the period: Graeme Gunn (1933-2024), Charles Duncan (1933-2022), Daryl Jackson (1937-)¹⁵ and Evan Walker (1935-2015) (with Jackson as lead), and David McGlashan (1927-1998) and Neil Everist (1929-2016) (with McGlashan as lead). • Ellis Stones (1895-1975), a notable landscape designer, was responsible for the overall landscape design concept for the estate as well as consulting with individual house owners on detailed designs of gardens. Stones was also responsible for the landscape design of the adjacent parklands in harmony with the Estate. • Each architect designed a series of at least four houses in order that a wide choice of house designs be given to the prospective homebuyer.¹⁶ The plan could be modified, altered or extended to suit the homebuyer's requirements.¹⁷ • By November 1969, a display area and site office were completed within the southern portion of the Estate. The display area was between Cremin and Bachli Courts and the site office on the corner of Finlayson Street and Bachli Court.
1970–c1973	<ul style="list-style-type: none"> • The Elliston Estate project received wide industry acclaim at the time. The architects employed natural stained finishes, pale or clinker bricks and heavy exposed beams throughout the Estate, allowing the residences to integrate with the surrounding natural landscape. • The Estate sold slowly and only approximately 70 of the projected 250-300 houses were completed by Merchant Builders. Some have speculated that the homebuying public may have found the houses too 'homogenous' for their taste and struggled to appreciate Merchant Builders' design principles.¹⁸ This may have resulted in the unsatisfactory sales result. • In 1971, Merchant Builders made the decision to cease involvement at Elliston, with housing that was underway or subject to contract completed by c1972.¹⁹ The original part of Elliston Estate developed by Merchant

¹⁰ Ellis Stones, 1971, Australian Garden Design, p 192.

¹¹ Certificate of title V6555 F838.

¹² Stones, 1971, p 192

¹³ Phillip Goad, 1992, 'The Modern House in Melbourne, 1945-1975', p. 6/161.

¹⁴ The Age, 12 Apr 1969: 10 and 10 May 1969: 6.

¹⁵ Mr Jackson passed away on 21 February 2026.

¹⁶ Goad, 1992, p. 6/162

¹⁷ The Age, 20 Nov 1969: 9

¹⁸ Goad, 1992, 6/163

¹⁹ Latreille, 1990, p 214 and Goad, 1992, p 163

	<p>Builders comprises Bachli, Cremin and Ferrier courts and Von Nida Crescent, at the southern end of the estate.²⁰ The remaining residential lots were developed by private homeowners and builders.</p> <ul style="list-style-type: none">• Further historical research indicates that Merchant Builders also developed areas of Pickworth Court and Finlayson Street to the north of Von Nida Crescent. Nonetheless, development within this northern extent became more diffused.• Aerial photographs show the rapid development of Elliston Estate in 1972-75, with the broader subdivision largely developed by various owners by 1975.
--	---

Selected bibliography

Davison, Graeme, 'The suburban idea and its enemies', *Journal of Urban History*, 39 (5), 2013 pp. 829-847.

Gartner, Anne, 'Merchant Builders' in Philip Goad and Julie Willis (eds), *The Encyclopedia of Australian Architecture*, Port Melbourne: Cambridge University Press p. 451.

Goad, Philip, 'The Modern House in Melbourne, 1945-1975', PhD Thesis, 1992.

Certificates of Title, Volume and Folio numbers as cited. Latreille, Anne, *The Natural Garden: Ellis Stones: His Life and Work*, Ringwood, 1990.

Melbourne School of Design, University of Melbourne, *Merchant Builders: towards a new archive*, 2015.
Stones, Ellis, *Australian Garden Design*, South Melbourne, 1971. *The Age*

²⁰ Latreille, 1990, p. 217.

Attachment 2

Victorian Heritage Register Criteria and Threshold Guidelines

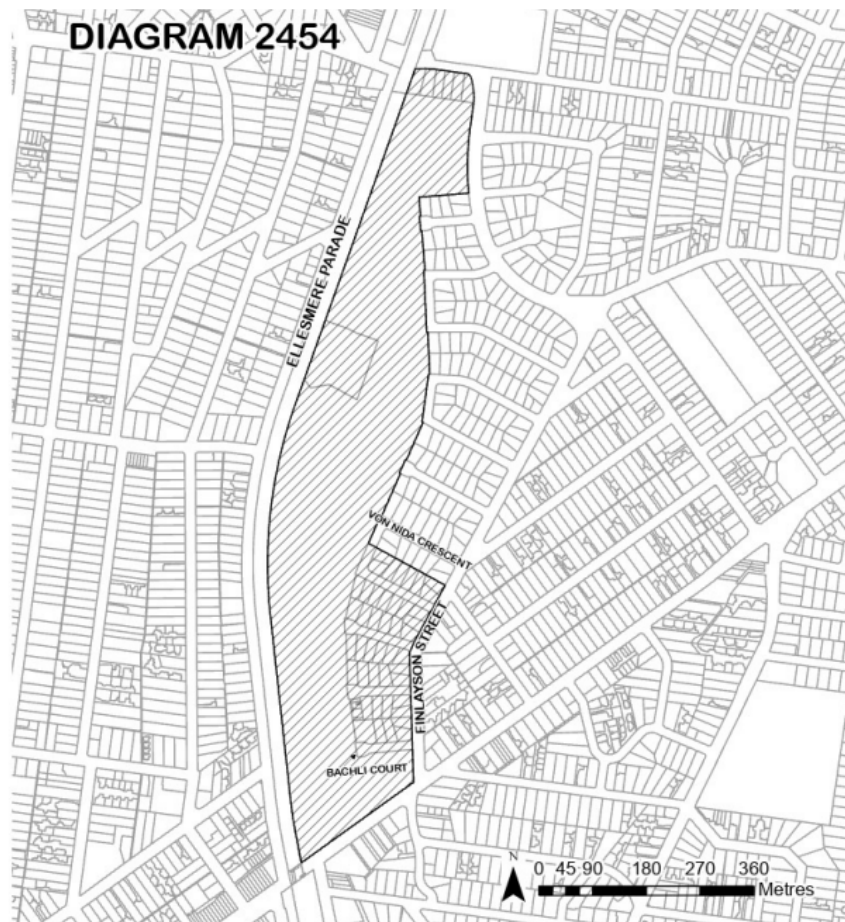
Criterion A	Importance to the course, or pattern, of Victoria's cultural history.
Criterion B	Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
Criterion C	Potential to yield information that will contribute to an understanding of Victoria's cultural history.
Criterion D	Importance in demonstrating the principal characteristics of a class of cultural places and objects.
Criterion E	Importance in exhibiting particular aesthetic characteristics.
Criterion F	Importance in demonstrating a high degree of creative or technical achievement at a particular period.
Criterion G	Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
Criterion H	Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

These were adopted by the Heritage Council at its meeting on 1 December 2022, and replace the previous criteria adopted by the Heritage Council on 6 December 2012.

Attachment 3

Extent of Registration

All of the place shown hatched on Diagram 2454 encompassing all of Crown Allotment 2233 Parish of Keelbundora; Lot 1 on Title Plan 968111; Lot 1 on Title Plan 872987; Lot 1 on Title Plan 323038; Crown Allotment 9D Parish of Keelbundora; Lots 500, 501 and 502 on Plan of Subdivision 8663; Plan of Consolidation 104941; Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55 and 56 on Plan of Subdivision 83446; Lots CM, 1, 2, 3, and 4 on Registered Plan 19865 and all of the road reserves of Bachli Court, Cremin Court and Ferrier Court and part of road reserves for Thomson Drive and Von Nida Crescent.



Attachment 4

Categories of works or activities which may be undertaken without a permit (permit exemptions)

Introduction

A [heritage permit](#) is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are [exempt from a heritage permit](#), if the proposed works will not harm the cultural heritage significance of the heritage place or object.

Permit policy

It is recommended that a Conservation Management Plan is utilised to manage the place in a manner which respects its cultural heritage significance.

Permit exemptions

General permit exemptions

General exemptions apply to all places and objects included in the VHR. General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which do not harm its cultural heritage significance, to proceed without the need to obtain approvals under the Act *the Act*.

Places of worship: In some circumstances, you can alter a place of worship to accommodate religious practices without a permit, but you must notify the Executive Director before you start the works or activities at least 20 business days before the works or activities are to commence.

Subdivision/consolidation: Permit exemptions exist for some subdivisions and consolidations. If the subdivision or consolidation is in accordance with a planning permit granted under Part 4 of the *Planning and Environment Act 1987* and the application for the planning permit was referred to the Executive Director as a determining referral authority, a permit is not required.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#).

Specific exemptions

The works and activities listed below under the heading 'Exempt works and activities' are not considered to cause harm to the cultural heritage significance of the Elliston Estate (Merchant Builders) and Rosanna Parklands. These are subject to the following guidelines and conditions:

Guidelines for specific permit exemptions

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific exemptions obviates the responsibility of a proponent to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the *Crown Land (Reserves) Act 1978*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the *Planning and Environment Act 1987*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
6. Care should be taken when working with heritage buildings and objects, as historic fabric may contain dangerous and

poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.

7. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the Act must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

General conditions for specific permit exemptions

1. All works or activities permitted under specific exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its cultural heritage significance.
2. If during the carrying out of works or activities in accordance with specific exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its cultural heritage significance, including but not limited to historical archaeological remains, such as features, deposits or artefacts, then works must cease and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the *Aboriginal Heritage Act 2006*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific

exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.

5. If during the carrying out of works or activities in accordance with specific exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State

Coroner's Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the *Aboriginal Heritage Act 2006*, all details about the location and nature of the human remains must be provided to the Aboriginal Heritage Council (as defined in the *Aboriginal Heritage Act 2006*).

Exempt works and activities

Buildings

Interiors

1. All internal alterations to residences, lock-up garages, sheds and other outbuildings, providing they do not alter the external appearance of the building. This includes all updates to kitchens, bathrooms and toilets.

Exteriors

2. Minor repairs that replace like with like.
3. Removal of mechanical items such as air conditioners, pipe work, ducting, wiring, antennae, aerials and making good.
4. Installation of rainwater tanks where these are not visible from a street or public park.
5. Installation of solar panels where these are not visible from a street or public park.
6. Installation of external lighting normal to a residence.

Landscaping, vegetation and tree planting

7. A heritage permit or permit exemption is not required under the *Heritage Act 2017* to remove, destroy or lop vegetation, including native vegetation, where the requirements of the Banyule Planning Scheme relevant to the removal, destruction or lopping of the vegetation are satisfied.
8. The process of gardening and maintenance to care for existing plants.
9. The removal of trees, shrubs and vegetation within residential properties where the vegetation is not a species which is native to Australia.
10. The planting of trees, shrubs, grasses and other vegetation where the species is native to Australia.
11. Repairs, conservation and maintenance to the hard landscape elements (for example, driveways and paths), structures and rockworks drainage and irrigation system.

Roadworks and utilities maintenance

12. Maintenance and repair of underground power lines.
13. General maintenance and repair works to road reserves.
14. Temporary buildings and works associated with environmental monitoring (including monitoring groundwater, noise or air quality) constructed or carried out by or on behalf of the Head, Transport of Victoria.
15. A temporary shed or temporary structure for construction purposes.
16. Emergency works undertaken by, or on behalf of, a municipality, public authority or utility service provider in the exercise of any power conferred under any Act.