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Part C (2) - Submission by the Planning Authority Moreland City Council

Right of reply

Planning Scheme Amendment C208more
Implementation of the Moreland Heritage Nominations Study

6 May 2022

TRIM: D22/66181

1. Introduction

1. This Part C submission is Council's right of reply to issues and points of clarification that have been raised during the hearing as follows:
 - Points of clarification
 - Response to Issues raised by the submitters
 - Stage 1 of the Moreland Heritage Nomination Study
 - Procurement Process
 - Response to Issues raised by Panel
 - Moreland Thematic History Update
 - Net Community Benefit
 - Applying the Heritage Overlay in areas for growth
 - Heritage along Lygon Street and the Brunswick Structure Plan
 - 151A Lygon Street Brunswick East
 - Conclusion
 - Attachments
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2. Points of clarification

2. Expert witness statement of Mr Negri at paragraph 36 refers to Amendment C174more as being abandoned by Council. We suggest that this sentence statement should refer to Amendment C174more Part 2 as this was the only part of the amendment that was abandoned.
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3. Response to issues raised by the submitters

3. Submitter 42 raised concerns with the C208more process. Many of these concerns have been addressed in Council's submissions to date, namely the:
 - C208more exhibition process, response to submitters concerns with exhibition and undertaking exhibition during the COVID pandemic – refer to Part A submission, Section 4.3, Part B (1) submission from paragraph 66, Part C (1) submission from paragraph 66.
 - Public Nomination Process – Part C (1) from paragraph 23.
 - Interim Heritage Protection – Part C (1) from paragraph 15.

3.1 Stage 1 of the Moreland Heritage Nomination Study

4. Council is committed to protecting people's privacy, with all staff responsible in ensuring privacy legislation is adhered to when providing planning information. The Information Privacy Principles (IPPs) under the *Privacy and Data Protection Act 2014* (PDP Act) require Council to provide notice of the purposes for which personal information is being collected and the circumstances in which the information will be used and disclosed prior to disclosure.
5. In accordance with IPP 1, where Council is collecting information from customers (such as a planning scheme amendment proponent, submitter or through a public nomination process), it must take reasonable steps to ensure that the individual is made aware of the collection, the purposes for which the information is being collected and how it will be used.
6. This is because information cannot be used or disclosed for any purpose other than the primary purpose for which it was collected, or a secondary purpose specified in IPP 2.1.
7. In the case of the public nomination process in 2016, the purpose was to identify places that the community considered to have heritage value beyond those already in the Heritage Overlay. The nomination form (attached to Council's Part 1 (C) submission) outlined what happens if someone nominated a place, describing that it 'will assist Council in undertaking a heritage study for the municipality'.
8. This nomination process and form did not request consent to share publicly the personal information of the nominee. For this reason, the details of who nominated the places in the Moreland Heritage Nomination Study has not been made public.
9. Generally, Stage 1 of heritage studies perform as a preliminary heritage assessment with the findings communicated through the detailed assessment and recommendations in Stage 2 (final heritage study report). This is the case for the Moreland Heritage Nomination Study.
10. Stage 1 of the Nomination Study sought to refine a large list of public nominated places to a list that warranted detailed heritage assessment based on expert heritage advice. This outcome assisted in scoping and undertaking the detailed assessment of the nominations documented in the *Moreland Heritage Nominations Study 2020*.
11. Through the Amendment C208more process, Council has shared Stage 1 of the Moreland Heritage Nomination Study with submitters to the Amendment where it was requested. This Stage 1 study has been included at Attachment 1.

3.2 Procurement process for Heritage Nomination Study

12. Heritage studies are a costly exercise and engaging consultants to undertake them require a tender process in accordance with Council's Procurement Policy. Separate tender processes are often needed for each stage of a heritage study as the outcomes of the Stage 1 study influences the scope of Stage 2 and subsequent costs.
13. In the case of the Moreland Heritage Nomination Study, Stages 1 and 2 were part of two separate tender processes. Each tender was evaluated by a three-person panel using Council's tender

assessment framework resulting in different heritage consultancies undertaking each stage of the study.

4. Response to issues raised by the Panel

4.1 Moreland Thematic History Update

14. The *City of Moreland Thematic History 2010* (2010 History) was adopted by Council on 11 August 2010. The 2010 History updated the previous thematic history prepared in 1998 by Allom Lovell & Associates.
15. The 2010 History included Theme 9: Shopping and Retailing in Moreland. Theme 9 states the following on page 97:

Shopping is a necessary part of the daily life of a community and shops give their customers a sense of continuity and tradition. They are a very visual attribute of Moreland's streetscapes, particularly the major thoroughfares of Sydney Road and Lygon Street.

16. The 2010 History then goes on to discuss sub themes 9.1 Establishing the First Shops, 9.2. Shopping on Sydney Road, and 9.3 Opening Culturally Diverse Shops.
17. In 2020 Council adopted the *City of Moreland Thematic History 2020* (2020 History) The 2020 History updated the 2010 History to resolve identified gaps, reflect contemporary issues and events, integrate aspects of Moreland's Pre and Post Contact Heritage Studies and improve the documents readability. A detailed description of the project brief was provided to Panel in Council's Part 1 (C) Attachment 1 (Nominations Study - Stage 2 Heritage Assessment & Thematic History Review and Update - Project Brief).
18. One of the identified gaps relates to a recommendation of the *Lygon Street Heritage Study 2011*. This study recommended expanding the discussion under Theme 9 to include other major commercial areas beyond Sydney Road, Brunswick, including the relationship between economic and residential growth.
19. In response to this gap, the 2020 History includes a new sub theme 9.3 'Shopping Strips and Villages' that discusses the commercial development of Lygon Street as follows:

The development of local shopping strips and villages particularly resonates with the late nineteenth century and inter-war commercial development of Lygon Street. These strips and villages reinforced the synergy between retail and residential development. For example, the small shopping strips which remain along Lygon Street reflects the key periods of development of housing estates, as the shops that were built along Lygon Street were in direct response to the new housing estates directly abutting Lygon Street.

20. The 2020 History also retains the wording of the 2010 History replicated above in paragraph 17 as an introduction to Theme 9.
21. The 2020 History also includes a number of other changes that support Amendment C208more, including:

- Theme 2 – Peopling Moreland - C208more includes some places relevant to multicultural Moreland (Abruzzo Club & Cretan Brotherhood) and the new and modified content and sub-themes relates to these places.
- Theme 5 - Farming Moreland – Changes to this section are important for C208more places CERES Park and Joe’s Market Garden.
- Theme 6 – Building Moreland – Modified title heading to reflect the content. This section was previously ‘Housing Moreland’, however, it related to more than just housing. This is relevant to the majority of places in C208more.
- Theme 7 – New sub-theme ‘Other Textile Mills and Factories’ includes new and modified content relating to former industrial places within C208more, former Worth’s Hosiery Factory and Fitwear Hosiery Factory.
- Theme 9 – Shopping and Retailing in Moreland – Substantial re-arranging of content for better flow and relevance. This re-structure and the new and modified content relates to a number places along Sydney Road that are within C208more, including Sydney Road/Bell Street Precinct, a number of shops and the Coburg Market in Coburg. It also brings a highlight to the contribution of other commercial strips in Moreland beyond Sydney Road (as detailed above).
- Theme 10 – Sustaining Moreland’s Community and Cultural Life – Re-arrangement, new and modified content, including new sub-sections are relevant to C208more properties, Brunswick and Coburg Velodromes, Coburg Pool, CERES and Joe’s (under new section Environmental and Ecological Awareness) and the Abruzzo Club and Cretan Brotherhood.

4.2 Net community benefit

22. Section 4 (1) of the *Planning and Environment Act 1987* (the Act) contains the high-level objectives of Planning in Victoria and include the following objectives relevant to this amendment:

(d) 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; and

(g) to balance the present and future interests of all Victorians

23. C208more helps Council fulfil its heritage obligations under the Act and objective 4(1)(g) is a key driver of the net community benefit of the Amendment.

24. Moreland’s heritage is a precious and finite resource. While there will be some loss in development compacity on some sites and a nominal decrease in overall development capacity, the benefits to the current and future communities delivered by the Amendment outweighs these costs.

25. Across Moreland and across Greater Melbourne and Victoria, Councils consider the application of the Heritage Overlay based on the purposes of the Heritage Overlay and the Burra Carter. This occurs independently of planning for housing growth.

26. The purposes of the Heritage Overlay are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- 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 specified 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 Principles of the Burra Charter include:

- Places of cultural significance should be conserved.
 - The aim of conservation is to retain the cultural significance of a place.
 - Conservation is an integral part of good management of places of cultural significance
 - Places of cultural significance should be safeguarded and not put at risk or left in a vulnerable state.
 - Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible.
27. It is not the purpose of the Heritage Overlay or the Burra Charter to consider the impact on planning housing growth in determining whether to protect places of cultural significance. The net community benefit is protecting and promoting places of cultural heritage significant to Moreland for the benefit of current and future generations.
28. This positive social effect is an underlying principle of The Burra Charter, which states:
- Why conserve:*
- Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.*
29. The planning framework is made up of a number of different layers. The planning system and Planning Scheme play an important part in this framework with a series of tools to implement land use strategies and influence positive change to the built environment. Within the Planning Scheme there are many different tools to guide built form change and protect and enhance identified values, including but not limited to the suite zones and overlays.
30. Of particular relevance is the suite of overlays that each have a distinct purpose and outcome. The Heritage Overlay is one such tool that is distinct from the other overlays with its purpose summarised as to conserve places of natural and cultural significance and elements that contribute to the significance of a heritage place.
31. Council's Part B (1) submission includes an explanation on the appropriateness of the Heritage Overlay from page 7, which outlines that the *Moreland Heritage Nomination Study* and *Moreland Heritage Gap Study* offer an appropriate assessment methodology, justification and recommendation for places and precincts to be included in the Heritage Overlay and that the Amendment is in

accordance with *Practice Note 1: Applying the Heritage Overlay and the Practitioner's Guide to Victoria Planning Provisions*.

32. The *Moreland Heritage Nominations Study* and *Moreland Heritage Gap Study* both identify properties that have local heritage significance to the City of Moreland. Implementing the findings of these studies through the Amendment will have a positive social effect by protecting and promoting places of heritage significant to Moreland for the benefit of current and future generations.

4.3 Applying the Heritage Overlay in areas of growth

33. Council can offer some insights into capacity of Moreland's Activity Centres and how the issue of balancing heritage attributes of a place, with the growth of centres, is common throughout Victoria's activity centres (including in Moreland).

4.3.1 Moreland's Housing Capacity

34. Council has an obligation under the state policy in the Planning Policy Framework to plan for projected growth and ensure there is sufficient land to accommodate growth. The Planning Policy Framework requires Councils to:

'Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.'

(Moreland Planning Scheme - Clause 11.02-1S)

35. Sufficient capacity is measured as at least a 15-year supply of developable residential land for the whole of Moreland and not by individual suburbs or centres.
36. Moreland City Council commissioned a study in 2021 called [*Understanding the Local Impacts of COVID-19 on Population and Housing in Moreland*](#). The study developed housing and population forecasts for Moreland City Council and its suburbs that consider the prospective impacts of COVID-19 at a local level.
37. The key findings of the population and housing forecasts are that:
- the Moreland population in 2036 is forecast to be lower than was expected before the COVID-19 pandemic
 - there will likely be minimal population growth across Moreland up to 2024
 - the short-term impacts of COVID-19 include lower rates of overseas migration, lower birth rates, and a decline in housing demand
 - some suburbs in Moreland will be impacted more than others, with some suburbs having minimal change than was previously forecast
 - Brunswick, Brunswick East, Brunswick West, Coburg and Pascoe Vale South are expected to be most impacted by COVID-19, in terms of having fewer people than previously forecast.

38. In 2022, Moreland City Council undertook a peer review of Housing Capacity Study. The methodology excluded sites that are not considered viable to be redeveloped based on the following criteria:
- Zoning does not allow residential use (e.g. industrial, open space and public land).
 - Heritage protection (significant and contributory properties)
 - Multi-dwelling sites
 - Small sites less than 200sqm in land area
 - Sites redeveloped within the last 15 years
 - Sites used for community facilities including churches, schools, healthcare, utilities and emergency services.
39. Once sites had been excluded, the remaining sites were considered developable for the purposes of the study. In reality, many sites that are multi-unit, recently built or affected by heritage requirements are able to be redeveloped to provide additional capacity. However, this would require detailed site-specific analysis beyond the scope of the study.
40. The methodology also excluded developable floor space apportioned to economic growth in the commercial and industrial forecasts contained within [A Job in Moreland](#).
41. The study then discounted gross capacity results to account for some properties that, for various reasons, will most likely not be developed. This is referred to as locked capacity.
42. The Housing Capacity Study (2022) indicates:
- Moreland's full capacity is an additional 66,637 dwellings:
 - 36,601 townhouses in Primary Residential Zones (1,575 ha of developable land)
 - 29,736 apartments in activity centres (123 ha of developable land)
 - With a 25% allowance for locked capacity, Moreland's capacity is an additional 49,726 dwellings:
 - 27,440 townhouses in Neighbourhood Residential and General Residential Zones (1,181 ha of developable land)
 - 22,286 apartments in activity centres (92 ha of developable land)
 - Moreland has more than a 15-year land supply to accommodate projected growth.
 - Supply will use 44% of capacity (25% locked capacity).
 - The suburbs with the largest capacity for additional dwellings are:
 - Coburg - 10,605
 - Brunswick - 9,156
 - Glenroy - 6,880
 - Pascoe Vale - 4,254
 - Fawkner - 4,151
43. What this means is that Moreland has more than twice the amount of development capacity than needed to accommodate the forecasted population and housing growth.

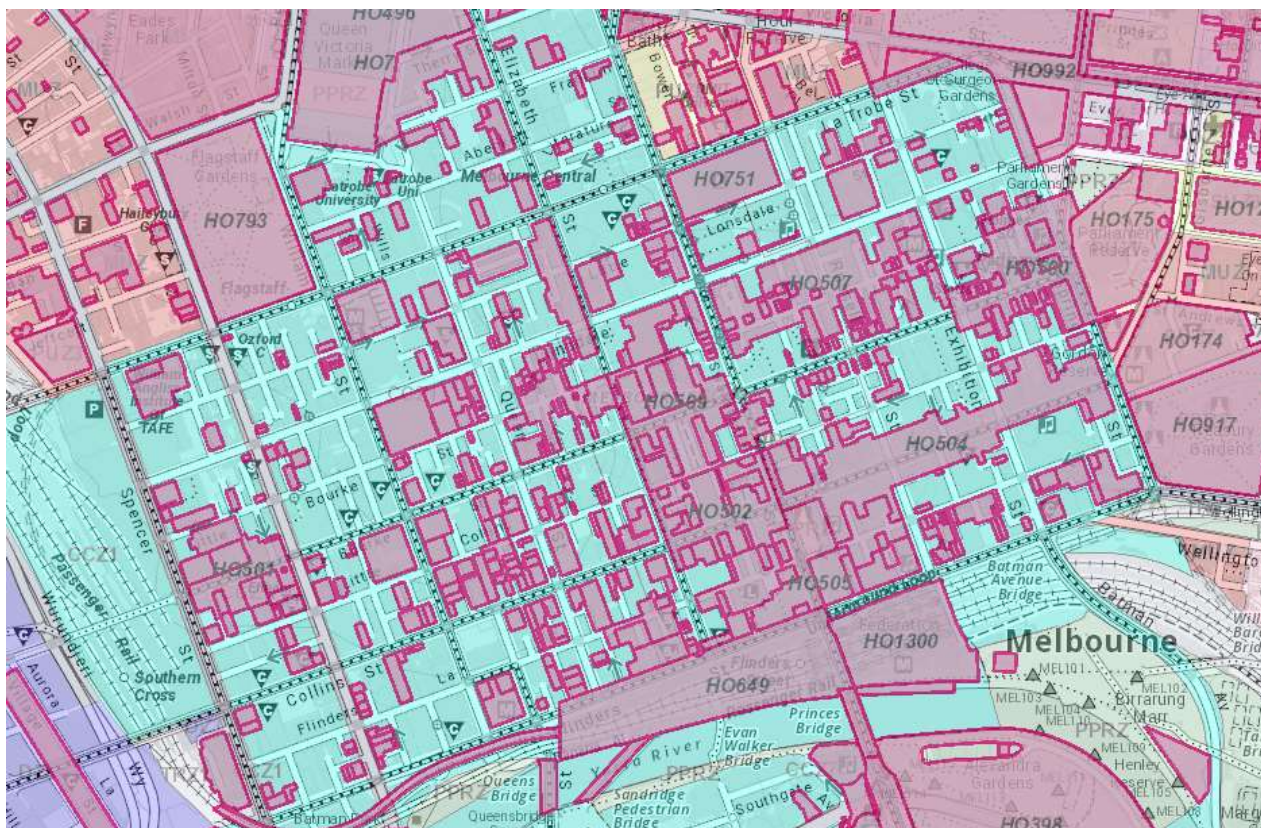
4.3.2 Planning for growth whilst protecting heritage

44. Across Moreland, Greater Melbourne and Victoria, the Heritage Overlay is applied alongside other strategic considerations, including structure plans or strategies for Activity Centres or Neighbourhood Centres.
45. Plan Melbourne contains a hierarchy of Activity Centres from the central city, through specialised national employment and innovation clusters including the Parkville medical and research NEIC, to Metropolitan Activity Centres, to Major Activity Centres, to Neighbourhood Centres, to local centres.
46. It is Plan Melbourne policy to 'Support the central city to become Australia's largest commercial and residential centre by 2050.'
47. Plan Melbourne also outlines the important role of all activity centres at Policy 1.2.1 to 'Support the development of a network of activity centres linked by transport' and further explaining:

Activity centres have been a part of Melbourne's pattern of development for decades. They fill diverse roles including housing, retail, commercial and civic services and are a focus for services, employment and social interaction.
48. At the same time, Plan Melbourne Direction 4.0 recognises that 'Heritage will continue to be one of Melbourne's competitive strengths, contributing to its distinctiveness and liveability, attracting visitors, new residents and investors.'
49. This value attributed to Melbourne's heritage is further expanded in Policy 4.4.1 to 'recognises the value of heritage when managing growth', stating:

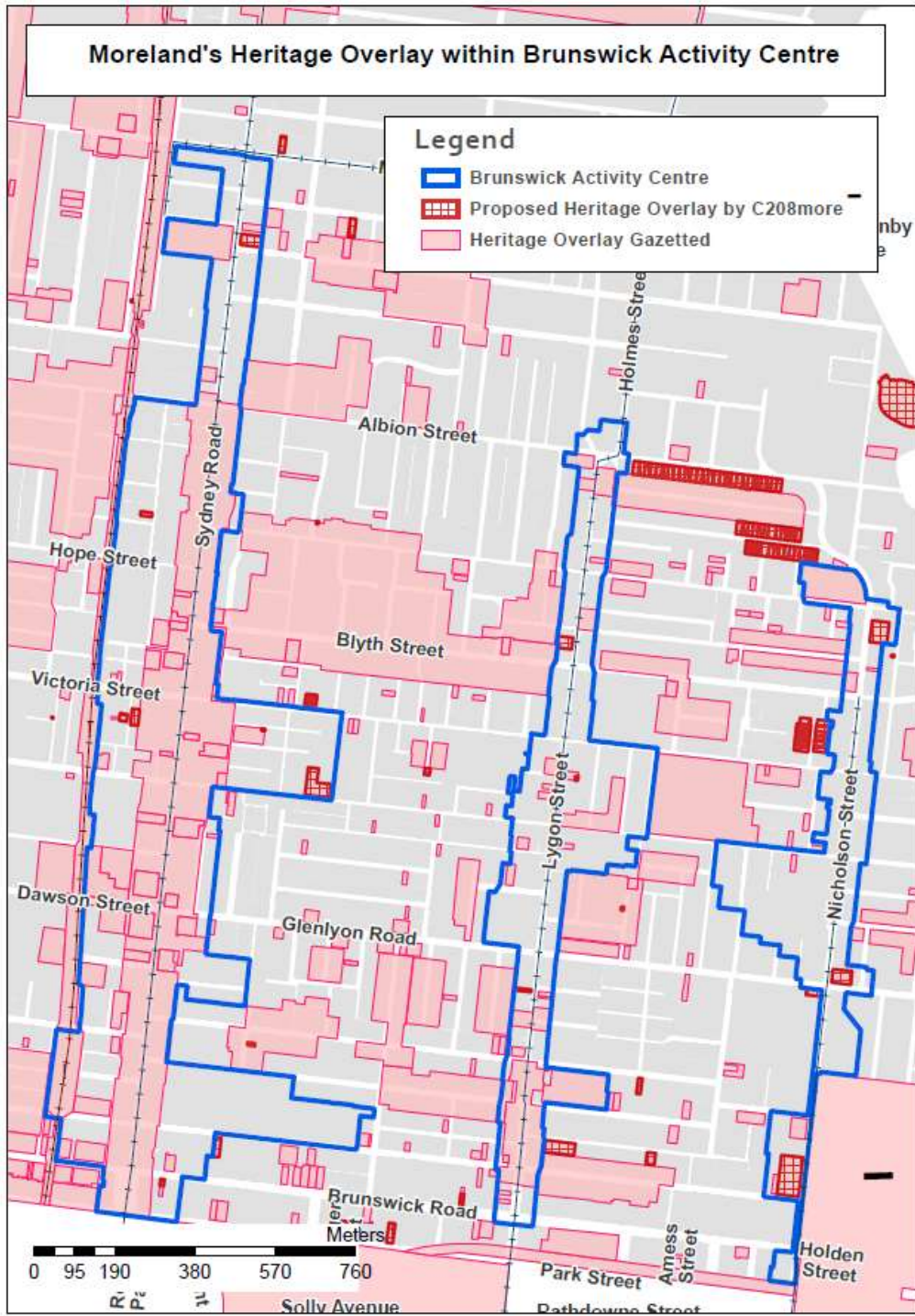
With all three levels of government sharing responsibility for protecting Melbourne's post settlement cultural heritage, decision-making must be consistent and credible and be based on clear and widely accepted heritage conservation principles and practices. Realising the community benefit of heritage 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. (emphasis added)
50. It is clear that there is an expectation that the identification of heritage places will continually occur and likely in areas of growth, and that this is an acceptable outcome.
51. To argue that a Heritage Overlay ought not be applied to activity centres based on their significance in the hierarchy, would be to argue that a Heritage Overlay ought to apply sparingly in Melbourne's highest order centre; a centre which is to become Australia's largest commercial and residential centre.
52. Looking spatially in Moreland and beyond, it becomes obvious that heritage plays a major contribution to the character of many areas designated for growth. Below are a number of maps showing that heritage is extensive throughout not only Moreland's Brunswick and Coburg Major Activity Centres, but also in other Major Activity Centres, demonstrated in City of Yarra and within Melbourne's highest order activity centre, Melbourne's Central City.

53. Within Melbourne Central City, Map 1 shows an extract of the Heritage Overlay as it applies to the Hoddle Grid. This demonstrates widespread use of the Heritage Overlay to conserve and enhance Melbourne's heritage in the highest order activity centre, a centre that will accommodate significant growth.



Map 1 – showing the large extent of heritage in purple within Central City

54. As mentioned in Council's Part B (1) & (2) submission, large parts of the Brunswick Activity Centre are within the Heritage Overlay. The Coburg Activity Centre, which is another of Moreland's Major Activity Centres, also has large heritage areas. Maps 2 and 3 have been provided to demonstrate this extent of the Heritage Overlay and how it has been applied to places of heritage significance, where applicable, within these activity centres. In both these activity centres it is common for new development to balance the heritage values of the site with higher density outcomes that contribute to housing Moreland's growing population



Map 2 – Showing the large extent of heritage within and around the Brunswick Activity Centre



Map 3 – Showing the large areas of heritage within and around the Coburg Activity Centre

55. Within the City of Yarra, the Fitzroy-Brunswick Street and Fitzroy-Smith Street Major Activity Centres are also almost entirely within a Heritage Overlay. Within these areas, higher density development is also having regard to the heritage values of sites within the assessment of planning permit applications.



Map 4 – Showing the large extent of heritage within and around the major activity centres of Fitzroy-Brunswick Street and Fitzroy-Smith Street

56. This is a purpose of the Heritage Overlay. The Heritage Overlay contemplates an application for partial or full demolition of places of heritage significance. It is the role of a planning permit application decision maker to balance competing planning objectives in the circumstances of a particular site. Commonly very substantial development occurs on sites with partially retained heritage fabric in reconciling these matters in decision making.
57. In relation to 413 Gaffney Street Pasco Vale, Moreland contains 106ha of land within Neighbourhood Centres.
58. The objectives of DDO24, which applies to Neighbourhood Centres, are:
- To implement the Moreland Neighbourhood Centres Strategy, 2017.
 - To ensure built form outcomes are appropriate to the context of Moreland’s Neighbourhood Centres.
 - To improve the quality of higher density and mixed use developments by providing appropriate built form guidance.
 - To improve amenity outcomes for residents in higher density and mixed use developments and for residents in adjacent buildings.
 - To ensure that new development makes a positive contribution to the public realm.
59. DDO24 and the *Moreland Neighbourhood Centres Strategy 2017* which underpins it, do not have a heritage purpose. Sites are not included or excluded from activity centres based upon whether or not they are of heritage significance. Heritage and Built Form requirements exist in separate overlays in the Victoria Planning Provisions. These are matters which are balanced in planning permit decision making, alongside many other considerations.

60. Pascoe Vale has the capacity within current planning controls to accommodate 4,254 additional dwellings, with a forecast need for only 2,000 additional dwellings over the next 15 years. The application of a Heritage Overlay to a single site of 658 sqm is not fatal to accommodating housing growth this suburb or within Moreland more broadly.



Map 5 – showing extent of Heritage Overlay in Gaffney Street/Pascoe Vale Station Neighbourhood Centre

61. In Melbourne Planning Scheme Amendment C278melb the Panel gave significant and lengthy consideration to the issue of balancing planning provisions which constrain development against the broader strategic objective of enabling growth. In this case the Panel found it had not been presented with any evidence that demonstrated that the Amendment would reduce the amount of available floorspace to the extent that it would start to impact on the achievement of the policy objectives.

Overall, the Panel accepts that the Amendment will result in some loss of development potential on some sites, with a likely economic loss to those owners. However this would be limited to sites adjacent or very close to public parks. There was no evidence presented to the Panel of a widespread impact. There is also likely to be an economic benefit to other sites through displacement of lost capacity.¹

¹ Page 39

62. Likewise, in the amendment before this Panel, objector parties have not presented any evidence which demonstrates that application of a Heritage Overlay to 151A Lygon Street Brunswick East and 413 Gaffney Street Pascoe Vale is fatal to Moreland's ability to house its growing and changing population. Population and housing forecasting and capacity analysis demonstrates that capacity is more than twice the projected growth.

63. As contemplated by Plan Melbourne, accommodating growth and protecting heritage coexist.

4.4 Heritage along Lygon Street in the Brunswick Structure Plan

64. Mr Negri presented to Panel that a heritage assessment formed part of the development of the Brunswick Structure Plan (BSP). Whilst this is not entirely inaccurate, the heritage values of Lygon Street had not been fully incorporated into the original Brunswick Structure Plan (BSP).

65. In 2014/2015, Amendment C134 sought to implement the BSP, including through the application of DDO18, DDO19 and DDO20. Heritage expert David Helms in their expert witness statement to C134 Panel provided some useful commentary on whether the heritage significance of the Brunswick Activity Centre (BAC) had been appropriately considered and adequately reflected in the BSP. An extract of his statement in relation to Lygon Street is provided below:

Lygon Street Local Area (LSLA)

The heritage significance of the LSLA is not adequately reflected in Volume 2 Part 2 of the BSP.

The key issues are:

- *Unlike Sydney Road, the LSLA has a 'patchwork' of heritage precincts and places, which reflects the sporadic growth of the centre, and of which only some are currently included in the HO; and*
- *The BSP was completed prior to the completion in 2012 of Stage 2 of the Lygon Street Heritage Study (and the consequent Amendment C149) and the BSP therefore relies on the interim findings of the Stage 1 Heritage Study, completed in 2008. The precincts and places assessed by the 2012 Heritage Study and proposed for inclusion in the HO by Amendment C149 are different to those in the 2008 Heritage Study.*

As a consequence of this:

- *The heritage places and precincts of local significance assessed by the 2012 Heritage Study, which will be added to the HO by Amendment C149, are not correctly identified in the BSP; and*
- *The BSP fails to highlight key differences between the built form heritage of Lygon Street compared to Sydney Road including the higher proportion of single storey buildings (shops, factories and houses), and places with distinctive characteristics (e.g., interwar factories and apartments) that illustrate its different patterns of historic development.*

4.5 151A Lygon Street Brunswick East

66. 151A Lygon Street is not the only site within the Moreland Heritage Gap Study that is located within the Brunswick Activity Centre. Twelve other properties are also in the Brunswick Activity Centre, affected by DDO18, DDO19 or DDO20 and included in the Heritage Overlay by Amendment C174morept1.

HO No	Address	Name	BAC DDO
HO462	233-239 Brunswick Road Brunswick	Terraces	DDO18
HO467	38 David Street, Brunswick	House	DDO18
HO490	31-33 Lygon Street, Brunswick East	Terrace Houses (31 – Inverurie, 33 – Keithall)	DDO19
HO498	840 Sydney Road, Brunswick	State Savings Bank of Victoria (former)	DDO18
HO500	80 Union Street, Brunswick	Corner Shop (former) & Residence	DDO18
HO502	273 Victoria Street, Brunswick	First City of Brunswick Scout Hall (former), later Brunswick Cinema, Toscana Social Club	DDO18
HO508	28-30 Albert Street, Brunswick East	Glen Iris & Hazel Glen	DDO20
HO515	136A Nicholson Street, Brunswick East	Dairy & Milk Bar (former)	DDO20

67. DDO18 covers the Sydney Road corridor and DDO20 covers the Nicholson Street corridor of the BAC. DDO18 also includes an objective valuing the heritage attributes of the Sydney Road corridor of the Brunswick Activity Centre.

68. The Panel for C174more supported the inclusion of these sites within the HO irrespective of the site's identification in an area for growth. The Panel stated in their report:

The Panel sees no conflict between the purposes of the Design and Development Overlay and the Heritage Overlay and notes that, rather, the two controls are intended to operate together. It agrees that not including a place in an earlier Study is not reason to exclude the place again, especially from a Gap Study.

69. The Panel also reiterated previous Panel decisions that development opportunity is not relevant when considering whether a place has sufficient local heritage significance to justify the Heritage Overlay.

70. It is also worth noting that 151A Lygon Street Brunswick East is not the only site in Amendment C208more located in the Brunswick Activity Centre. The following seven sites identified by the Moreland Heritage Nomination Study as locally significant are also in the BAC:

HO No	Address	Name	BAC DDO
HO549	17 Breese Street, Brunswick	House	DDO18
HO557	11 Thomas Street, Brunswick	Fitware Hosiery Factory (former)	DDO18

HO560	373-387 Lygon Street, Brunswick East	Abruzzo Club	DDO19
HO561	42A Nicholson Street, Fitzroy North	Holy Trinity Orthodox Church	DDO20
HO562	49A Nicholson Street, Brunswick East	Our Ladies help of Christian's Catholic Church	DDO20
HO564	148-150 Nicholson Street, Brunswick East	Cretan Brotherhood	DDO20
HO565	2 St Phillips Street, Brunswick East	Warehouse	DDO19

4.4.1 Lygon Street Heritage Study

71. Most of the heritage studies conducted in Moreland contained properties along Lygon Street Brunswick East, including:

- Keeping Brunswick's Heritage: A Report on the Review of the Brunswick Conservation Study (Context P/L, for Brunswick City Council, 1990)
- Northern Suburbs Factory Study (Gary Vines and Matthew Churchward, 1992)
- City of Moreland Heritage Review (Allom Lovell and Associates for Moreland City Council, January 1999)
- Lygon Street Heritage Study Stage 2 (Context, June 2012)
- Moreland Local Heritage Places Review (Context P/L for Moreland City Council, 2004) (Amended April 2008)
- Moreland Heritage Gap Study (Context P/L for Moreland City Council, 2019)

72. The Lygon Street Heritage Study however had a particular focus on Lygon Street in Brunswick East. Stage 1 of the Study was conducted in 2008, which identified 154 places within seven precincts and three individually significant buildings beyond those precincts on Lygon Street, between Brunswick Road and Albion Street.

73. Stage 2 of the study was completed in 2012. This study found in the intervening years since the 2008 study was completed, a number of buildings and other contributory elements had been altered or demolished which had substantially impacted the integrity of the potential precincts identified in 2008.

74. New precinct boundaries were proposed, which left a large number of potentially significant places outside of a proposed heritage precinct.

75. The Lygon Street Heritage Study Stage 2 concluded of the 157 places assessed:

- 3 individual places are of local significance
- 5 precincts (or small groups) are of local significance
- 2 serial listings are of local significance

76. This study also recommended further work, including a detailed assessment of three places, one of which was 151A Lygon Street Brunswick East. An extract of this recommendation is provided below.

Require further research

This table contains a summary of the places identified in the 2008 study which were considered to be of potential local significance and after precinct revisions in Stage 2, fell outside of the proposed Heritage Overlay areas. It is recommended that further research be undertaken on these places.

B.6 Require further research

	Hermes No.	No.	Street	Suburb	Name/description	Recommended Planning Scheme Overlay	Comments
1.	184355	53	Albion Street	Brunswick East	House and shops	None	Very intact and interesting corner arrangement of shops and residence
2.	184556	151A	Lygon Street	Brunswick East	c1930s shop	None	1-storey c1930s shop with finely detailed stepped parapet in clinker brick and render (only likewise?); retains original shopfront (metal-framed windows, blue tiled stallboard, tiled entry floor, glazed timber door); cantilevered verandah may be original but has been boxed in
3.	184519	323-329	Lygon Street	Brunswick East	Row of four shops	None	Four interwar shops, alternating between 2-storey and 1-storey, red brick with render details (unpainted to 327-329), stepped parapets with brick details, fading 'Robur Tea' ad (could be included in Precinct C)

77. A full copy of the Lygon Street Heritage Study Stage 2 has been included at Attachment 2.
78. As outlined in Council's Part A submission, the Moreland Heritage Gap Study was undertaken to review and investigate all outstanding recommendations from previous studies and panel reports. Consequently, the outstanding recommendation for further assessment of 151A Lygon Street Brunswick East recommended by the Lygon Street Heritage Study was resolved through the Moreland Heritage Gap Study.

4.4.2 Guidance informing Council's position on heritage response in Mirabella development

79. Council's Heritage Advisor provided Council Planners detailed heritage advice on 22 January 2022 to guide their decision making on the substituted VCAT plans for the Mirabella development at 141-153 Lygon Street, Brunswick East. This advice has been provided at Attachment 3.
80. The consented position regarding the setbacks reached between the permit applicant and Council was largely based on this advice of Council's Heritage Advisor.

5. Conclusion

- 14 Amendment C208more seeks to implement the recommendations from the Moreland Heritage Nominations Study and Moreland Heritage Gap Study prepared for Council by expert heritage consultants.
- 15 Implementation of the recommendation of these studies is part of Council's ongoing commitment to identify and protect the municipality's heritage fabric for current and future generations.
- 16 It further fulfils Council's statutory obligations as a responsible authority to implement the objectives of the *Planning and Environment Act 1987*, and to implement State and Local objectives, strategies in the Planning Policy Framework, Plan Melbourne and Municipal Planning Strategy as well as relevant guidelines and practice notes.
- 17 In Council's view, that both studies provide a comprehensive and robust analysis of the identified heritage significance of buildings and precincts within the municipality. In undertaking that exercise, a rigorous assessment of the identified heritage elements of each place has been very carefully documented.
- 18 It is respectfully submitted that the Panel recommend adoption of Amendment C208more with the changes supported by Council and proposed in Council's submissions.
- 19 This concludes Council's Part C (2) Submission.

END OF PART C (2) SUBMISSION

6. Attachments

Attachment 1 – Heritage Assessment of Public Nominated Places Stage 1 by Context Pty Ltd (August 2019)

Attachment 2 – [Lygon Street Heritage Study Stage 2 2012 by Context Pty Ltd \(2012\)](#)

Attachment 3 - 141-153 Lygon Street, Brunswick East - Heritage Advisor Report

Attachment 4 – Brief to engage GML Heritage as expert witness for C208more Panel