

## 7.1 AMENDMENT C208MORE - IMPLEMENTATION OF THE HERITAGE NOMINATIONS STUDY - GATEWAY 3 - CONSIDERATION OF PANEL'S RECOMMENDATIONS AND DECISION ON THE AMENDMENT

Director Place and Environment      Joseph Tabacco  
City Strategy and Economy

Council, at its meeting held on 14 September 2022 resolved that the matter be deferred to the Council meeting scheduled for 12 October 2022

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### Officer Recommendation

That Council:

1. Notes the findings and recommendations of the C208more Planning Panel.
2. Adopts the changes to the final *Moreland Heritage Nominations Study 2022* reference document and *Moreland Heritage Exemptions Incorporated Plan 2022*, shown at Attachment 1 to this report.
3. Using its powers as a planning authority under section 29 of the *Planning and Environment Act 1987*, adopt Planning Scheme Amendment C208more as shown in Attachment 1 of this report.
4. Submit the adopted Amendment to the Minister for Planning.

<b>REPORT</b>
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### Executive Summary

Amendment C208more (the Amendment) seeks to implement the recommendations of the *Moreland Heritage Nominations Study* and complete the implementation of the *Moreland Heritage Gap Study*, to:

- Apply the Heritage Overlay to 45 individual heritage places, 1 serial listing, 7 new precincts and 3 precinct extensions
- Update the heritage value of 4 heritage places and 2 heritage precincts
- Fix mapping irregularities and heritage overlay boundaries
- Delete existing overlays from properties within the new serial listing
- Add the *Moreland Heritage Nominations Study 2020* and a statement of significance for each place and precinct as a reference document

Council adopted the *Moreland Heritage Nomination Study* and resolved to commence the preparation of a planning scheme amendment to apply the HO to these properties at its meeting in August 2020 (DCF35/20). The Amendment was exhibited to the public for a period of 7 weeks and 43 submissions were received. Council resolved in December 2021 to request the Minister for Planning to appoint an independent Panel to consider the submissions received during exhibition of the Amendment.

A Panel Hearing was held on 1-3 March and 3 & 6 May 2022. The Panel report was generally supportive, noting that the Amendment was well founded and strategically justified. The Panel recommends that the Amendment be adopted subject to changes, generally related to updating information in the heritage citations and to remove seven places and two precincts from the Amendment.

Officers support the majority of Panel's recommendations but recommend that the Walsh Street Precinct (HO599) remains in the Amendment.

A copy of the Panel's report can be viewed at [Amendment C208 Moreland Heritage Nominations Study Implementation](#).

## **Previous Council Decisions**

### **DCF72/19 Amendment C174 – Moreland Heritage Gap Study Decision Gateway 3 – Consideration of Panel Report and Decision on the Amendment – Council Action Plan Item – 13 March 2019**

*That Council:*

1. *Notes the findings and recommendations of the C174 Panel included at Attachment 1 to this report.*
  - a) *Splits Amendment C174 to the Moreland Planning Scheme into two parts as follows:*
  - b) *Amendment C174 Part 1 (as described in Attachment 2 to this report).*
2. *Amendment C174 Part 2 (151A Lygon Street, Brunswick East).*
3. *Adopts Amendment C174 Part 1 to the Moreland Planning Scheme with the changes shown at Attachment 2, pursuant to section 29(1) of the Planning and Environment Act 1987.*
4. *Adopts the final Moreland Heritage Gap Study 2019 reference document as shown at Attachments 3, 4, 5 and 6 to this report.*
5. *Adopts the proposed changes to the Moreland Heritage Exemptions Incorporated Plan 2019, shown at Attachment 7 to this report.*
6. *Adopts the proposed changes to Amendment documentation and Design and Development Overlay – Schedule 18 discussed at section 3 of this report as shown at Attachment 8.*
7. *Submits Amendment C174 Part 1 to the Moreland Planning Scheme to the Minister for Planning for approval, pursuant to section 31 of the Planning and Environment Act 1987.*
8. *Defers adoption of Amendment C174 Part 2 until after a decision is received in relation to the VCAT hearing for 151A Lygon Street, Brunswick East.*
9. *Requests that the Minister for Planning prepare, adopt and approve a prescribed amendment pursuant to section 20A of the Planning and Environment Act 1987 as shown at Attachment 9 to extend the interim heritage controls for 151A Lygon Street, Brunswick East for a period of 12 months while the VCAT process for the site is undertaken and to enable a decision to be made on Amendment C174 Part 2.*
10. *Notifies all submitters of Council's decision in relation to Amendment C174.*

### **DCF35/20 – Amendment C208 – Moreland Heritage Nominations Study – Gateway 1 – Authorisation and Exhibition – 12 August 2020**

*That Council:*

1. *Endorses the report Moreland Nominations Study 2020 at Attachments 1 and 2 to this report, as a reference document listed in Clause 22.06 – Heritage. This report outlines the rationale and evidence which underpins the proposed planning scheme changes.*
2. *Requests that the Minister for Planning prepare, adopt and approve prescribed Moreland Planning Scheme Amendment C207 (interim heritage controls) pursuant to section 20A of the Planning and Environment Act 1987 as shown in Attachments 3 and 4 to this report.*
3. *Using its powers as a Planning Authority under sections 8A and 8B of the Planning and Environment 1987, seeks Authorisation from the Minister for Planning to prepare Moreland Planning Scheme Amendment C208 (permanent heritage controls) as*

*shown in Attachments 5 and 6 to this report.*

4. *Following receipt of the Minister's Authorisation, exhibits Amendment C208 in accordance with Section 19 of the Planning and Environment Act 1987 and as outlined in the consultation section of this report.*
5. *Authorises the Director City Futures to make changes to Amendment C208 based on conditions imposed in any Authorisation granted by the Minister for Planning and to make minor changes.*
6. *Using its powers as a planning authority under Sections 23 and 28 of the Planning and Environment Act 1987, abandons Moreland Planning Scheme Amendment C174 Part 2.*
7. *Writes to the Minister for Planning advising of Council's decision to abandon Moreland Planning Scheme Amendment C174 Part 2.*

## **7.6 Amendment C208more – Heritage Nominations Study – Decision Gateway 2 – Consideration of Submissions – 8 December 2021**

*That Council:*

1. *Using its powers as a planning authority under s 23(1) of the Planning and Environment 1987, requests that the Minister for Planning appoint an independent Panel to consider all submissions to Moreland Planning Scheme Amendment C208more.*
2. *Endorses the response to submissions as set out in Attachment 1 to this report to form the basis of Council's submission to an Independent Planning Panel.*
3. *Notes that the recommended form of the Amendment to be presented to the Independent Planning Panel to respond to submissions is included in Attachment 1 to this report.*
4. *Refers any late submissions to the Independent Planning Panel appointed to consider the Amendment and submissions.*
5. *Authorises the Director City Futures to make minor changes to Moreland Planning Scheme Amendment C208more and to give direction on issues which arise in the course of the Panel hearing in response to expert evidence and submissions if required, so long as any further changes are generally in accordance with the Moreland Heritage Nominations Study.*
6. *Endorses the Moreland Thematic History 2020 in Attachment 2 to this report.*
7. *As part of the review of the Moreland Heritage Action Plan 2017-2032 provide Council with information about the scope and cost of a review of early, mid and late Victorian era cottages in Moreland to determine if there are any additional individual buildings or group/serial precincts worthy for inclusion in a heritage overlay, noting that the Heritage Action Plan review will be reported to Council in 2022.*

## **1. Policy Context**

### **Council Action Plan**

Creating 'Vibrant spaces and places in Moreland' is a key theme (Theme 4) of the Council Plan. One strategy to achieve the Strategic Objective of Theme 4 is:

*4.4 Create a sense of place while retaining what is valued about heritage including First Nations*

### **Heritage Action Plan**

The Heritage Action Plan 2017-32 (HAP) includes heritage actions to identify, conserve and manage the city's heritage. This includes:

- Action K5 - Commission heritage expert assistance to undertake a preliminary assessment of the potential heritage places identified as part of the public nomination process held in 2016.
- Action K14 - Commission heritage expert assistance to undertake a heritage study of Pre-War and Post War Modern architectural style heritage places identified as part of the public nomination process held 2016 (this action is based on the outcomes of the Preliminary Assessment as per Action K5). Note two studies may be prepared i.e. Pre-War and Post War.
- Action P3 – Prepare a planning scheme amendment to introduce the places identified and assessed as part of the Pre-War and Post War Modern architectural style Heritage Study(s) (aligned with Actions K5 and K14) into the Moreland Planning Scheme, via application of the Heritage Overlay.
- Action K12 - Update the City of Moreland Thematic History by simplifying some of the major themes and improving the current structure of Theme 6: Building Moreland's Houses and Theme 9: Shopping and Retailing in Moreland.

The Moreland Heritage Nominations Study, Amendment C208more and the update to the Moreland Thematic History align with these actions.

### **Planning and Environment Act 1987**

The *Planning and Environment Act 1987* (the Act) states the objectives of planning in Victoria. It directs Councils under section 12(1)(a) to implement the following objective:

*Provide for the fair, orderly, economic and sustainable use, and development of land. Conserve and enhance those buildings, areas and other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*

Amendment C208more aligns with this objective of the Act by conserving places that are significant in Merri-bek.

### **The Planning Scheme**

#### **Clause 15.03 - Heritage**

Heritage conservation is an objective of State planning policy. This objective is supported by the following strategies at Clause 15.03-1S (Heritage Conservation) of the Scheme:

*Identify, assess and document places of natural or cultural heritage significance as a basis for their inclusion in the planning scheme.*

*Provide for the protection of natural heritage sites and man-made resources.*

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

*Encourage appropriate development that respects places with identified heritage values.*

*Retain those elements that contribute to the importance of the heritage place.*

*Encourage the conservation and restoration of contributory elements of a heritage place.*

*Ensure an appropriate setting and context for heritage places is maintained or enhanced.*

*Support adaptive reuse of heritage buildings where their use has become redundant.*

Amendment C208more is consistent with this heritage conservation policy. The Moreland Heritage Nominations Study has identified significant places to Merri-bek. Amendment C208more seeks to protect them and manage development of them by including them in the Heritage Overlay.

Clause 15.03-1L – Heritage includes added built form guidance for places in the heritage overlay. This policy applies to all land affected by a heritage overlay.

**Clause 43.01 - Heritage Overlay (HO)**

The purpose of the Heritage Overlay is to:

*Conserve and enhance heritage places of natural or cultural significance.*

*Conserve and enhance those elements which contribute to the significance of heritage places.*

*Ensure that development does not adversely affect the significance of heritage places.*

*Conserve heritage places by allowing a use that would otherwise be prohibited if it assists with the conservation of the place.*

If Council resolves to adopt Amendment C208more and it is gazetted by the Minister, the properties added to the Heritage Overlay will be subject to the requirements of Clause 43.01 of the Planning Scheme.

## 2. Background

### Heritage Gap Study Public Nominations

The Moreland Heritage Gap Study (MHGS) investigated the outstanding recommendations of earlier heritage studies and panel reports. The MHGS was completed in two stages:

- Stage 1: Preliminary assessment - A review of all the remaining places to short list which ones were worthy of further assessment. This stage was completed in May 2016.
- Stage 2: Detailed heritage assessment - Involved the heritage assessment of the places short listed in Stage 1. Stage 2 was completed in October 2018.

Amendment C174more implemented the findings of the MHGS. This Amendment was approved by the Minister on 5 January 2021.

### 151A Lygon Street, Brunswick

Council received a late submission to Amendment C174more for 151A Lygon Street, Brunswick East. This submission was received after the C174more planning panel hearing and could not be considered as part of the Amendment.

The matter was heard by VCAT and the way forward settled between Council and the land owners. The property was added to C208more to provide another opportunity for the landowner to participate in the amendment and panel hearing process.

### Heritage Nominations Study

The Moreland Heritage Nominations Study 2020 (MHNS) investigated the heritage significance of the places nominated by the public in 2016. This study was prepared in two stages.

Stage 1: Preliminary Assessment

The Stage 1 study was completed in May 2019 by the heritage consultants GHD Context Pty Ltd. The purpose of this stage was to work out which places were worthy of a detailed heritage assessment. The assessment found 620 places were worthy of a more detailed assessment.

#### Stage 2: Detailed heritage assessment

The Stage 2 study was completed in June 2020 by heritage consultants Extent Heritage Pty Ltd. This study involved:

- A detailed assessment of the places short listed in Stage 1
- The assessment of extra places found through fieldwork
- Update of heritage descriptions of four places already in the Moreland Heritage Overlay.

The MHNS (Stage 2) was prepared in accordance with Heritage Victoria Guidelines, the Australia ICOMOS Charter for Places of Cultural Heritage Significance (the Burra Charter) and its guidelines. The study involved historical research, site visits and a research of existing heritage places and precincts to assess the place against the National Heritage Convention (HERCON) criteria. The HERCON criteria is a standard measure of heritage assessment used across Australia. It includes criteria that consider historical significance, rarity and aesthetic characteristics of places.

The Stage 2 study found 340 places as being locally significant to Merri-bek. The study forms the basis of Amendment C208more and recommends including the following in the heritage overlay:

- 44 individual places
- 1 serial listing
- 7 new precincts
- 3 precinct extensions

The Stage 1 and Stage 2 MHNS can be viewed at [Amendment C208 Moreland Heritage Nominations Study Implementation](#)

#### **Authorisation of Amendment C208more**

On 17 September 2020 Council sought Authorisation from the Minister of Planning to prepare and exhibit Amendment C208more. On 24 September 2020 Council received a letter from the Department of Environment, Land, Water and Planning (DELWP) stating the amendment required further review. The review required Council officers to check and confirm which properties were subject to active planning permits.

Authorisation of the Amendment was granted on 9 July 2021 and included a number of conditions relating to:

- Minor edits to the Amendment documentation to reference the new Planning Policy Framework and fix administrative errors
- Removal of 18 Kendall Street Coburg from the Amendment despite a heritage assessment confirming that the property was locally significant. This was on the basis that a planning permit had been issued for redevelopment of the land. The dwelling has now been demolished.

DELWP's letter of Authorisation also noted that the State Government had an interest in the redevelopment of 31 The Avenue Coburg. Council was encouraged to contact Development Victoria before preparing the amendment documents for exhibition.

Council Officers met with Development Victoria representatives to discuss the future development of the land. The existing heritage significance of the Grove precinct and the proposed heritage overlay for the Moreland Secondary College and former Kangan TAFE Campus were discussed. Development Victoria was notified when the Amendment was on Exhibition. This provided them with an opportunity to put in a submission and be part of the Amendment process.

### Interim heritage controls – Amendment C207more

On 17 September 2020, Council requested the Minister for Planning to apply a heritage overlay to the places in the MHNS on an interim basis. This was to protect the places while the Amendment process was being undertaken. This request was granted on 30 September 2021 and a heritage overlay was applied with an expiry of 31 May 2022.

The expiry of these interim heritage overlays was extended by Amendment C220more on 26 May 2022 applying an expiry of 23 May 2023.




## 3. Issues

### Panel recommendations

The Panel recommended the Amendment be adopted as exhibited, subject to a number of changes.

This section provides a summary of the Panel's five recommended changes, and an officer response to each proposed change. The Panel's findings and recommendations are included in the Planning Panel Report.

Panel recommendation	Council Officer response
<b>1. Delete the Heritage Overlay from:</b>	
a) Duke Street Precinct (HO593)	<p>This is consistent with Council's adopted position post exhibition.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 1(a)</b> ✓</p>
b) Walsh Street Precinct (HO599)	<p>Council Officers do not support the Panel's recommendation.</p> <p>Panel outline that there may be a case for Walsh Street Precinct to be locally significant as demonstrating the historical development in Coburg but that the Statement of Significance 'barely' addresses the important aesthetic qualities of the precinct. They further outline that 26 Walsh Street clearly contributes to the development of Walsh Street and should have been included within the Precinct in the Heritage Nominations Study.</p> <p>Officers disagree with the Panel's findings and recommendation not to proceed with HO599 at this time. It is considered that the precinct meets the threshold for aesthetic significance.</p> <p>Further work to reconsider 26 Walsh Street's inclusion in the precinct can be noted in the Heritage Action Plan.</p>

Panel recommendation	Council Officer response
	<p><b>Council officer recommendation:</b>  <i>Retain HO599 in the Amendment</i></p> <p><b>Note for the Heritage Action Plan, work that considers 26 Walsh Street Coburg's inclusion in the precinct.</b></p> 
<p>c) 151A Lygon Street, Brunswick East (HO505)</p>	<p>Council Officers support the Panel's recommendation. The Panel considered that 151A Lygon Street has aesthetic interest, as an attractive small building in the jazz deco style but is not elevated to individual significance on its own.</p> <p><b>Council officer recommendation:</b>  <i>Support Panel recommendation 1(c)</i></p> 
<p>d) Lorreto, 198 Edward Street, Brunswick East (HO552)</p>	<p>Council Officers support Panel's recommendation. Panel considered Lorreto could well be a contributory place if within a precinct, however the heritage assessment does not provide adequate justification that it has importance as a representative example to warrant individual heritage value.</p> <p>Future heritage work that considers the significance of Victorian Terraces as part of a wider cottage study should include this property. A heritage study for Victorian cottages will be noted in the updated Heritage Action Plan.</p> <p><b>Council officer recommendation:</b>  <i>Support Panel recommendation 1(d)</i></p> 
<p>e) CERES Community Environment Park, 7 Lee Street, Brunswick East (HO559)</p>	<p>Council officers support the Panel recommendation.</p> <p>The Panel outlined in their report that CERES Community Park is likely to have sufficient significance to justify the HO, and further work will help clarify the elements that need to be managed. This further work will then provide a clearer basis for assessment of future planning applications.</p> <p>There is a low level of risk in not proceeding with the heritage overlay at this point in time as the site is not under any pressure for redevelopment and the land is under Council's management.</p> <p>Panel's conclusion that further work to manage the heritage attributes of this site is being addressed in the Heritage Action Plan review.</p>



Panel recommendation	Council Officer response
	<p><b>Council officer recommendation:</b></p> <ul style="list-style-type: none"> <li>• <b>Support Panel's recommendation 1(e)</b></li> </ul> <p style="text-align: right;">✓</p>
<p>f) Joe's Market Garden, 131 Harding Street, Coburg (HO572)</p>	<p>Similar to CERES, the Panel outlined in their report that Joe's Market Garden has sufficient significance to justify the HO and further work will help clarify the elements that need to be managed.</p> <p>There is a low level of risk in not proceeding with the heritage overlay at this point in time as the site is not under any pressure for redevelopment.</p> <p>The Panel's conclusion that further work to manage the heritage attributes of this site is being addressed in the Heritage Action Plan review.</p> <p><b>Council officer recommendation:</b></p> <ul style="list-style-type: none"> <li>• <b>Support Panel's recommendation 1(f)</b></li> </ul> <p style="text-align: right;">✓</p>
<p>g) 31 The Avenue, Coburg (HO580)</p>	<p>Council Officers support the Panel's recommendation. The Panel outlined that the place being of Brutalist architecture is not in itself a reason for significance. They were not satisfied that the heritage assessment adequately demonstrated that this building displayed high quality aesthetic characteristics to elevate the building to the point of individual significance or importance.</p> <p><b>Council officer recommendation:</b></p> <p><b>Support Panel recommendation 1(g)</b></p> <p style="text-align: right;">✓</p>
<p>h) 13 Ash Grove, Oak Park (HO586)</p>	<p>This recommendation is consistent with Council's adopted position post exhibition.</p> <p><b>Council officer recommendation:</b></p> <p><b>Support Panel recommendation 1(h)</b></p> <p style="text-align: right;">✓</p>
<p>i) 413 Gaffney Street, Pascoe Vale (HO590).</p>	<p>Council Officers support the Panel's recommendation. The Panel outlined that a post war heritage study would provide the necessary context for determining whether 413 Gaffney Street, Pascoe Vale is of sufficient heritage significance to apply the Heritage Overlay. There is not adequate justification to consider the property of individual heritage significance.</p> <p><b>Council officer recommendation:</b></p> <p><b>Support Panel recommendation 1(i)</b></p> <p style="text-align: right;">✓</p>
<p>2. Remove 78 Albion Street, Brunswick East from the Glenmorgan Street, Albion Street and Clarendon Street Precinct (HO85).</p>	<p>Council Officers support this recommended change. The Panel recommended that 78 Albion Street be removed from the Amendment following submissions to the Amendment and an additional review by Council's heritage expert at the hearing.</p>

Panel recommendation	Council Officer response
	<p>This was based on the property's position at the edge of the precinct and that it displayed uncharacteristic form and site history to the remainder of the contributory properties in and proposed for HO85, rendering it to have a non-contributory heritage value.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 2</b> ✓</p>
3. Amend the Statement of Significance for:	
a) Glenmorgan Street, Albion Street and Clarendon Street Precinct (HO85) in accordance with the Panel preferred version at Appendix E1 of this report.	<p>The Panel has recommended that the Statement of Significance be amended in accordance with the Panel's preferred version attached as an Appendix to the panel report.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 3(a)</b> ✓</p>
b) Coonan's Hill Precinct (HO207) in accordance with the Panel preferred version at Appendix E2 of this report	<p>Council Officer's support this recommended change. The original house and front terracing at 487 Moreland Road have been demolished since the Study and preparation of the Amendment. The large bluestone retaining wall however remains. The Panel recommendation that the heritage value of 491 Moreland Road be non-contributory and also remain in the precinct is therefore appropriate. The typography, terracing and large retaining walls are a key feature of this heritage streetscape and retaining 487 Moreland Road in the precinct will ensure future development respects the heritage values of the Precinct and the adjacent contributory Moreland Road properties.</p> <p>The citation and Statement of Significance will be updated as per Attachment 1, including correcting any incorrect spelling of the precinct name to <u>Coonans</u> Hill Precinct.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 3(b)</b> ✓</p>
c) Hanover Street Precinct (HO594) to refer to 32 and 54 Hanover Street, Brunswick as non-contributory.	<p>This is consistent with Council's adopted position post exhibition. Both 32 and 34 Hanover Street have permits to build a new dwelling on the land. Panel recommended that since the dwelling at 32 Hanover Street had been demolished, its heritage value should change to non-contributory. An administrative error with referencing the wrong dwelling has occurred in the Panel Report. 34 Hanover Street is currently a vacant lot and 32 Hanover Street still contains the original dwelling.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 3(c)</b> ✓</p>
d) 383 Brunswick Road, Brunswick (HO550) in accordance with the	<p>Officer's support the minor grammatical edits to the Statement of Significance recommended by Panel.</p>

Panel recommendation	Council Officer response
Panel preferred version at Appendix E3 of this report.	<p>The citation and Statement of Significance will be updated as per Attachment 1.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 3(d)</b> ✓</p>
e) 113 Nicholson Street, Brunswick East (HO563) in accordance with the Panel preferred version at Appendix E4 of this report.	<p>Officer's support the minor grammatical edits to the Statement of Significance recommended by Panel.</p> <p>The citation and Statement of Significance will be updated as per Attachment 1.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 3(e)</b> ✓</p>
f) Coburg Market 415-423 Sydney Road, Coburg (HO577) in accordance with the Panel preferred version at Appendix E5 of this report.	<p>Officers support the update of the citation and statement of significance to describe timber and steel trusses.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 3(f)</b> ✓</p>
g) 28 McMahons Road, Coburg North (HO583) in accordance with the Panel preferred version at Appendix E6 of this report.	<p>Officers support the modification of the citation and statement of significance to more accurately capture the physical characteristics of the place.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 3(g)</b> ✓</p>
<p>h) 'Bluestone Retaining Walls, Deveraux Street, Draska Court, Short Avenue, Ash Grove, Vincent Street and Xavier Street, Oak Park' (HO585) to:</p> <ul style="list-style-type: none"> <li>• remove 64 Vincent Street, Oak Park from the map showing the Heritage Overlay curtilage</li> <li>• amend the wording of 'What is significant?' to state: <i>The bluestone retaining walls at Deveraux Street, Draska Court, Short Avenue, Ash Grove, Vincent Street (apart from 64 Vincent Street) and Xavier Street, Oak Park are significant.</i></li> </ul>	<p>Removing the part of the HO adjacent to 64 Vincent Street from the curtilage map is consistent with Council's adopted position post exhibition. Council Officers support Panel's recommended approach to describe that the walls adjacent 64 Vincent Street are not significant in the Statement of Significance.</p> <p>The citation and statement of significance will be updated as per Attachment 1.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 2(h) with minor a change to the wording to clarify that the retaining walls are on public land and not on 64 Vincent Street.</b></p> <p style="text-align: right;">✓</p>
<p>4. Amend the Moreland Heritage exemptions Incorporated Plan to:</p> <p>a) show 29, 32 and 54 Hanover Street, Brunswick as non-contributory.</p>	<p>See recommendation 3 (c). This is consistent with Council's adopted position post exhibition.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 4 by amending the Moreland Heritage Permit Exemptions Incorporated Plan to show 29, 34 and 54 Hanover Street as non-contributory.</b></p>

Panel recommendation	Council Officer response
	✓
<p>5. Before adopting the Amendment, confirm and if necessary correct the Heritage Overlay number for the Coburg Velodrome at 30 Charles Street, Coburg North</p>	<p>The exhibited Statement of Significance incorrectly references the sites proposed heritage overlay as HO591 instead of HO582.</p> <p>The Statement of Significance will be updated as per Attachment 1.</p> <p><b>Council officer recommendation:</b> <b>Support Panel recommendation 5.</b></p> <p style="text-align: right;">✓</p>

## Other Changes

### *Administrative error*

It has been recognised that the 32 and 34 Hanover Street Brunswick (properties within the Hanover Street Precinct) have existing planning permits to construct a new dwelling. During the Panel process it was identified that the dwelling at 34 Hanover Street Brunswick had been demolished and the original dwelling at 32 Hanover Street still remains. Based on this, Officers recommended that 34 Hanover Street's value be modified to non-contributory to reflect accurately the site's contribution to the Precinct.

The Panel in outlining this occurrence, has made an administrative error by referring to 32 Hanover Street as the site with the dwelling demolished and recommending the heritage value of 32 Hanover be modified. As the original dwelling at 32 Hanover Street still remains, it should retain its contributory heritage value to the precinct.

### *Precinct Extensions merged citation*

During the Panel hearing, the Panel requested Council circulate a citation that merged the content of the Heritage Nominations Study with the current citation for Coonans Hill Precinct so there is only one citation to reference when seeking information about the extended Precinct. The Panel further outlined in their report that this is their preferred version.

With this in mind, Council Officers have updated the Moreland Heritage Nominations Study Volume 2 to include a final citation for the following three extended precincts that merged the existing citation with the work included in the Moreland Heritage Nominations Study:

- HO85 – Glenmorgan Street, Albion Street and Clarendon Street Precinct
- HO87 – Gordon Street and Devon Avenue Precinct
- HO207 – Coonans Hill Precinct

### *Correct spelling of HO207*

The Panel identified that that HO207 was spelt in parts incorrectly as Coonan's Hill Precinct, instead of Coonans Hill Precinct. The citation has been updated to correct all reference to HO207 as Coonans Hill Precinct.

## **Human Rights Consideration**

The implications of this report have been assessed in accordance with the requirements of the Charter of Human Rights and Responsibilities. The notification carried out as part of the Amendment, the ability to be part of the Panel hearing process and the proposed overlay do not limit or interfere with any Human Rights, in particular 'Section 13: The right to privacy and reputation', 'Section 18: The right to take part in public life', and 'Section 20: Property rights'. The following is noted:

- Council utilises existing personal information held by Council to ensure owners of affected and adjoining properties are notified. This is required by the *Planning and Environment Act 1987*.
- Any person may elect to take part in the process by providing a submission to the Responsible Authority.
- All submitters are invited to take part in the Panel hearing process and it is their choice if they wish to take part.
- No parties are deprived of any legal or proprietary interest in land, or the ability to use and develop that land in accordance with the planning regulatory framework.
- A person is considered to be deprived of their property rights if a regulation has the effect of substantially depriving a property owner of the ability to use his or her property or part of that property. Amendment C208 implements existing planning scheme policy.

It is considered that the proposed changes to the Heritage Overlay as set out in this Report will not have a direct or significant impact on gender equality.

## **4. Community consultation and engagement**

Amendment C208more to the Planning Scheme was publicly exhibited for 7 weeks from 13 August 2021 to 1 October 2021.

As a result of public exhibition, 43 submissions were received. Council report 7.6 presented to the December 2021 Council meeting includes a detailed response to the results of exhibition and the process that was undertaken.

All submitters have been notified of the timing of this report.

## **5. Officer Declaration of Conflict of Interest**

Council officers involved in the preparation of this report have no conflict of interest in this matter.

## **6. Financial and Resources Implications**

The costs associated with the Amendment are included within the Strategic Planning Unit operational budget.

It is anticipated that the amendment will come into effect in the 2022/2023 financial year. The inclusion of approximately 340 places within the Heritage Overlay by Amendment C208more is likely to generate approximately five additional planning permit applications annually. The impacts are expected to be minimal and can be managed within the existing resources of the Urban Planning Unit.

## 7. Implementation

### Amendment Process

The following timeline is broken down into key 'decision gateways' for Council. The timeline is approximate and subject to not only Council's continued approval at key decision gateways, but also Ministerial approval timelines and Planning Panels Victoria reporting.

#### ***Decision Gateway 1: Authorisation and Exhibition (Completed)***

#### ***Decision Gateway 2: Submission review and referral to a Panel (Completed)***

#### ***Decision Gateway 3: Review Panel report and final decision (this report)***

- September 2022: Report on the Panel's recommendations and consider adoption of final version of the Amendment
- September 2022: Submit the Amendment to the Minister of Planning for approval
- March 2023: Anticipated approval by the Minister of Planning.

Background documents and Incorporated documents to the planning scheme that have 'Moreland' in their title will be updated with 'Merri-bek' and formalised in the Planning Scheme via a future planning scheme amendment.

### Attachment/s

- |   |   |            |                      |
|---|---|------------|----------------------|
| 1 | C208more Gateway 3 - Changes to citations and Heritage Permit Exemptions Incorporated Plan maps | D22/397482 | Under Separate Cover |
|---|---|------------|----------------------|