



Moreland
City Council

COUNCIL AGENDA

Wednesday 8 December 2021

Commencing 7 pm

The meeting will be held via video conference and livestreamed

Language Link

This is the Agenda for the Council meeting. For assistance with any of the agenda items, please telephone 9240 1111.

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Questo è l'ordine del giorno per la Riunione del consiglio Comunale. Se hai bisogno di aiuto sugli argomenti in discussione, sei pregato di telefonare al Language Link al numero 9280 1911.

Αυτή είναι η Ημερήσια Διάταξη για τη Συνεδρίαση του Συμβουλίου (Council Meeting). Για βοήθεια με οποιοδήποτε από τα θέματα της ημερήσιας διάταξης, παρακαλείστε να τηλεφωνήσετε στο Γλωσσικό Σύνδεσμο (Language Link), στο 9280 1912.

هذا هو جدول أعمال اجتماع المجلس البلدي. للمساعدة بأي بند من بنود جدول الأعمال الرجاء الاتصال بخط Language Link على الرقم 9280 1913.

Belediye Meclisi Toplantısının gündem maddeleri burada verilmiştir. Bu gündem maddeleri ile ilgili yardıma ihtiyacınız olursa, 9280 1914 numaralı telefondan Language Link tercüme hattını arayınız.

Đây là Nghị Trình cuộc họp của Ủy Ban Quy Hoạch Đô Thị. Nếu muốn biết thêm chi tiết về đề tài thảo luận, xin gọi điện thoại cho Language Link qua số 9280 1915.

यह कौंसिल की बैठक का कार्यक्रम है। कार्यक्रम के किसी भी विषय के बारे में सहायता के लिए कृपया 9280 1918 पर फोन कीजिए।

这是市政府例会的议题安排，如果需要协助了解任何议题内容，请拨打9280 0750。

ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀ ਕਿਸੇ ਆਈਟਮ ਬਾਰੇ ਮਦਦ ਲਈ, ਕ੍ਰਿਪਾ ਕਰਕੇ 9280 0751 ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।

Acknowledgement of the traditional custodians of the City of Moreland

Moreland City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Custodians of the lands and waterways in the area now known as Moreland, and pays respect to their elders past, present, and emerging, as well as to all First Nations communities who significantly contribute to the life of the area.

Information about Council Meetings

These notes have been developed to help people better understand Council meetings. All meetings are conducted in accordance with Council's Governance Rules.

WELCOME The Mayor, who chairs the meeting, formally opens the meeting.

APOLOGIES Where a Councillor is not present, their absence is noted in the minutes of the meeting. Council may also approve leaves of absence in this part of the meeting.

DISCLOSURES OF CONFLICTS INTERESTS A Councillor has a duty to disclose any direct or indirect financial or other interests, they may have in any matter to be considered by Council that evening.

CONFIRMATION OF MINUTES The minutes of the previous meeting are put before Council to confirm the accuracy and completeness of the record.

PETITIONS Council receives petitions from citizens on various issues. Council formally accepts petitions at Council meetings.

PUBLIC QUESTION TIME This is an opportunity (30 minutes), for citizens of Moreland to raise questions with Councillors.

COUNCIL REPORTS Council officers prepare detailed reports, which are considered by Councillors and a Council position is adopted on the matters considered. The Mayor can invite firstly Councillors, secondly Officers, and then citizens in attendance to identify Council reports which should be given priority by the meeting and considered in the early part of the meeting.

NOTICES OF MOTION A motion which has been submitted to the Chief Executive Officer no later than 12 pm (noon) 10 days prior to the meeting which is intended to be included in the agenda. The motion should outline the policy, financial and resourcing implications.

NOTICE OF RESCISSION A Councillor may propose a motion to rescind a resolution of the Council, provided the previous resolution has not been acted on, and a notice is delivered to the CEO or delegate setting out the resolution to be rescinded and the meeting and date when the resolution was carried. If a motion for rescission is lost, a similar motion may not be put before the Council for at least one month from the date it was last lost, unless the Council resolves that the notice of motion be re-listed at a future meeting.

FORESHADOWED ITEMS This is an opportunity for Councillors to raise items proposed to be submitted as Notices of Motion at future meetings.

URGENT BUSINESS The Chief Executive Officer or Councillors, with the approval of the meeting, may submit items of Urgent Business (being a matter not listed on the agenda) but requiring a prompt decision by Council.

CONFIDENTIAL BUSINESS Whilst all Council meetings of Council are open to the public, Council has the power under the *Local Government Act 2020* to close its meeting to the public in certain circumstances which are noted where appropriate on the Council Agenda. Where this occurs, members of the public leave the Council Chamber or Meeting room while the matter is being discussed.

CLOSE OF MEETING The Mayor will formally close the meeting and thank all present.

NEXT MEETING DATE The next Council meeting will be held on Wednesday 9 February 2022 commencing at 7pm, in the Council Chamber, Moreland Civic Centre, 90 Bell Street, Coburg. The next Planning and Related Matters meeting will be held on Wednesday 15 December 2021.

7.6 AMENDMENT C208MORE - HERITAGE NOMINATIONS STUDY - DECISION GATEWAY 2 - CONSIDERATION OF SUBMISSIONS

Director City Futures Phillip Priest

City Strategy and Design

Council at its meeting on 10 November 2021 resolved that consideration of the matter be deferred to the meeting to be held on 8 December 2021.

Officer Recommendation

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.

REPORT

Executive Summary

The Moreland Heritage Nominations Study 2020 identified new heritage places and precincts in Moreland. Amendment C208more aims to carry out the findings of the study by changing the Moreland Planning Scheme 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 some mapping irregularities and heritage overlay boundaries
- Delete some 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.

Amendment C208more was exhibited for 7 weeks from 13 August 2021 to 1 October 2021. A total of 42 submissions were received:

- 13 were supportive of the Amendment
- 27 were not supportive of the Amendment

- 2 were neutral in their views of the Amendment
- 5 of the submitters suggested changes to the Amendment

Key themes raised in submissions included financial implications and property values, the heritage significance assessment, unfair burden on future development opportunities, and maintenance and repairs of heritage places. Attachment 1 provides a detailed description and response to all of the issues raised in the submissions.

Expert heritage consultants reviewed all of the submissions received. Their advice forms the basis for the recommendations in this report and responses in Attachment 1.

This report recommends that Council endorses the changes to the Amendment discussed in this report and listed in detail at Attachment 1. The report also recommends that Council request the Minister for Planning appoint an Independent Planning Panel to consider the Amendment and submissions.

To provide further support to this amendment and future heritage amendments, the Moreland Thematic History was updated in 2020. This report also includes endorsement of the Moreland Thematic History 2020 at Attachment 2.

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.*

1. Policy Context

Council Action Plan

Creating 'Vibrant spaces and places in Moreland' is a key theme (Theme 4) of Moreland's 2021-2025 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 Moreland 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 Moreland.

Moreland 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 Moreland. Amendment C208more seeks to protect them and manage development of them by including them in the Moreland 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.

Once Amendment C208 is gazetted, the properties added to the Heritage Overlay will be subject to the requirements of Clause 43.01 of the Moreland Planning Scheme.

2. Background

Moreland 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 process.

Moreland 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 Moreland Heritage Nominations Study (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 in Moreland 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 Moreland. 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 to Moreland. This was on the basis that a planning permit had been issued for redevelopment of the land. The dwelling has now been demolished.

31 The Avenue Coburg

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 Moreland Heritage Nomination Study 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.

Moreland Thematic History

The Moreland Thematic History identifies and explains the major factors and processes that have influenced the history of Moreland and shaped the city's distinctive character. It is used as a framework for assessing potential heritage places in the planning system. A review of the thematic history is important to ensure the document is kept up to date with emerging issues. The review of the thematic history was also identified as an action in the Heritage Action Plan (K12).

In line with action K12, Council engaged Extent Heritage Pty Ltd to review and update the City of Moreland Thematic History concurrently with the preparation of the MHNS to:

- Update the thematic themes to resolve identified gaps
- Reflect contemporary issues and events
- Integrate aspects of Moreland's Pre and Post Contact Heritage Studies
- Improve the readability of the document.

This included engaging the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation to review Extent Heritage's changes.

The updated Moreland Thematic History 2020 is included at **Attachment 2** to this report.

3. Issues

Of the 42 submissions received:

- 13 were supportive of the Amendment
- 27 were not supportive of the Amendment
- 2 were neutral in their views of the Amendment
- 5 of the submitters suggested changes to the Amendment

The issues raised in submissions vary and in many instances are site specific. A detailed response to each submission is provided in **Attachment 1**.

It should be noted that no objections were received regarding changes to the proposed amended Heritage Exemptions Incorporated Plan.

Some common themes and issues raised in the submissions included are outlined below, followed by an officer response.

Condition of property

A number of submitters commented that the current condition of the place means it does not warrant inclusion in the heritage overlay or that the property's age means that it is in need of significant repair.

Officer response

The structural condition of a building is not directly relevant to whether to include the property in a Heritage Overlay. Building condition is only relevant at the Amendment stage in extreme cases of dilapidation where demolition is an inevitable outcome.

The issue of the intactness of a building however is an important consideration when assessing its heritage value. The central issue is whether alterations to a place have compromised the heritage value.

Most of the properties in Amendment C208more were constructed in the late nineteenth/early twentieth century. It is reasonable to expect changes have been made to these properties since construction.

The Moreland Heritage Nominations Study found that the places in Amendment C208more were sufficiently intact to meet the criteria for local heritage significance and for inclusion in the Heritage Overlay. Although many places may have been altered, those changes were superficial and do not impact the heritage value.

Heritage consultants did reconsider this finding for one place and one precinct following new information provided in the submissions, as follows:

13 Ash Grove Oak Park

This dwelling has had substantial changes since the heritage assessment in 2020. The changes included rendering of the brickwork, painting of the timber cladding and new front decking. These changes have had a negative impact on the heritage value of the place and the property no longer meets the threshold for local significance.

Duke Street Precinct

New information provided during exhibition meant that the proposed Duke Street Precinct was not as strong as initially thought. This had an impact in meeting the HERCON criteria and now did not meet the threshold for local significance.

Heritage Value and Assessment

Many submissions questioned the heritage assessment and merits for their property being considered for the heritage overlay.

Officer response

The Moreland Heritage Nominations Study includes a description of the study's method for assessing places. This includes (but is not limited to) looking at the history, era of development and physical features of each place in deciding whether a property has heritage value against HERCON criteria. Site visits were essential to this assessment. They provided an opportunity to validate any research and to capture new information.

Extent Heritage reviewed all submissions to Amendment C208more. This included additional examination of the significance of the places. This review found that even with new information, most places still met the threshold for local heritage significance.

As outlined above, this more detailed review, supported by new information provided during exhibition, did uncover that one place and one precinct no longer met the threshold for significance.

Many submissions included new historical information and descriptions of the physical features of the properties that were not known at the time of the assessment. The consultants recommended updating citations to reflect this new information. This included correcting errors, improving the clarity of the statement of significance, and adding new historical information. These changes are included in **Attachment 1** to this report.

Financial implications and property values

Concerns were raised by submitters that a heritage overlay will devalue their property.

Officer response

Councils have a duty under planning legislation to conserve and enhance buildings, areas and other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.

Private economic effects of a heritage overlay have been considered by a number of Planning Panels. The impacts on land values or the individual circumstances of the land owner are outside the scope for consideration when assessing heritage significance.

The implementation of the Study through the introduction of a heritage overlay will have positive social effects on the wider community. It will do so by identifying and facilitating the preservation of buildings which will provide a valuable and recognisable contribution to the area.

Impact to future development opportunities

Some submissions outlined that the heritage overlay will conflict with existing zoning and overlays that direct growth or will prevent them from developing their property.

Officers response

The heritage overlay is a tool used to implement the following objectives of the Planning and Environment Act 1987:

(d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or other special cultural value.

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

Together with Section 6(1) of the Planning and Environment Act 1987, these objectives place an obligation on Council to identify and protect sites of heritage significance.

Whilst the heritage overlay seeks to conserve identified heritage fabric, it does not prohibit development. Instead, the heritage overlay requires the heritage values of a place to be considered when designing and deciding what is appropriate for the site. The purpose of the overlay is to make sure any changes to existing buildings do not detrimentally impact the heritage place.

There have been many examples in Moreland and other Councils where the original heritage building is integrated successfully into the design of new buildings. This could be an alteration or extension to a dwelling, an additional dwelling or a larger mixed-use development in an activity centre. In these instances, the design has managed to balance the heritage values of the place with other policies directing growth.

Maintenance and repairs of heritage places

The added burden on property owners when wanting to fix up their property was raised in submissions. They outlined that the heritage overlay would stop them from doing minor works and repairs to their property. It would also mean that they would need additional permissions to do the works and were worried that those works would not be allowed.

Officers response

The Heritage Overlay does not require an owner to maintain or upgrade their property. All houses need on-going maintenance, regardless of their heritage significance. Routine repairs and maintenance do not need a planning approval, unless it changes the appearance of the heritage place. The majority of heritage places in Moreland do not have internal alteration controls.

The Moreland Heritage Permit Exemptions Plan overrides some permit requirements of the Heritage Overlay, depending on the heritage grading of the property, such as:

- Demolition of fences, veranda's and outbuildings;
- Construction of a garage/carport, outbuilding, pergola, deck or fence; and
- Installation of rainwater tanks and solar panels.

The planning system also has a fast track process called VicSmart. VicSmart applications are for buildings and works that are minor in nature, not advertised and have a decision timeframe of 10 business days when all the required information has been submitted.

Both the VicSmart process and the Moreland Heritage Exemptions Incorporated Plan aim to address the potential burden on landowners for minor works.

Heritage grants

A number of submitters asked what kind of support Council is offering landowners to help preserve the heritage and history for the community.

Officers response

Council officers are currently investigating grant opportunities through the Victorian Heritage Restoration Fund. This program could offer grants to residents for conservation, restoration and reconstruction works of heritage features of local heritage places in Moreland.

These grants would not capture infrastructure upgrades unless they were part of the site's heritage fabric. Some of the submissions discussed financial support to increase the efficiency of their properties. There are programs currently available to help owners modify their homes to be more efficient. The Australian Energy Foundation can provide further guidance to increase the efficiency of buildings.

Managing Council Assets in a Heritage Overlay

The Moreland Heritage Nominations Study identified the following places and assets owned by Council as being locally significant to Moreland:

- CERES – 6-8 & 7 Lee Street Brunswick East
- Joe's Market Garden – 131 Harding Street Coburg
- Brunswick Velodrome – 50-72 Harrison Street Brunswick East
- Coburg Velodrome – 30-34 Charles Street Coburg North
- Coburg Olympic Swimming Pool – 5 Murray Road Coburg North
- Glenroy Library – 737 Pascoe Vale Road Glenroy
- Bluestone Retaining Walls Oak Park - Deveraux Street, Vincent Street, Xavier Street, Ash Grove, Draska Court and Short Avenue

The following substations in Council parks and roads are in the proposed Brunswick Substation serial listing. Most of these substations are already in the Moreland Heritage Overlay.

- Methven Park (7 Methven Street Brunswick East)
- Brunswick Park (425A, 425B & 427 Victoria Street and 133A Hope Street Brunswick)
- Temple Park (24 Gray Street Brunswick)
- Brunswick East Maternal Child and Health Centre (318-324 Lygon Street Brunswick)
- 14 Frith Street Brunswick
- Colebrook Street (adjacent to 11-17 Colebrook Street)

Amendment C208more proposes to apply a new heritage overlay to these places. The heritage overlay does not distinguish between public and private land. Some permit exemptions for works undertaken by Council apply, such as:

- Emergency works undertaken by, or on behalf of, a municipality, public authority or utility service provider in the exercise of any power conferred on them under any Act.
- Buildings or works with an estimated cost of \$1,000,000 or less carried out by or on behalf of a municipality.
- Maintenance works carried out by a municipality or public authority to prevent or alleviate flood damage.

Maintenance and repairs of the bluestone retaining walls in Oak Park

The responsibility of the repairs and maintenance of the bluestone retaining walls in Oak Park was raised in a number of submissions.

Officers response

All the bluestone retaining walls proposed to be included in Amendment C208more (HO585) are listed on Council's asset register. Maintenance of these assets are a Council responsibility including the cost of repairs.

Paths and steps that provide access through to private properties however are not a Council responsibility. These paths/steps are for the use of the owner of the adjoining property and are the responsibility of the owner of that property. This approach is consistent with the current responsibility requirements of driveways (crossovers).

Changes required to the C208more exhibition documents

This table shows changes to the Amendment after further assessment by the consultants based on new information and review. All submissions will be referred to the independent planning panel. A full response to submissions is detailed in **Attachment 1**.

Submission No.	Heritage Place	Recommendation	Change to Document
6	32 Hanover Street Brunswick - within Hanover Street Precinct	Modify the heritage value of the 32 Hanover Street to non-contributory following demolition of the property	MHNS HO594 Statement of Significance Incorporated document Heritage Exemptions Incorporated Plan
8	485 Moreland Road Pascoe Vale South - within Coonans Hill Precinct	Modify the statement of significance to provide more clarity on the significance of the materials of the terrace walls.	MHNS HO207 Statement of Significance Incorporated document
9	481 Moreland Road Pascoe Vale South - within Coonans Hill Precinct	Modify the statement of significance to provide more clarity on the significance of the materials of the terrace walls.	MHNS HO207 Statement of Significance Incorporated document
10	Bluestone Retaining Walls Serial Listing	Reduce the curtilage of HO585 to only apply to walls associated with the original bluestone walls. The landscaping/ stonework adjacent to 64 Vincent Street Oak Park is not associated with the original bluestone walls	MHNS HO585 Statement of Significance Incorporated document Map No 6HO
12	113 Nicholson Street Brunswick East	Update the citation to capture new information about the heritage place.	MHNS HO563 Statement of Significance Incorporated document
16	13 Ash Grove Oak	Remove 13 Ash Grove	Schedule to

Submission No.	Heritage Place	Recommendation	Change to Document
	Park	Oak Park (HO586) from the Amendment. Recent modifications to the front of the dwelling changes the heritage significance of this place.	Clause 43.01 Schedule to Clause 72.04 Map 6HO
18	28 McMahons Road Coburg North	Modify citation and statement of significance to show inaccuracies of the materials and clarify garden edging. Apply external paint controls to protect the significant facebrick of the dwelling. Reinstate the original recommendation relating to external paint controls, its omission from the proposed HO583 listing in the Schedule to Clause 43.01 was a clerical error.	MHNS Schedule to Clause 43.01 HO583 Statement of Significance Incorporated document
22	Coburg Market – 415-423 Sydney Road Coburg	Update the citation and statement of significant describe timber and steel trusses.	MHNS HO577 Statement of Significance Incorporated document
23	483 Moreland Road Pascoe Vale -within Coonans Hill Precinct	Modify the statement of significance to improve the clarity of the significance of the terrace walls.	MHNS HO207 Statement of Significance Incorporated document
24	487 Moreland Road Pascoe Vale -within Coonans Hill Precinct	Modify the statement of significance to improve the clarity of the significance of the terrace walls.	MHNS HO207 Statement of Significance Incorporated document
28	475 Moreland Road Pascoe Vale -within Coonans Hill Precinct	Modify the statement of significance to improve the clarity of the significance of the terrace walls.	MHNS HO207 Statement of Significance Incorporated document
29	CERES Park & Joe's Market Garden	Reduce the HO curtilage and update the name and address of HO559 (CERES Park) to reflect the operational name and area as defined by their	MHNS HO559 Statement of Significance Incorporated document

Submission No.	Heritage Place	Recommendation	Change to Document
		<p>Lease. (CERES Community Environment Park, 6-8 & 7 Lee Street Brunswick East)</p> <p>Update the citations of both places to capture new information for both heritage places.</p> <p>Investigate permit exemptions for CERES Park and Joe's Market Garden</p> <p>Investigate an option to a prepare conservation plan (subject to funding and resources)</p>	Map 15HO
30	31 The Avenue Coburg	<p>Update citation to correctly describe the construction date of 31 The Avenue Coburg in the physical description.</p> <p>Reduce the curtilage of HO580 (31 The Avenue Coburg) to cover only the original Brutalist building.</p>	MHNS HO580 Statement of Significance Incorporated document Map 11HO
32	5 Duke Street Brunswick East - within Duke Street Precinct	<p>Remove HO593 – Duke Street Precinct from the Amendment</p> <p>New information provided during exhibition changes the heritage significance of this precinct.</p>	N/A MHNS Schedule to Clause 43.01 Schedule to Clause 72.04 Map 15HO
34	3 Duke Street Brunswick East - within Duke Street Precinct	<p>Remove HO593 – Duke Street Precinct from the Amendment</p> <p>New information provided during exhibition changes the heritage significance of this precinct.</p>	Schedule to Clause 43.01 Schedule to Clause 72.04 Map 15HO
35	13 Duke Street Brunswick East - within Duke Street Precinct	<p>Remove HO593 – Duke Street Precinct from the Amendment</p> <p>New information provided during exhibition changes the heritage significance of this precinct.</p>	Schedule to Clause 43.01 Schedule to Clause 72.04 Map 15HO
36	7 & 9 Duke Street Brunswick East - within Duke Street Precinct	<p>Update citation to correctly describe the places history, reflect the era of construction and why it is significant to Moreland.</p>	MHNS HO552 Statement of Significance Incorporated

Submission No.	Heritage Place	Recommendation	Change to Document
			document
38	198 Edward Street Brunswick East	Update citation to correctly describe the places history, reflect the era of construction and why it is significant to Moreland.	MHNS HO552 Statement of Significance Incorporated document
39	Duke Street Precinct	Remove HO593 – Duke Street Precinct from the Amendment New information provided during exhibition changes the heritage significance of this precinct.	Schedule to Clause 43.01 Schedule to Clause 72.04 Map 15HO
40	50 & 52 Hanover Street Brunswick East - within Hanover Street Precinct	Correct the error in the heritage gradings of the HO594 Hanover Street Precinct map in the Moreland Permit Exemptions Incorporated Plan	Heritage Exemptions Incorporated Plan

During the exhibition of the Amendment new information emerged relating to the Hanover Street Precinct, including:

- 54 Hanover Street is a new dwelling constructed in 2009, and is shown as an original Victorian dwelling
- 34 Hanover Street has a planning permit approved to construct a new dwelling.

Both these properties are currently described in the Statement of Significance as having features that ‘contribute’ to the significance of the precinct. However, the heritage value ‘non-contributory’ is more appropriate. Non-contributory heritage value is used to highlight that whilst the property sits within a heritage precinct, it does not have any heritage features that contribute to the heritage significance of that precinct.

It is therefore recommended that the following changes are made to Heritage Place HO594 – Hanover Street Precinct:

- Change the heritage value of 54 Hanover Street to non-contributory to the Hanover Street Precinct
- Modify the heritage value of the 32 Hanover Street to non-contributory following demolition of the property

Human Rights Consideration and Gender Equity

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 and the proposed rezoning does 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.
- 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 Moreland 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

Exhibition of Amendment C208 has enabled any person the opportunity to review and comment on the findings of the Moreland Heritage Nominations Study 2020 and the proposed changes to the Planning Scheme.

Exhibition of Amendment C208more was undertaken in line with Section 19 of the *Planning and Environment Act*. This includes sending letters to the owners and occupiers of all affected properties informing them of the changes. The exhibition period was extended to 7 weeks instead of the minimum of 4 weeks directed by the Planning and Environment Act to account for the Covid-19 restrictions.

The Amendment was publicly exhibited from 13 August 2021 to 1 October 2021. Exhibition included letters sent directly to:

- Relevant state government Ministers, departments and authorities
- Owners and occupiers of all affected properties
- Owners and occupiers of properties located next to affected properties (new HO only)
- All abutting Municipal Councils
- Relevant community groups
- Community members who nominated the places in 2016

In the letter notification, Council also offered to post copies of any document if they could not access the information via the internet.

To reach the wider community, the following notification was also undertaken:

- public notice in the *Herald Sun* and *The Age* newspapers on 23 August 2021 and in the Government Gazette on 26 August 2021
- focussed Facebook post on 31 August 2021
- project page on Council's corporate website describing the Amendment and providing access to the Amendment documentation and online form to lodge a submission.

Strategic Planning Officers were available for phone calls to talk about the Amendment with any member of the community. Officers also scheduled eight meetings with heritage consultants and landowners to talk about the Amendment. These were held via video conference due to COVID-19 social distancing requirements.

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

Moreland Thematic History Update

The update to the Moreland Thematic History included engaging the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. A number of meetings were held facilitated by Council's Social Policy Team, including:

- Presenting to the Moreland Reconciliation Working Group
- Meeting with two Elders of the Aboriginal Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation to introduce the project
- Findings of the review of the updated Moreland Thematic History by the research unit of Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation

The feedback was incorporated into the final Moreland Thematic History 2020 at **Attachment 2**.

Affected persons rights and interests

Before making a decision that affects a person's rights, Council must work out whose rights may be directly affected. Council must then give them a chance to have a say.

- The additional time added to the standard exhibition process enabled owners and occupiers of affected land and anyone else interested to participate in the Amendment. There were several ways that information was collected, this included:
 - the Moreland website
 - the Strategic Planning email account
 - by telephone
 - online meetings
 - hardcopy information sent to Council officers

If resolved by Council, all submitters will also be invited to be part of an independent planning Panel Hearing. Here, interested submitters will have an opportunity to present their view on the amendment to an independent panel of experts and can ask questions directly to the expert heritage consultants.

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 Thematic History Review and Update was prepared using existing base budget.

The additional funds needed to exhibit the Amendment and for the independent Planning Panel process will be funded by the Strategic Planning Unit operating budget in 2020/2021. The estimated costs are broken down as follows:

Financial:

- \$8,200 for exhibition of the planning scheme amendment, including letters posted to affected properties (owners and occupiers) and advertisement in the newspapers - completed;
- \$1600 per day for meetings with owners with an expert heritage consultant, review of up to 25 submissions and any updates required to the heritage study - completed.
- \$15,000 for the heritage experts to prepare an expert witness report and response for each submitter and appear for cross examination at a Planning Panel; and

- Approximately \$25,000 for Planning Panel fees (subject to the number of submissions received and the number of days/panel members required).

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 if so, can be managed within the existing resources of the City Development 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

- December 2021: Consider submissions and seek Ministers appointment of Panel;
- January/February 2022: Panel Directions Hearing;
- February/March 2022: Panel Hearing;
- March/April 2022: Panel Report is provided to Council.

Decision Gateway 3: Review Panel report and final decision

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

Attachment/s

- 1 C208more Summary of Submissions D21/435242
- 2 Moreland Thematic History 2020 D21/154642