

**Moreland Planning Scheme Amendment C208more
Heritage Nominations Study**

Panel Report

Planning and Environment Act 1987

15 July 2022

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Moreland Planning Scheme Amendment C208more

15 July 2022



Lisa Kendal, Chair



Lucinda Peterson, Member

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Glossary and abbreviations

Burra Charter	<i>The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, Australia ICOMOS, 2013</i>
CERES	CERES Inc.
Council	Moreland City Council
DDO19	Design and Development Overlay Schedule 19 – Brunswick Activity Centre – Lygon Street Local Area
Extent Heritage	Extent Heritage Pty Ltd
HERCON	National Heritage Convention
Heritage Exemptions Incorporated Plan	<i>Moreland Heritage Exemptions Incorporated Plan 2020</i>
Heritage Gap Study	<i>Moreland Heritage Gap Study 2019</i> (Context Pty Ltd, 2019)
Heritage Nominations Study	<i>Moreland Heritage Nominations Study 2020</i> (Extent Heritage Pty Ltd, 2020)
Mirabella	P & S Mirabella (Holdings) Pty Ltd
Mirabella site	141-153 Lygon Street, Brunswick East
PE Act	<i>Planning and Environment Act 1987</i>
PPN01	Planning Practice Note 1: Applying the Heritage Overlay
Sullivan Assessment	<i>Former Kangan Institute, Moreland Campus, 31 The Avenue, Coburg Heritage Assessment, June 2012</i> prepared by Diahnn Sullivan
VCAT	Victorian Civil and Administrative Tribunal
VHR	Victorian Heritage Register

Overview

Amendment summary

The Amendment	Moreland Planning Scheme Amendment C208more
Common name	Heritage Nominations Study
Brief description	<p>Implements the recommendations of the <i>Moreland Heritage Nominations Study 2020</i> and <i>Moreland Heritage Gap Study 2019</i> to:</p> <ul style="list-style-type: none"> - apply the Heritage Overlay to 45 new individual places, one serial listing, seven new precincts and three precinct extensions - amend the Schedule to the Heritage Overlay to introduce a separate Statement of Significance for four existing individual places and two existing precincts - delete the Heritage Overlay from five existing individual places
Subject land	Land identified in Table 1 and Appendix D
Planning Authority	Moreland City Council
Authorisation	9 July 2021, subject to conditions
Exhibition	13 August to 1 October 2021
Submissions	Number of Submissions: 44 See Appendix B

Panel process

The Panel	Lisa Kendal (Chair) and Lucinda Peterson
Directions Hearings	Video conference – 27 January and 16 February 2022
Panel Hearing	Video conference – 1, 2, 3 March and 3, 6 May 2022
Site inspections	Unaccompanied on 28 February and 6 June 2022
Parties to the Hearing	<p>Moreland City Council, represented by Nia Kolokas, Angela Schirripa, and Kim Giaquinta who called expert evidence on:</p> <ul style="list-style-type: none"> - heritage from Luke James of Extent Heritage - heritage from Kim Roberts of GML Heritage <p>P & S Mirabella (Holdings) Pty Ltd and Mirabella Imports Pty Ltd, represented by Adrian Finanzio SC of Counsel instructed by Simone Jackson of Jackson Lane Legal, who called expert evidence on:</p> <ul style="list-style-type: none"> - heritage from Bryce Raworth of Bryce Raworth Pty Ltd <p>Andrew Stevens, represented by Daniel Epstein of Counsel instructed by Mark Yaskewych of KCL Law, who called expert evidence on:</p> <ul style="list-style-type: none"> - structural engineering from Anthony Predebon of BSS Group <p>CERES Inc., represented by Rod Duncan</p> <p>Development Victoria, represented by Mimi Marcus and Simon D'Angelo of Marcus Lane Group</p> <p>Joanna Stanley and Sam Kyriakou</p> <p>Enzo Carbone</p>

	Amanda Goode
Citation	Moreland PSA C208more [2022] PPV
Date of this report	15 July 2022

Executive summary

Background and context

Moreland City Council (Council) commissioned Extent Heritage Pty Ltd to prepare the *Moreland Heritage Nominations Study 2020* (Heritage Nominations Study).

The Heritage Nominations Study assessed potentially significant heritage places nominated by the public in 2016. The study also considered places that were identified by the consultants during preparation of the study. The study assessed 77 individual places, one serial listing of 14 substations and 13 precincts.

The Amendment

Moreland Planning Scheme Amendment C208more (the Amendment) seeks to implement the findings of the Heritage Nominations Study and complete implementation of the *Moreland Heritage Gap Study 2019* (Context Pty Ltd, 2019). It proposes to apply the Heritage Overlay to:

- 45 individual heritage places
- one serial listing
- seven new precincts
- three precinct extensions.

It also proposes to:

- amend local policy, including reference to the Heritage Nominations Study and updated *Moreland Heritage Exemptions Incorporated Plan 2020*
- reduce the extent of two existing precincts
- delete the existing individual place listings from five places and incorporate into the new serial listing
- make associated changes and corrections to the Schedule to the Heritage Overlay, mapping and the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme).

Issues

Council received 44 submissions, of which 13 were supportive of the Amendment, 29 objected, five suggested changes and two were neutral.

Common issues raised in submissions include:

- financial implications and property values
- maintenance and repairs of heritage places
- development restrictions and property rights
- heritage grants and support.

Issues raised in relation to precincts include:

- property categories and assessments (such as contributory and non-contributory)
- precinct cohesiveness and appropriate precinct boundaries or curtilage
- removing non-contributory properties
- accuracy or details in the citations or Statements of Significance.

Several submitters objected to the Heritage Overlay being applied to their property because they considered their property was not significant enough, was too altered and no longer presented in its original form and for other reasons specific to that property or the associated citation.

Two submissions requested the Heritage Overlay be applied to additional places.

Strategic justification

The Panel concludes the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Planning Practice Notes
- is well founded and strategically justified
- will achieve net community benefit
- should proceed subject to addressing specific issues raised in submissions as discussed in the following chapters.

Common issues

In relation to common issues:

- financial implications and property values are not relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay
- building condition, maintenance and repairs are not relevant when assessing the heritage significance of an individual place or a precinct
- matters of building condition and structural integrity are best considered at the planning permit stage as they relate to how heritage is managed
- development opportunity and property rights are not relevant when assessing the heritage significance of an individual place or a precinct.

Precincts

In relation to the six precincts subject to submissions:

- Glenmorgan, Albion and Clarence Street Precinct (HO85) is appropriate subject to removal of 78 Albion Street, Brunswick East. The single dwelling covenant and existing built form controls do not adequately protect heritage values of the Precinct.
- Coonans Hill Precinct (HO207) comprising the properties 467-491 Moreland Road has sufficient heritage significance to justify the Heritage Overlay having regard to the historical development of Coonan's Hill and the existing heritage values of the Precinct. With regard to specific properties:
 - 485 Moreland Road is contributory
 - while the house at 487 Moreland Road is contributory is not significant the front terraced garden within the front setback is contributory
 - 491 Moreland Road is non-contributory to the Precinct, however the property should remain within the extended Precinct.
- Duke Street does not meet the threshold for significance to justify application of the Heritage Overlay (HO593).
- Railway Place Precinct (HO595) meets the threshold of local heritage significance and warrants application of the Heritage Overlay. With regard to specific issues and properties:
 - the Italianate boom style is an appropriate description for the Victorian cottages
 - 13 and 15 Railway Place make a historical contribution to the Precinct and while they should remain non-contributory in this Amendment, they should be considered for contributory in a future Amendment subject to notifying the landowners
 - 17 Railway Place is non-contributory

- neighbourhood character policies are not adequate to protect the heritage values of Railway Place.
- Walsh Street Precinct (HO599) does not meet the threshold of aesthetic significance to warrant application of the Heritage Overlay. To give proper attention to this area, Walsh Street Precinct should be re-assessed including the contribution of 26 Walsh Street.

Individual places

In relation to individual places, the following places do not have sufficient heritage significance to warrant the Heritage Overlay:

- 151A Lygon Street, Brunswick East (HO505)
- 198 Edward Street, Brunswick (HO552)
- 31 The Avenue, Coburg (HO580)
- 13 Ash Grove, Oak Park (HO586)
- 413 Gaffney Street, Pascoe Vale (HO590).

The following places have sufficient heritage significance to warrant the Heritage Overlay:

- 383 Brunswick Road, Brunswick (HO550), subject to updating the Statement of Significance in accordance with Dr James' Expert Witness Statement
- 113 Nicholson Street, Brunswick East (HO563), subject to updating the Statement of Significance in accordance with Dr James' Expert Witness Statement
- Coburg Market 415-423 Sydney Road, Coburg (HO577), subject to updating the Statement of Significance in accordance with Dr James' Expert Witness Statement
- Coburg Velodrome at 30 Charles Street, Coburg North, noting the Heritage Overlay number needs to be confirmed and may need to be corrected.

With regard to CERES Community Environmental Park (HO559) and Joe's Market Garden (HO572):

- the Heritage Overlay is an appropriate planning control to manage intangible values
- CERES Community Environmental Park is likely to have sufficient heritage significance to justify application of the Heritage Overlay, however further work is required to confirm and accurately articulate its significance and location of the lease boundary
- Joe's Market Garden has sufficient heritage significance to justify application of the Heritage Overlay, however further work is required to accurately articulate its significance
- to give proper attention to these places, further work is required to ensure the Statements of Significance are accurate and appropriate, and to identify suitable planning permit exemptions and prepare an incorporated plan for inclusion in the Schedule to the Heritage Overlay.

The Statement of Significance for 28 McMahons Road, Coburg North (HO583) should be updated in accordance with Dr James' Expert Witness Statement.

The stone walls adjacent to 64 Vincent Street, Oak Park do not have sufficient heritage significance to justify the Heritage Overlay (HO585). The Statement of Significance should be updated as recommended.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Moreland Planning Scheme Amendment C208more be adopted as exhibited subject to the following:

1. Delete the Heritage Overlay from:
 - a) Duke Street Precinct (HO593)
 - b) Walsh Street Precinct (HO599)
 - c) 151A Lygon Street, Brunswick East (HO505)
 - d) Lorreto, 198 Edward Street, Brunswick East (HO552)
 - e) CERES Community Environment Park, 7 Lee Street, Brunswick East (HO559)
 - f) Joe's Market Garden, 131 Harding Street, Coburg (HO572)
 - g) 31 The Avenue, Coburg (HO580)
 - h) 13 Ash Grove, Oak Park (HO586)
 - i) 413 Gaffney Street, Pascoe Vale (HO590).
2. Remove 78 Albion Street, Brunswick East from the Glenmorgan Street, Albion Street and Clarendon Street Precinct (HO85).
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.
 - b) Coonan's Hill Precinct (HO207) in accordance with the Panel preferred version at Appendix E2 of this report.
 - c) Hanover Street Precinct (HO594) to refer to 32 and 54 Hanover Street, Brunswick as non-contributory.
 - d) 383 Brunswick Road, Brunswick (HO550) in accordance with the Panel preferred version at Appendix E3 of this report.
 - e) 113 Nicholson Street, Brunswick East (HO563) in accordance with the Panel preferred version at Appendix E4 of this report.
 - f) Coburg Market 415-423 Sydney Road, Coburg (HO577) in accordance with the Panel preferred version at Appendix E5 of this report.
 - g) 28 McMahons Road, Coburg North (HO583) in accordance with the Panel preferred version at Appendix E6 of this report.
 - h) 'Bluestone Retaining Walls, Deveraux Street, Draska Court, Short Avenue, Ash Grove, Vincent Street and Xavier Street, Oak Park' (HO585) to:
 - remove 64 Vincent Street, Oak Park from the map showing the Heritage Overlay curtilage
 - amend the wording of 'What is significant?' to state:

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.
4. Amend the Moreland Heritage Exemptions Incorporated Plan to:
 - a) show 29, 32 and 54 Hanover Street, Brunswick as non-contributory.
5. Before adopting the Amendment, confirm and if necessary correct the Heritage Overlay number for the Coburg Velodrome at 30 Charles Street, Coburg North.

Further recommendations

The Panel informally recommends that Council revise heritage citations in the *Moreland Heritage Nominations Study – Stage 2 (Volume 2 – Citation Appendices)* to reflect changes recommended in this Report.

1 Introduction

1.1 The Amendment

Moreland Planning Scheme Amendment C208more (the Amendment) proposes to implement the recommendations of the *Moreland Heritage Nominations Study 2020* (Extent Heritage Pty Ltd, 2020) (Heritage Nominations Study) and complete the implementation of the *Moreland Heritage Gap Study 2019* (Context Pty Ltd, 2019) (Heritage Gap Study).

Specifically the Amendment proposes to:

- apply the Heritage Overlay to land identified in Table 1
- change or delete the Heritage Overlay from properties, including modifying the Heritage Overlay curtilage on one property as identified in Appendix D
 - amend local policy Clause 15.03-1L (Heritage in Moreland) to reference the Heritage Nominations Study and updated *Moreland Heritage Exemptions Incorporated Plan 2020* (Heritage Exemptions Incorporated Plan)
- amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to include the Statements of Significance of all new and existing heritage places and reference the updated Heritage Exemptions Incorporated Plan
- amend the Schedule to the Heritage Overlay and associated Planning Scheme maps in accordance with proposed changes.

Table 1 Proposed new heritage places/precincts and submissions received

Place, Precinct, Precinct Extension, or Serial Listing		HERCON Criteria*	New HO Ref	Number of submissions received
Place				
248 & 250 Barkly Street	Brunswick	E	HO548	-
17 Breese Street	Brunswick	A, B, D & E	HO549	-
383 Brunswick Road	Brunswick	A, B & F	HO550	1
30 Davies Street	Brunswick	D & E	HO551	-
609 Park Street	Brunswick	B & E	HO552	1
635-637 Park Street	Brunswick	D & E	HO554	1
639-647 Park Street	Brunswick	A, D & E	HO555	1
25 Richardson Street (rear)	Brunswick	G	HO556	-
11 Thomas Street	Brunswick	A, B, E & H	HO557	-
198 Edward Street	Brunswick East	A, B, D & E	HO552	1
50-72 Harrison Street	Brunswick East	A, B & G	HO558	-
7 Lee Street	Brunswick East	A, B & G	HO559	1
151A Lygon Street	Brunswick East	D & E	HO505	1
373-381 Lygon Street	Brunswick East	A & G	HO560	-

Place, Precinct, Precinct Extension, or Serial Listing		HERCON Criteria*	New HO Ref	Number of submissions received
49A Nicholson Street	Brunswick East	E, G & H	HO562	-
113 Nicholson Street	Brunswick East	D & E	HO563	2
148-150 Nicholson Street	Brunswick East	A, B, E, G & H	HO564	-
2 St Phillip Street	Brunswick East	A, D & H	HO565	-
52 St Phillip Street	Brunswick East	B & D	HO566	-
72-76 Melville Road	Brunswick West	B & D	HO567	-
20 Anketell Street	Coburg	A, B, E & H	HO568	-
126 Bruce Street	Coburg	A & E	HO569	-
19 Edward Street	Coburg	A & E	HO570	-
1/86 Gordon Street	Coburg	A, B, D, E & H	HO571	-
131 Harding Street	Coburg	A & B	HO572	1
24 Jessie Street	Coburg	A, B & E	HO573	-
131 Moreland Road	Coburg	E	HO574	-
181 Moreland Road	Coburg	D & E	HO575	-
415-423 Sydney Road	Coburg	B & D	HO577	1
490 Sydney Road	Coburg	B & E	HO578	-
492 Sydney Road	Coburg	E	HO579	-
31 The Avenue	Coburg	E & F	HO580	1
32 Carr Street	Coburg North	A, D & E	HO581	-
30-34 Charles Street	Coburg North	A & G	HO582	1
28 McMahons Road	Coburg North	A, D & E	HO583	1
50 Murray Road	Coburg North	A, D, E & G	HO576	-
42A Nicholson Street	Fitzroy North	D, G & H	HO561	-
737 Pascoe Vale Road	Glenroy	A, B, E & G	HO584	-
Bluestone retaining walls Deveraux Street, Ash Grove, Vincent Street, Short Street, Draska Court & Xavier Street	Oak Park	E	HO585	4
13 Ash Grove	Oak Park	D & E	HO586	1
22 Josephine Street	Oak Park	D & E	HO588	-
4 Vincent Street	Oak Park	D & E	HO589	-
413 Gaffney Street	Pascoe Vale	D & E	HO590	1
44 Eastgate Street	Pascoe Vale South	D & E	HO592	-

Place, Precinct, Precinct Extension, or Serial Listing		HERCON Criteria*	New HO Ref	Number of submissions received
12 Forster Court	Pascoe Vale South	D, E & H	HO591	-
Serial Listing				
339 Albion Street	Brunswick	A, H & D	HO600	-
119 Brunswick Road	Brunswick	A, H & D	HO600 (transfer from HO278)	-
188 Brunswick Road	Brunswick	A, H & D	HO600 (transfer from HO279)	-
Colebrook Street	Brunswick	A, H & D	HO600	-
10 Dawson Street	Brunswick	A, H & D	HO600 (transfer from HO61)	-
14 Frith Street	Brunswick	A, H & D	HO600 (transfer from HO311)	-
24 Gray Street	Brunswick	A, H & D	HO600 (transfer from HO139)	-
2 Russell Street	Brunswick	A, H & D	HO600	-
25A Stewart Street	Brunswick	A, H & D	HO600 (transfer from HO24)	-
425B Victoria Street	Brunswick	A, H & D	HO600 (transfer from HO184)	-
318-324 Lygon Street	Brunswick East	A, H & D	HO600 (transfer from HO106)	-
7 Methven Street	Brunswick East	A, H & D	HO600 (transfer from HO113)	-
59 Ryan Street	Brunswick East	A, H & D	HO600	-
2A Walker Street	Brunswick West	A, H & D	HO600 (transfer from HO92)	-

Place, Precinct, Precinct Extension, or Serial Listing		HERCON Criteria*	New HO Ref	Number of submissions received
Precinct				
Hanover Street Precinct 2-64 & 27-49 Hanover Street	Brunswick	A, D & E	HO594	4
Victoria Street Brunswick Precinct 223-229 Victoria Street	Brunswick	A & D	HO598	-
Duke Street Precinct 1-15 & 2-14 Duke Street	Brunswick East	D & E	HO593	5
Irvine Estate Precinct 1-11 & 2-8 Bonar Street 1-31 & 2-36 Bakers Parade 22-26 Wales Street 9-29 & 2-12 McGregor Avenue	Brunswick West	A, D & E	HO595	1
Railway Place Precinct 1-43 Railway Place	Coburg	A, D & E	HO596	1
Sydney Road and Bell Street Shops Precinct 491-509 Sydney Road 94-112 & 81B-91A Bell Street	Coburg	A & E	HO597	-
Walsh Street Precinct 1-35 & 6-24 Walsh Street	Coburg	E	HO599	1
Precinct Extension				
Glenmorgan, Albion and Clarence Streets Precinct 26-78 Albion Street 11-45 & 20-46 Clarence Street	Brunswick East	A & E	HO85	6
Gordon Street and Devon Avenue Precinct 95 Gordon Street	Coburg	D & E	HO87	-
Coonans Hill Precinct 467-491 Moreland Road	Pascoe Vale South	A, D, E & F	HO207	6

* Model criteria specified in Planning Practice Note 1 (see Appendix A). HERCON - National Heritage Convention

1.2 Background

Moreland City Council (Council) provided a detailed background to the Amendment in its Part A submission, including a chronology of events which the Panel has summarised in Table 2.

Table 2 Amendment C208more chronology of events

Date	Event
2016 - 2017	Heritage Gap Study prepared by Context Pty Ltd in two stages: <ul style="list-style-type: none"> - Stage 1 – preliminary assessment - Stage 2 - detailed assessment
November 2016	A public nomination process was conducted and over 800 places of potential heritage significance were nominated
August 2019	Heritage Nominations Study Stage 1 was prepared by Context Pty Ltd including preliminary assessment of 73 individual places, 14 potential precincts (containing 587 properties), and potential extensions to five current Heritage Overlay precincts
6 December 2019	Council resolved to adopt the draft Heritage Gap Study and request: <ul style="list-style-type: none"> - authorisation from the Minister for Planning to proceed with an Amendment to proposed to apply the Heritage Overlay to properties identified as locally significant in the Heritage Gap Study on a permanent basis (Amendment C174more) - the Minister for Planning introduce interim heritage controls for properties identified as locally significant in the Heritage Gap Study (Amendment C173more)
24 January 2019	Amendment C173more gazetted with expiry date of 31 December 2019
11 September 2019	Following exhibition and panel hearing, Council resolved to split Amendment C174more into two parts to address issues raised in a late submission, with Part 2 of the amendment only considering issues relating to 151A Lygon Street, Brunswick East
June 2020	Heritage Nominations Study Stage 2 was prepared by Extent Heritage Pty Ltd (Extent Heritage) including a full assessment of places identified in Stage 1, additional places identified by the consultants and an update of heritage descriptions of four places where the Heritage Overlay already applies
12 August 2020	Council resolved to endorse the Heritage Nominations Study and request the Minister for Planning to: <ul style="list-style-type: none"> - prepare, adopt and approve prescribed Moreland Planning Scheme Amendment C207more (interim Heritage Overlay) - authorise the preparation of Moreland Planning Scheme Amendment C208more (permanent heritage controls) - following receipt of the authorisation, exhibit the Amendment - authorise the Director City Futures to make changes to the Amendment C208more based on conditions imposed in any Authorisation granted by the Minister for Planning and to make minor changes - abandon Moreland Planning Scheme Amendment C174more Part 2 (pertaining to 151A Lygon Street), and advise the Minister for Planning of this decision <p>Council included 151A Lygon Street, Brunswick East in Amendment C208more</p>

Date	Event
9 July 2021	<p>Authorisation was received from the Department of Environment, Land, Water and Planning with conditions to:</p> <ul style="list-style-type: none"> - remove 18 Kendall Street, Coburg (HO547) from the list of properties to apply the Heritage Overlay and making consequential changes to Amendment documents - review the changes proposed to Clause 22.06 which is now obsolete and instead incorporating them to Clause 15.03-1L (Heritage in Moreland) where applicable - update all precinct Statements of Significance to ensure the map in each statement clearly outlines which properties are individually significant, contributory and non-contributory to the precinct - ensure consistency of place and precinct names and addresses - amend the Schedule to Clause 72.04 to include all statements of significance to be incorporated as part of the Amendment - ensure all Amendment documents are consistent with the <i>Ministerial Direction - the Form and Content of Planning Schemes</i> and <i>Planning Practice Note 1: Applying the Heritage Overlay (PPN01)</i>
13 August – 1 October 2021	Exhibition of the Amendment
30 September 2021	Amendment C207more approved and gazetted, with expiry date of 31 May 2022
8 December 2021	<p>Council resolved to:</p> <ul style="list-style-type: none"> - request the Minister for Planning appoint an independent planning panel to consider all submissions to the Amendment - endorse the Council officer response to submissions to form the basis of Council's submission to a panel - note that the recommended form of the Amendment be presented to the panel - refer any late submissions to the panel - authorise the Director City Futures to make minor changes to the Amendment and give direction on issues which arise during the Panel Hearing, so long as any further changes are generally in accordance with the Moreland Heritage Nominations Study. - endorse the Moreland Thematic History 2020
23 December 2021	Panel appointed

1.3 Procedural issues

(i) Referral of late submissions

The Panel issued a direction for Council to clarify and confirm the formal referral of any late submissions. Council confirmed it had referred two late submissions to the Panel - Submissions 43 and 44.¹

¹ Documents 2 and 3

(ii) Hearing timetable

P & S Mirabella (Holdings) Pty Ltd (Mirabella) (Submitter 21) advised it was not available in the week of 28 February 2022 due to a Victorian Civil and Administrative Tribunal (VCAT) Hearing relating to its property at 151A Lygon Street, Brunswick East.

At the first Directions Hearing, the Panel decided and parties agreed, to schedule two Hearing days in the week commencing 28 February and to reconvene for a final Hearing day at a mutually convenient day and time. Mr Carbone advised he was no longer available for the original Hearing days.

The Panel received and agreed to accept the following late requests to be heard:

- Submitter 29 (CERES Inc.), received on 28 January 2022 and a time allocation was allocated on day 2 of the Hearing
- Submitter 30 (Development Victoria), received on 2 February 2022.

Following exchange of correspondence it was determined that a second Directions Hearing was required to finalise Hearing dates. A second Directions Hearing was held on 16 February 2022, which resolved to:

- schedule a Hearing day on Thursday 3 March 2022 to hear from Development Victoria and Council's preliminary closing statements
- schedule a Hearing day on Tuesday 3 May 2022 to hear from Mirabella and Mr Carbone.

Exchange of information and witness reports

Following a request from Council and Mirabella to reconsider the timeline for circulation of expert witness statements, the Panel agreed expert witness statements relating to Submission 21 should be circulated one week prior to Hearing of the relevant submissions.

The Panel further directed Council to circulate its Part B submission in two parts:

- Part 1 in accordance with the Panel directions issued on 31 January 2022, excluding content relevant to Submissions 21 and 42
- Part 2 specifically addressing issues relevant to Submissions 21 and 42, by Monday 2 May 2022.

On 1 April 2022 Council advised all parties by email that it intended to call the following witnesses at the Hearing on 3 May:

- Dr Kim Roberts of GML Heritage in relation to 151A Lygon Street, Brunswick East
- Dr Luke James of Extent Heritage in relation to 413 Gaffney Street, Pascoe Vale South.

Mirabella wrote to the Panel requesting an additional one hour of submission time and advising that it now intended to call the following witnesses:

- Mr Bryce Raworth of Bryce Raworth Pty Ltd on heritage
- Mr Marco Negri of Contour Town Planners on town planning.

The Panel agreed to these changes and the timetable was updated accordingly (version 4).

Final hearing day

Due to timetable adjustments on Tuesday 3 May it was not possible to complete the Hearing on that day. The Panel suggested, and the parties agreed, Council's reply and closing submissions be heard on Friday 6 May 2022. A final revised timetable was issued on Wednesday 4 May (version 5).

Further directions

In closing on the final Hearing day, the Panel issued further directions that were agreed to by the parties, including:

- Council to circulate the following to all parties by 13 May:
 - details of previous heritage studies or assessments relevant to 151A Lygon Street, Brunswick East, including the sequence and relevant findings
 - an explanation of how the findings of any previous heritage studies have been integrated into Brunswick Activity Centre planning, and details of any relevant Planning Scheme amendments including sequence of changes to the Design and Development Overlay and Heritage Overlay in Lygon Street
- parties wishing to comment on any new material raised in Council's closing submission to circulate a brief written response by Friday 20 May 2022
- Council may provide a final written reply submission responding to issues raised in the above further submissions by 27 May 2022.

1.4 Submissions received and issues

Council received 44 submissions, of which 13 were supportive of the Amendment, 29 objected, five suggested changes and two were neutral.

Common issues raised in submissions include:

- financial implications and property values
- maintenance and repairs of heritage places
- development restrictions and property rights
- heritage grants and support (see Chapter 1.6).

Issues raised in relation to precincts include:

- property categories and assessments (such as contributory and non-contributory)
- precinct cohesiveness and appropriate precinct boundaries or curtilage
- removing non-contributory properties
- accuracy or details in the citations or Statements of Significance.

Several submitters objected to the Heritage Overlay being applied to their property because they considered their property was not significant enough, was too altered and no longer presented in its original form and for other reasons specific to that property or the associated citation.

Two submitters requested the Heritage Overlay be applied to additional places (see Chapter 1.6).

1.5 Post exhibition changes proposed by Council

Council submitted it proposed post exhibition changes to the Amendment following further investigations by Extent Heritage and in response to submissions which the Panel has summarised in Table 3.

Table 3 Post exhibition changes proposed by Council

Place or precinct	Proposed change	Council comments
Individual places		
113 Nicholson Street, Brunswick East	Update citation	Include new information
13 Ash Grove, Oak Park	Remove HO586 from the Amendment	Recent modifications to the front of the house have changed the heritage significance of this place
28 McMahons Road, Coburg North	Amend citation and Statement of Significance	Corrections and to apply external paint controls
Coburg Market – 415-423 Sydney Road, Coburg	Amend citation and Statement of Significance	Include new information
CERES Park (HO559)	Reduce the curtilage and amend the name and address Amend citation	Update to reflect the operational name and area as defined by the lease Include new information
Joe's Market Garden	Amend citation	Include new information
31 The Avenue, Coburg	Amend citation Reduce curtilage	Correctly describe the construction date Apply the Heritage Overlay only to the original Brutalist building
198 Edward Street, Brunswick East	Amend citation	Correctly describe the place's history, reflect the era of construction and why it is significant to Moreland
Hanover Precinct (HO594)		
32 Hanover Street, Brunswick	Contributory to non-contributory	House has been legally demolished
50 & 52 Hanover Street, Brunswick	Amend Heritage Exemptions Incorporated Plan	Correct error to heritage category in the precinct map
54 Hanover Street, Brunswick	Contributory to non-contributory	Does not have heritage features that contribute to the significance of the precinct
Coonan's Hill Precinct (HO207)		
	Amend Statement of Significance	Provide more clarity on the significance of the materials of the terrace walls
491 Moreland Road, Pascoe Vale South	Contributory to non-contributory	House has been demolished (recommended by expert Dr James)

Place or precinct	Proposed change	Council comments
Duke Street Precinct (HO593)		
	Remove precinct from the Amendment	New information changes heritage significance of the precinct
Serial Listing		
Bluestone Retaining Walls Serial Listing (HO585)	Remove HO585 from 64 Vincent Street, Oak Park	Only apply to walls associated with the original bluestone walls

1.6 Limitations

(i) Heritage nominations

There were submissions which sought to apply the Heritage Overlay to properties that were not exhibited with the Amendment, specifically:

- 201-209 Nicholson Street, Brunswick East (Submitter 26)
- Edward Street East Precinct that includes 192-198, 237-243 and 255-257 Edward Street, Brunswick East (Submitter 38).

Council submitted it was not appropriate for these additional properties to be considered as part of the Amendment as it seeks to implement the findings of the Heritage Nominations Study and Heritage Gap Study. Places recommended for protection have been through a rigorous assessment process, in accordance with established methodologies.

Council submitted:

- 201-209 Nicholson Street, Brunswick had been added to the register for future assessment
- Edward Street East Precinct was included in Stage 1 of the Heritage Gap Study as was not recommended for Stage 2 assessment due to low visual cohesion, low integrity and many of the potentially contributory houses are of borderline significance because of the degree of alteration. In December 2021, Council resolved to scope out a future study to investigate remnant Victorian cottages which will include the cottages nominated by Submitter 38.

Submitter 38 was of the view the Edward Street East Precinct had heritage character, with many boom era houses in the area, and should be assessed for heritage significance.

The Panel accepts Council's submission and has not considered these properties because:

- they are not supported with the necessary assessment rigour given to properties which formed part of the Heritage Nominations Study
- Council is best placed to decide whether these properties should be investigated through the appropriate process, and Council has committed to a future assessment process
- potentially affected property owners and tenants were not provided with natural justice through an opportunity to review the proposal or to make a submission during exhibition of the Amendment.

(ii) Heritage grants and support

Several submitters sought further information about what kind of compensation and support Council is offering landowners to assist with preserving heritage places, and for making them more energy efficient.

The Council report of 8 December 2021 advised that Council officers are investigating grant opportunities through the Victorian Heritage Restoration Fund, which may offer grants to residents to assist with preserving heritage places in Moreland. The report identified that there are programs available to assist owners modify their homes to become more efficient and the Australian Energy Foundation can provide further guidance on building efficiency.

The Panel has not addressed the issue of grants or funding support for heritage preservation or energy efficiency as these are outside of the scope of the Amendment and beyond the Planning Scheme.

1.7 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic justification
- Common issues
- Heritage precincts
- Individual heritage places.

2 Strategic justification

2.1 Planning context

The Explanatory Report and Council's submission identify the following as being relevant to the Amendment:

- Planning objective at *Planning and Environment Act 1987* (PE Act) section 4(1)(d) and 4(1)(g)
- Planning Scheme policy clauses 15.01-5S (Neighbourhood Character), 15.03-1S (Heritage Conservation) and 15.03-1L (Heritage in Moreland)
- Plan Melbourne Outcome 4, Direction 4.4, Policy 4.4.1
- Heritage Overlay
- Ministerial Directions:
 - Ministerial Direction – The Form and Content of Planning Schemes
 - Ministerial Direction 9 – Metropolitan Planning Strategy
 - Ministerial Direction 11 – Strategic Assessment of Amendments
 - Ministerial Direction 15 – The Planning Scheme Amendment Process
- Planning Practice Note 1: Applying the Heritage Overlay (PPN01).

Appendix A provides further details of the planning context.

(i) **Clause 71.02-3 (Integrated decision making)**

Clause 71.02-3 (Integrated decision making) provides guidance on balancing planning objectives, stating:

Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

2.2 Moreland Heritage studies

(i) **Heritage Gap Study**

In 2008, the Moreland Local Heritage Places Review reviewed past heritage studies and identified places with potential significance. Subsequently, several planning panel reports recommended additional heritage investigations.

The Heritage Gap Study was prepared by Context in accordance with Heritage Victoria guidelines, *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, Australia ICOMOS, 2013 (Burra Charter) and its guidelines. It sought to investigate outstanding recommendations of earlier studies and panel reports. The study was prepared in two stages:

- Stage 1 (2016):

- comprised of a preliminary assessment of over 400 individual places and 12 potential precincts (containing 365 properties), as well as potential extensions to seven current HO precincts
- recommended the following for detailed assessment in Stage 2 - 148 individual places, three serial listings, 10 potential precincts and 10 potential extensions to existing Heritage Overlay precincts
- Stage 2 (2017):
 - involved a full assessment of places identified in Stage 1, as well as additional places identified during field work
 - confirmed that 82 places satisfied the threshold of local significance, and the significance at the local level of three serial listings, four new precincts and 10 precinct extensions.

The recommendations of the Heritage Gap Study were implemented through:

- Amendment C173more which sought to apply the Heritage Overlay on an interim basis to properties identified as locally significant
- Amendment C174more which sought permanent Heritage Overlay controls.

The Heritage Gap Study identified 151A Lygon Street, Brunswick East as an individually significant place to Moreland. As explained in Chapters 1.2 and 5.1, consideration of the place for permanent heritage controls is included in the Amendment.

(ii) Heritage Action Plan

The Moreland Heritage Action Plan 2017-32 guides Council's heritage work program and identifies actions which are underway and sets out a program for further identification, conservation and management of the city's heritage. The following actions are relevant to the Amendment:

- 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.

Council explained that the nominations of Post War Modern architecture was not extensive and consequently the heritage study for the publicly nominated places was not themed by architectural style and instead named after the nomination process.

(iii) Heritage Nominations Study

The Heritage Nominations Study sought to assess places of potential heritage significance nominated by the public in 2016 and some places nominated by Council officers. The study was prepared in two stages:

- Stage 1 (prepared by Context Pty Ltd) comprised a preliminary assessment of 73 individual places, 14 potential precincts (containing 587 properties), as well as potential extensions to five current HO precincts (containing 170 properties)
- Stage 2 (prepared by Extent Heritage) confirmed that 44 individual places, one serial listing, seven new precincts and an extension to three existing heritage precincts satisfied the threshold for local significance and recommended the Heritage Overlay be applied.

Council called evidence on heritage from Dr James who was the author of the Heritage Nominations Study who provided an overview of the Heritage Nominations Study Stage 2 methodology. He stated:

- the study was prepared in accordance best practice resources including the Burra Charter and PPN01
- documentation review:
 - all documents relevant to Stage 1 were reviewed
 - where reasons for nomination was not clear original community nominations were reviewed and additional desktop research undertaken
- research:
 - desktop research from historical and archival sources, using materials from the Moreland City Council and the preceding municipalities of Brunswick and Coburg, Moreland Library, Heritage Victoria, National Trust of Australia (Victoria), Australian Heritage Council, Public Record Office Victoria, State Library of Victoria, Landata, Picture Victoria and Coburg Historical Society
 - key sources included Melbourne Metropolitan Board of Works plans produced between the 1880s and 1950s, Sands & McDougall Directory of Victoria
 - resources sourced included images, aerial photographs, plans and maps, articles, newspapers, films and government gazettes
 - generalist architectural resources were used to assist with the identification of architectural styles and to inform comparative analysis
- fieldwork:
 - site inspection of each nominated place
 - completion of a fieldwork form and photographs taken for each site
 - ground truthing of existing data and capture of new, previously unrecorded data
- comparative analysis:
 - was based on typologies and thematic contexts
 - resources included the Heritage Victoria heritage database (HERMES), Victorian Heritage Database, Moreland Planning Scheme Schedule to the Heritage Overlay and previous heritage studies
 - where appropriate comparative places could not be located, places where an interim Heritage Overlay applied were considered or places outside the municipality
- assessment of significance:
 - each nominated place was assessed against the HERCON Criteria
 - a place, serial listing or precinct needed to meet at least one criterion to be considered locally significant
 - an explanation of reasons why a place met criteria were included in the citations
 - an integrity grading and condition assessment was undertaken for each place and precinct

- each property within a precinct was graded as individually significant, contributory or non-contributory and the intactness of each precinct was assessed, measured as a percentage of contributory places with 'low' being less than sixty per cent, 'moderate' being sixty to eighty per cent, and 'high' being eighty to a hundred per cent
- where identified, places of potential State significance were assessed and if appropriate recommended for nomination for the Victorian Heritage Register (VHR)
- Statement of Significance, curtilage and mapping:
 - a Statement of Significance was prepared for each place that met the threshold of local significance
 - the proposed heritage overlay curtilage for each place or precinct was determined by the property boundary or where appropriate for an alternative was determined to protect specific significant components of a place
 - the recommended curtilage for each place was mapped
- additional places identified by Extent Heritage and included with the approval of Council.

2.3 Evidence and submissions

(i) Methodology and strategic justification

Council submitted the Amendment would ensure Council met its commitments under the Council Action Plan 2021 – 2025 and the Heritage Action Plan. It submitted the Amendment was required to implement the recommendations of the Heritage Nominations Study and complete implementation of the Heritage Gap Study. It considered the precincts and individual places had been appropriately assessed against the standard criteria in PPN01 and met the threshold to apply the Heritage Overlay.

Council considered the Amendment consistent with planning policy, and the Heritage Overlay the appropriate planning tool to protect heritage values as it requires a permit to be granted for building and works, including demolition.

Council submitted the Amendment is expected to have a positive social effect, and applying the Heritage Overlay to identified properties would help preserve Moreland's history for present and future generations. Further, the Amendment would not have a detrimental environmental impact or any adverse economic impacts, stating:

- the protection of architectural and historically significant buildings can have economic benefits, especially where buildings are sought for restoration and investment
- an economically sustainable outcome may be achieved through the retention, conservation and adaptation of heritage places where it contributes to local and regional economic benefits
- heritage controls do not prohibit development, subdivision or demolition but require that a planning permit be obtained to ensure that heritage values of a place are not jeopardised. Routine maintenance and repairs that do not change the appearance of the heritage place do not require a planning permit application.

Several submitters raised concerns about the strategic justification for application of the Heritage Overlay on their property, in particular with consideration of balancing planning policy objectives. One submitter was of the opinion that little weight should be given to the Heritage Nominations Study as the author has not been called to substantiate their view. The Amendment was supported by 13 submissions.

(ii) Public exhibition and consultation

Council advised that it relied on the statutory public exhibition process for community consultation on the Amendment. Council was satisfied that it had complied with the statutory requirements for public exhibition in line with section 19 of the PE Act. It considered that *“a fair, proper and reasonable consultation process was undertaken”*.² Council provided details of the exhibition process in its Part A submission.

Several submitters were concerned that the exhibition period occurred while Victoria was experiencing COVID-19 restrictions. Others said they were not notified of the Amendment. Several community submissions raised issues and concerns relating to lack of community consultation by Council prior to formal exhibition of the Amendment, suggesting that factual errors in the nominations could have been avoided if this had occurred.

In response, Council submitted:

- it had provided three additional weeks of exhibition than required by the PE Act
- notification letters were accompanied by a four-page colour information factsheet
- a dedicated webpage provided access to all Amendment documentation and included a property search tool and submission lodgement form
- all affected land owners and occupiers were notified and invited to one-on-one consultation sessions
- Council resolved to accept and refer all late submission to the Panel
- the submitters concerned with notification had been able to provide a submission and had opportunity to participate in the Panel process
- it had checked its consultation records and could see no error with contact details of landowners who said they did not receive direct notification.

Council explained it had notified all submitters of the Council meeting which considered submissions on the Amendment, had provided modified citations and Statements of Significance and had further conversations regarding proposed post exhibition changes with a number of submitters.

In response to questions from the Panel, Council advised it did not undertake community consultation on the proposal prior to formal public exhibition of the Amendment due to very high development pressure and threat of demolition to properties. Council advised that while it had adopted a community consultation plan, this was adopted after the study was completed, and a different approach was taken for heritage studies.

2.4 Discussion

(i) Methodology and strategic justification

The PE Act includes objectives which seek to conserve buildings, areas and places of interest and to balance the present and future interests of all Victorians. This is reflected in Plan Melbourne and in State and Local planning policies. These policies require Council to identify, protect, enhance and promote local heritage. The Amendment is supported by and implements these policies.

Heritage studies are generally undertaken within a particular context, be it phases of development, building typologies or other themes. This sets the scope for identifying a short-list of places within

² Council's Part B submission, page 15

the context of the thematic history and municipal-wide comparisons. For many heritage studies a call for public nominations is often part of the study process and the nominations are considered in the context of a wider methodology. It is unusual for a heritage study to be commissioned solely based on nominations.

A nominations-only approach in the Heritage Nominations Study has raised challenges for the Amendment. For example, the extent to which post war nominated places are a true reflection of their significance or whether the assessment of the place was in response to a nomination and not in response to a wider understanding of places for Moreland within that development period, as one would find through a study of post war. The Panel accepts that the authors excluded some places they considered did not meet the threshold for significance. The absence of analysis of development period at a municipal-wide level made it difficult for the Panel to understand the true heritage value of some places.

Some of the heritage assessments contain broad and generic statements, lack rigour and do not sufficiently detail why a place is significant with regard to the thematic development of Moreland, the criteria and other similar places. The Panel has reviewed some of these places in the Heritage Nominations Study as submissions were received, while other places within the Amendment have not been subject to review.

The Panel notes Dr James' evidence did not include a reference list or bibliography for sources referenced throughout the report which created some challenges to understand the reference material used.

Subject to the recommendations of this Report the Panel considers:

- the heritage studies are sound, based on appropriate methodology and research, and provide a solid base for strategically justifying the Amendment
- the Amendment appropriately considers the needs of present and future interests of all Victorians by introducing planning provisions that ensure local cultural heritage values are considered when assessing a planning permit application
- the Heritage Overlay is the appropriate planning provision to protect heritage precincts and individual places
- Council has appropriately responded to the Amendment's social, environmental and economic effects.

Submissions relating to balancing planning objectives and strategic justification of applying the Heritage Overlay for specific places are addressed in other chapters of this Report.

Issues relating to financial impacts and development potential are discussed in Chapter 3.

(ii) Public exhibition and consultation

The Panel is satisfied Council complied with statutory requirements for public exhibition of the Amendment. No evidence or submissions were provided the Panel otherwise. The Panel commends Council for providing an extended exhibition period and using a variety of communication methods including the information factsheet and website to assist with communicating the proposal. Use of these additional communication tools demonstrate a genuine commitment to ensuring that affected landowners and occupiers are aware of and understand the implications of the Amendment.

The Panel understands the balance Council is endeavouring to achieve to protect identified heritage values while ensuring the community is adequately consulted on changes to the Planning

Scheme. The Panel also understands the concerns of residents that a lack of informal engagement has created issues with the accuracy of exhibited material that could have been avoided.

The Panel accepts that ultimately it is Council's decision the extent to which consultation is undertaken prior to formal exhibition of an amendment to the Planning Scheme, noting that ideally informal consultation is undertaken to ensure the community has had an opportunity to contribute to the formulation of a proposal of interest or that affects them.

2.5 Conclusions

For the reasons set out in the following chapters, the Panel concludes the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Planning Practice Notes
- is well founded and strategically justified
- is likely to achieve net community benefit
- should proceed subject to addressing specific issues raised in submissions as discussed in the following chapters.

3 Common issues

This chapter refers to issues which apply across more than one individual place or precinct. Where a submission raised only general issues, it is not referred to in subsequent chapters.

3.1 Financial implications and property values

(i) The issue

The issue is whether financial implications and property values are relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay.

(ii) Submissions

Numerous submitters were concerned the Heritage Overlay would devalue their properties and would add a financial burden to replace and maintain heritage features and modernise buildings, and additional regulatory and compliance costs.

Mr Carbone outlined that Council had not undertaken any financial modelling to understand financial impacts. He was of the view the proposal would have no economic benefits. He submitted that real-estate agents expected that application of the Heritage Overlay would impact on property prices by 20 to 25 per cent.

Council provided a standard response to this as a common issue in the attachment to the Council report of 8 December 2021:

When applying the Heritage Overlay, only matters of a heritage nature supported by criteria for assessing the heritage significance of a place are considered. Financial or maintenance costs of individual properties are not considered as part of the assessment of appropriate heritage controls.

Private economic effects of a heritage overlay have been considered by a number of Planning Panels, including Melbourne C201 Panel; Moreland C149 Panel and most recently Boroondara C274 and Glenelg C89 Panels, where it was concluded that impacts on land values or the individual financial circumstances of the land owner to be outside the scope for consideration.

In its Part B submission, Council responded to issues raised in submissions. It acknowledged that financial aspects are of considerable concern to property owners, but submitted the key question is whether they are a valid concern when identifying heritage places and applying the Heritage Overlay.

Council was of the view the financial impacts for property owners are not relevant economic matters when considering an amendment to the Planning Scheme. Council cited previous planning panel reports which consistently supported this view, specifically planning scheme amendments Ballarat C58, Moreland C129, Boroondara C266 and C274 (Part 2).

Council acknowledged that the PE Act requires it to consider economic effects when preparing a planning scheme amendment. It submitted that while it was appropriate to consider public costs and broader economic effects, it was not appropriate to consider private economic impacts, such as impact on land values. In this regard, it referenced the planning panel reports for Melbourne C207, Moreland C149 and Glenelg C89.

Council acknowledged that financial impacts may be considered if they overlap with or translate to broader public economic effects, but submitted for the Amendment submissions were expressed on a site-by-site basis and not a broader community level.

(iii) Discussion

The Panel agrees with Council that the PE Act requires it to consider economic effects of a planning scheme amendment. A critical question for the Panel is whether the financial impacts raised are valid concerns when considering application of the Heritage Overlay.

There was no information or evidence provided to the Panel that demonstrated the Amendment would result in negative economic effects. There is no information or evidence presented to the Panel that the Amendment would unreasonably impact the broader community.

While the Panel acknowledges there may be some financial impact on individuals associated with applying for a planning permit application, if an owner simply seeks to maintain their property without altering the appearance there would be no need for a permit and no additional planning costs.

Property value is influenced by many complicated and dynamic variables, many of which sit outside of the planning system. The Panel is of the view that protecting heritage character and values is likely to ensure it is a desirable and valuable place to live for current and future generations.

The Panel broadly agrees with the findings of the planning panel reports cited by Council that personal financial impacts should not be taken into consideration when assessing if a property has sufficient heritage significance to warrant the Heritage Overlay.

(iv) Conclusion

The Panel concludes that that personal financial implications and property values are not relevant when assessing heritage significance or when deciding whether to apply the Heritage Overlay.

3.2 Building condition, maintenance and repairs

(i) The issue

The issue is whether building condition is relevant when assessing the heritage significance of an individual place or a precinct.

(ii) Submissions

Several submitters were concerned the Heritage Overlay would burden property owners when wanting to fix up their property, specifically:

- costs to replace and maintain heritage features and modernise buildings
- issues with availability of original materials and suitably skilled tradespeople
- additional regulatory and compliance costs.

Submitter 33 was of the view it would not be possible to repair the property which is in an extreme state of disrepair.

Council submitted a planning permit is not required for works, routine repairs or maintenance that do not change the appearance of a heritage place and while using the same materials and

specifications. Council referenced the planning panel report for Whitehorse C74 (Part 2) in support of this view.

Council further submitted:

- Clause 15.03-1L is clear that *“external alterations and extensions to heritage-listed places can still occur, providing they do not adversely affect the heritage significance of the place, particularly in relation to the front of the building and the view from the public realm”* and provides useful guidance on what demolition can be considered appropriate and design of particular elements
- the Heritage Exemptions Incorporated Plan enables owners to make minor changes to their properties with a planning permit depending on the heritage category
- not allowing heritage buildings fall into disrepair is consistent with section 6B of the PE Act and does not go any further than existing local laws relating to dilapidated, dangerous and unsightly premises.

(iii) Discussion and conclusion

The Panel agrees with Council’s submissions on this matter. It considers that matters of building condition and structural integrity are best considered at the planning permit stage as they relate to how heritage is managed.

The Panel concludes that building condition, maintenance and repairs are not relevant when assessing the heritage significance of an individual place or a precinct.

3.3 Development restrictions and property rights

(i) The issue

The issue is whether development opportunity and property rights are relevant when assessing the heritage significance of an individual place or a precinct.

(ii) Submissions

Several submitters were concerned the Heritage Overlay would prevent them from developing and modernising their properties. They were of the view introduction of the planning control would conflict with existing planning policy and controls that direct growth. Many were concerned they were being denied the same rights as other property owners.

Submitter 27 was concerned the Heritage Overlay would contradict the directions of the Brunswick Structure Plan and was not in line with the Design and Development Overlay on the site, consequently limiting development potential.

Mr Carbone raised concerns with the Council report of 8 December 2021 which stated in relation to human rights considerations that:

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.

He disagreed with this assessment, stating the proposal would substantially limit the development potential of his land as it would no longer be attractive to developers. He considered the property would be unable to contribute to the surrounding area’s purpose and intended growth.

Mr Carbone considered the proposal would make it impossible to redevelop his property as intended by planning policies and controls encouraging growth. He submitted:

- the Heritage Overlay would directly conflict with the land use zone Residential Growth Zone and the local activity centre designation for his property
- application of the Heritage Overlay does not allow for meaningful development when property size and setback are taken into consideration
- the Heritage Overlay would remove owner's rights to develop their properties
- Council had not provided any examples of meaningful development potential in the Heritage Overlay in relation to his individual property.

In relation to applying the Heritage Overlay in designated growth areas, Mirabella was of the view that the Heritage Overlay should be applied where its application is justified, however:

- a planning authority is required to apply integrated decision making in pursuit of net community benefit at the planning scheme amendment stage
- while the heritage significance local threshold may be met, it may be *"at such a low level and in circumstances which do not make a sufficiently compelling contribution to heritage in the municipality or the net community benefit"*.

Council considered the Heritage Overlay does not prohibit future development. It provided a standard response to this as a common issue in the attachment to the Council report of 8 December 2021:

The intention of the Heritage Overlay is that features of identified heritage value are protected. The Heritage Overlay is not a prohibition on the construction of new buildings or alteration of existing buildings. The intention of the Overlay is to ensure that any new buildings or alterations or additions to existing buildings do not detrimentally impact on the heritage significance of a heritage place. There are many instances in Moreland and other Councils where additional dwellings have been constructed on heritage properties or where existing heritage places have been extended and/or altered. ...

Any impact on development, whether perceived or real, can be considered at the planning permit stage when detailed designs are known.

In its Part B submission, Council responded to issues raised in submissions, stating:

- the Heritage Overlay adds another layer of planning control that includes permit triggers and relevant considerations for a planning permit application
- it is standard practice in Victoria to apply the Heritage Overlay to places of heritage significance
- the Amendment is necessary to ensure places with heritage values are recognised and the impact on heritage significance appropriately managed
- concerns relating to future development opportunities are immaterial to this stage of the planning process, and are more appropriately considered at the permit application stage.

Council submitted it was common for heritage places to be located in areas designated for growth. Further, there were many examples of heritage buildings successfully integrated into the design of a larger mixed use building. It stated:

In these instances, the design has managed to balance the heritage values of the place with other policies directing growth, in addition to many other policies of the Scheme, such as sustainability, transport and stormwater to name a few.

Council cited previous planning panel reports which consistently supported this view, specifically planning scheme amendments Latrobe C14, Glenelg C89, Campaspe C50, Melbourne C387, Boorondara C99, Boorondara C150 and Moreland C134.

(iii) Discussion

The Panel agrees with Council that application of a Heritage Overlay to a property does not prohibit development. It applies an additional planning controls to ensure heritage values are taken into consideration during decision making.

The Heritage Overlay allows permit applications for additions, works and demolition through the planning permit process. It does not unreasonably restrict development or prevent owners from modernising a property, but ensures that heritage significance is taken into consideration.

The Panel does not agree with parties that application of the Heritage Overlay conflicts with policies relating to growth, or does not allow meaningful development. Integrated decision making is a cornerstone of the Victorian planning system. Clause 72.02-3 (Integrated decision making) states:

Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

...

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

It is appropriate to consider competing policy objectives when a decision about a development proposal is made. At this time an assessment can be made with regard to the specific proposal, all policy objectives and the outcomes in terms of net community benefit. A thoughtful and considered approach to design can achieve good outcomes that satisfactorily respect a range of planning objectives – it is rare that one objective must be rejected to achieve another.

The Panel notes Council's practice of integrating heritage in many of its areas identified for high growth. The first step is to test the threshold of significance for the place. Following this task, good strategic planning seeks to consider how the heritage place can be managed in the context of strategic development priorities for a particular area. This does not always happen during the same amendment but part of a strategic planning process.

In response to issues raised by Mirabella relating to assessment of net community benefit at the planning scheme amendment stage, the Panel considers the only issue of relevance when deciding whether to apply the Heritage Overlay is heritage significance. This stage of the process relies on an objective evaluation of the heritage value of a place. Consequently, it is critical that the heritage assessment is robust and the significance of a place unequivocal for application of the Heritage Overlay.

(iv) Conclusions

The Panel concludes that development opportunity and property rights are not relevant when assessing the heritage significance of an individual place or a precinct.

4 Heritage precincts

4.1 Glenmorgan, Albion and Clarence Street Precinct (HO85)

Exhibited Statement of significance



What is significant?

The Glenmorgan, Albion and Clarence Streets Precinct, comprising houses at 1-75 and 16-80 Glenmorgan Street, 26-78 Albion Street and 11-45 & 20-46 Clarence Street, is significant. With respect to contributory properties, the facades, roof forms and setbacks of the Victorian, Federation and Interwar houses are significant. Timber picket fences are also significant. Brick and metal fences, as well as rear extensions, are not significant.

Contributory properties include:

Glenmorgan Street: 1-37, 41-73 and 22-28, 32-44, 48-50, 54-60, 66, 70-80.

Clarence Street: 11-17, 19-45 and 20-46.

Albion Street: 26-46, 50-54, 58, and 62-78.

Non-Contributory properties include:

Glenmorgan Street: 16A, 18, 28A, 30, 30A, 30B, 39, 46, 52, 62, 64, 68 and 75.

Clarence Street: 19A.

Albion Street: 48, 56 and 60.

How is it significant?

The Glenmorgan, Albion and Clarence Streets Precinct is of local historical and aesthetic significance to the City of Moreland.

Why is it significant?

The Glenmorgan, Albion and Clarence Streets Precinct is of historical significance as good example of housing stock which reflect the estates development in two distinct stages, first in the 1880s and then in the 1920s. (Criterion A)

The Glenmorgan, Albion and Clarence Streets Precinct is of local aesthetic significance for its intact Victorian cottages, Federation cottages and Interwar style bungalows, all of which reflects its development

in two distinct stages, first in the 1880s and then in the 1920s. These dwellings are generally grouped in their types, with Clarence Street containing all of the Victorian era and Federation era dwellings, and both Glenmorgan Street and Albion Street containing the 1920s bungalows interspersed with a small number of non-contributory postwar houses. These dwellings have a consistent scale, setback and materiality which creates a notable streetscape pattern, character and sense of cohesion.

(i) The issues

The issues are whether:

- the proposed expanded Glenmorgan, Albion and Clarence Street Precinct meets the threshold of local heritage significance to justify the Heritage Overlay
- Albion Street properties contribute to the significance of the Precinct and should be included within the Precinct
- the single dwelling covenant and existing built form controls are sufficient to protect the purported heritage values of the Precinct.

(ii) Background and proposal

The Amendment proposes to extend the existing Glenmorgan Street Precinct (HO85).

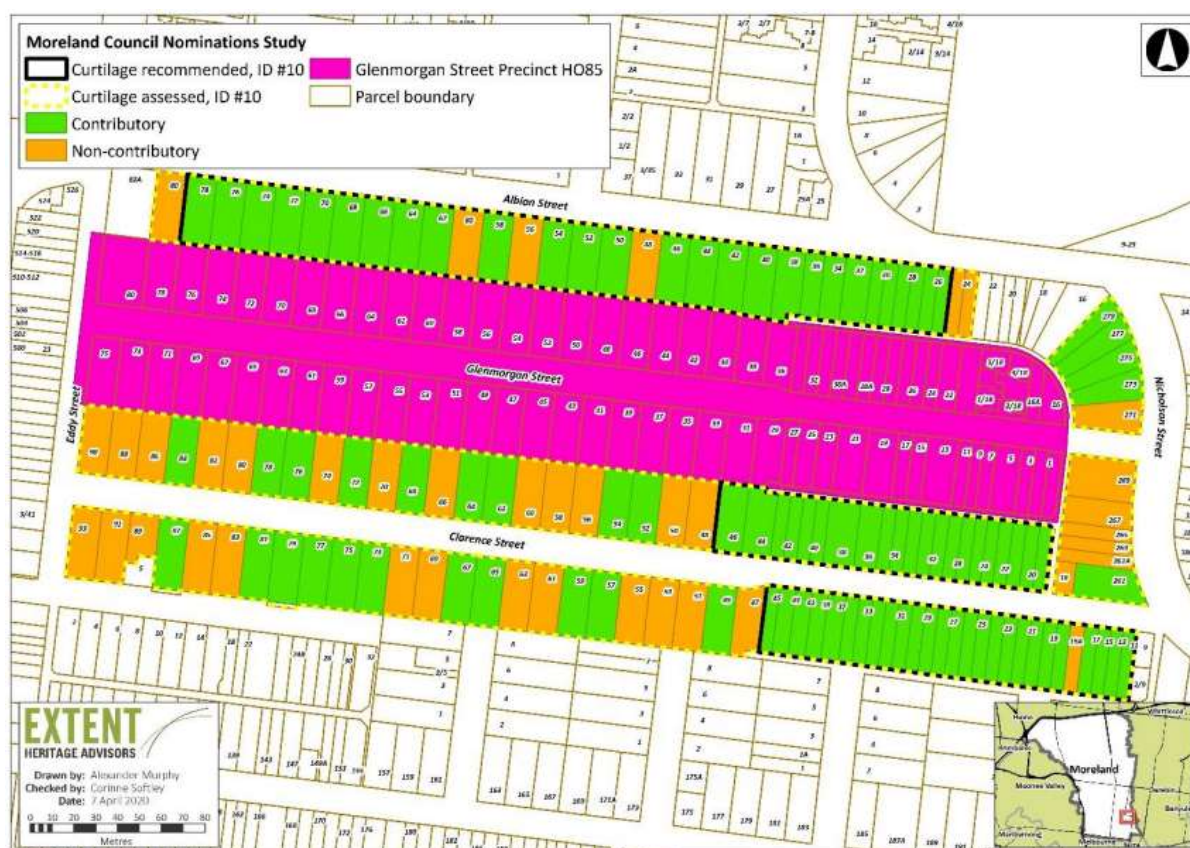
The nomination suggested 24–80 Albion Street, 11–93 and 20–90 Clarence Street, and 261–279 Nicholson Street, Brunswick East be assessed for heritage significance. The Moreland Heritage Nominations Study reviewed:

- all of Clarence Street, to the south of Glenmorgan Street
- properties along the southern side of Albion Street to the north of Glenmorgan Street
- Nicholson Street, between Clarence and Albion Street.

The Heritage Nominations Study recommended:

- the existing Glenmorgan Precinct (HO85) be extended and renamed Glenmorgan Street, Albion Street and Clarence Street Precinct
- to include in the extended Precinct 26-78 Albion Street and 11-45 & 20- 46 Clarence Street, Brunswick East, see Figure 1.

A citation was prepared that included only the additional areas.

Figure 1 Glenmorgan, Albion and Clarence Streets Precinct (HO85) Precinct Designation Map

Source: Heritage Nominations Study

(iii) Evidence and submissions

Submitter 11 supported inclusion of Albion Street within the Precinct, while submitter 15 considered the Precinct should be extended further west along Clarence Street.

Submitter 13 objected to the inclusion of 68 Albion Street in the Precinct due to plans to replace the house with a new house. Submitter 17 opposed the inclusion of 70 Albion Street within the Precinct as they considered the Heritage Overlay will prevent their plan to build a new house. The submitter considered that the current two storey built form controls and single dwelling covenant will ensure that a modern house will not affect the ongoing protection of Glenmorgan Street, in contrast to the five-storey building that has been approved at 80-82 Albion Street.

Submitter 19 comprised a petition signed by 22 residents from 17 properties in Albion Street, objecting to the proposed extension of the Precinct to Albion Street. The submitter considered the zoning and covenant affecting properties along Albion Street already restricts development to one house on a lot with a maximum height of two storeys. The submitter considered the existing controls protect the status of Glenmorgan Street and adding a heritage listing to their properties would negatively impact development potential and value of Albion Street properties.

Submitter 25 opposed the inclusion of 78 Albion Street as the character of Albion Street is mixed with various house types and Albion Street is a busy thoroughfare. Furthermore, heritage controls will add cost and complexity to development.

Council relied on the evidence of Dr James. Dr James described the southern side of Albion Street as characterised by a row of intact 1920's Bungalows that are consistent in scale, setback and

materiality. He considered the Albion Street properties meet the threshold to be included within extension of the Precinct (HO85).

However in light of submissions, he recommended that 78 Albion Street be removed from the Glenmorgan Street Precinct on the basis that *"there is insufficient evidence in the building form or site history to include 78 Albion Street within this characterisation"*. Further, that the property does not share the prevailing front setbacks of the street and contains substantial unsympathetic alterations including the fence, roller door and front landscaping works. In making this recommendation, Dr James did not consider the removal of 78 Albion Street, at the edge of the Precinct, would impact on the integrity of the extended HO85 Precinct.

In response to submissions 17 and 19, Dr James responded the issues appear *"to be based on the mistaken belief that the precinct extension is for the primary benefit to the protection of Glenmorgan Street"*. He explained the properties proposed to be added to the expanded Precinct were assessed as contributing to the significance of the Precinct in their own right and in addition to the properties on Glenmorgan Street – hence the name of the Precinct is proposed to be renamed 'Glenmorgan, Albion and Clarence Streets Precinct'.

During the Hearing the Panel requested:

Council explain the consistency between the proposed incorporated Statements of Significance for all extended precincts and the Heritage citations that are in the Moreland Heritage Nominations Study Stage 2, 2020 (referenced as the primary source in the incorporated Statement of Significance for each precinct). For example, the while the Glenmorgan, Clarence and Albion Precinct Statement of Significance includes the contributory properties for Glenmorgan Street, the Precinct citation which is referenced in the Statement of Significance, does not. In addition it appears that the maps are not consistent between the incorporated Statements of Significance and the Precinct citations.

Council confirmed that the citation in the Heritage Nominations Study focused on the extended (nominated area) only, however the Statement of the Significance to be incorporated into the Planning Scheme includes the entire Precinct.

Following the Hearing, at the Panel's direction Council circulated a revised 'Post Panel' citation that merged the content of the Heritage Nominations Study with the current citation for Glenmorgan Street Precinct so there is only one citation to reference when seeking information about the extended Precinct.

(iv) Discussion

The heritage citation explains that the Precinct extension comprises two former estates; the eastern portion of the Precinct historically made up the 1887 'Lyndhurst Hall Estate' subdivision which was established during the first wave of development and the western portion of the Precinct arose from subdivision 'likely attributed' to the 'Electric Tram Estate' of 1923, which illustrates a second wave of development undertaken during the interwar period. Both periods of development were identified in the Thematic History as important phases in the development of Moreland.

The existing Glenmorgan Street Precinct (HO85) is identified for the same reasons, displaying a mix of two development phases.

The comparative analysis in the citation states that *'As the subject site demonstrates the principal heritage values of the existing Glenmorgan Street Precinct (HO85), a comparative analysis has not been undertaken for this citation.'*

The Panel finds that the lack of comparative analysis does not assist in determining the relative importance of the expanded Precinct compared with other precincts in Moreland. That said, the Panel notes Glenmorgan Street is an existing Precinct in the Heritage Overlay, based on development between 1887 to 1923 resulting from the two Estates. Clarence Street and Albion Street are within the same former estates and its fabric compares very well with Glenmorgan Street. That said, throughout the entire estate there are many non-original elements such as fences, which render the Precinct of a lower scale of integrity.

On balance, the Panel concurs with the findings of the Heritage Nominations Study and the extension of the Glenmorgan Street Precinct to become Glenmorgan Street, Albion Street and Clarence Street Precinct.

The Panel agrees with Dr James that 78 Albion Street is characteristic of the 1920s Bungalows that predominate on Albion Street and, given its location at the edge of the Precinct, its exclusion would not undermine the rest of the Precinct.

On the matter of whether the existing single house covenant and two storey height controls provide ample protection for the Glenmorgan Street, having agreed that Albion and Clarence Streets have heritage significance to the degree that they should be protected, only the Heritage Overlay can provide decision making around demolition.

It is important the heritage citation include background to the entire Precinct, rather than have two different citations, one being from the original assessment for Glenmorgan Street and the other just Albion and Clarendon Streets. The Panel considers this nonsensical and confusing. Citations are important, providing background description, history and rationale to the final Statement of Significance.

The Panel accepts the drafting of the revised citation, which includes the entire and updated Glenmorgan Street, Albion Street and Clarence Street Precinct, submitted by Council on 1 April 2022.

The Panel notes the Statement of Significance fails to identify the relevant suburb, namely Brunswick East. It would assist with understanding the location if this is included.

Issues relating to development potential and property values are addressed in Chapter 3.

(v) Conclusions and recommendations

The Panel concludes:

- The single dwelling covenant and existing built form controls do not adequately protect heritage values of the Precinct.
- The proposed expanded Glenmorgan, Albion and Clarence Street Precinct has sufficient heritage significance to justify the Heritage Overlay.
- The revised Statement of Significance submitted by Council on 1 April 2022 is the Panel's preferred version, subject to the following changes:
 - Albion Street properties contribute to the significance of the Precinct and should be included within the Precinct, except for 78 Albion Street, Brunswick East which should be removed from the Precinct.
 - The Statement of Significance should make reference to the relevant suburb, namely Brunswick East.

The Panel recommends:

Remove 78 Albion Street, Brunswick East from the Glenmorgan Street, Albion Street and Clarendon Street Precinct (HO85).

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.**

4.2 Coonan's Hill Precinct (HO207)

Exhibited Statement of significance



What is significant?

The Coonans Hill Precinct, comprising houses at 1-47 and 2-58 Carrington Street, 1-43 and 2-52 Disraeli Grove, 1-45 and 2-44 Graham Street, 1-51 and 2-46 Grundy Grove, 1-41 and 2A-24 Louisville Avenue, 1-53 and 2-60 Prendergast Street, 2-48 Walhalla Street, 1-59 and 2-74 Ward Grove, 1, 1A, 1B and 3-99 Woodlands Avenue, and 467-491 Moreland Road, is significant. With respect to contributory properties, the facades, roof forms and setbacks of the interwar and postwar houses are significant, as well as the terraced landscaping along the Moreland Road properties. Rear extensions are not significant.

Contributory properties include:

Carrington Street: 1, 5-19, 23-25, 27-37, 43-45 and 2A-12, 16-36, 40-58.

Disraeli Grove: 1-43 and 2-22, 26-46, 52.

Graham Street: 1-11, 15, 19-31, 35-45 and 2-42.

Grundy Grove: 105, 9-13, 17-51 and 2-12, 18-46.

Louisville Avenue: 1A-29, 31-41 and 2-14, 18-24.

Prendergast Street: 1-11, 15-19, 25-37, 41-53 and 2-4, 10-18, 22-60.

Walhalla Street: 2-32, 36-38, 42-46.

Ward Grove: 1, 5-9, 13-19, 25-47, 51-59 and 2-6, 10-22, 28-74.

Woodlands Avenue: 1A, 1B, 3-13, 15-21, 25-35, 41-57, 61-83, 89-95, 97-99.

Moreland Road: 467-491.

Non-Contributory properties include:

Carrington Street: 3, 14, 21, 21A, 25A, 38, 39, 41 and 47.

Disraeli Grove: 24, 48 and 50.

Graham Street: 13, 17, 33 and 44.

Grundy Grove: 7, 7A, 14, 15 and 16.

Louisville Avenue: 2A and 29A.

Prendergast Street: 6, 8, 13, 20, 21, 23 and 39.

Walhalla Street: 34, 40 and 48.

Ward Grove: 3, 8, 11, 21, 23, 24, 26 and 49.

Woodlands Avenue: 1, 15, 23, 37, 39, 59, 85 and 87.

How is it significant?

The Coonans Hill Precinct is of local historical, representative and aesthetic significance to the City of Moreland.

Why is it significant?

The Coonans Hill Precinct is of local historical significance for its association with the first colonial settlers and early farming in Coburg. The Coonans Hill Precinct is of local historical significance as an area of substantially intact modest interwar housing constructed on late-19th century subdivisions, which represents the suburban expansion that occurred in Coburg following World War One and World War Two. (Criterion A)

The Coonans Hill Precinct demonstrate the principal characteristics of interwar and postwar houses in suburban Melbourne, including Interwar Old English, Interwar Moderne, Interwar California Bungalow and Mid-Century Austerity, architectural styles that were present in Moreland in the interwar and immediate post-war suburban development. This was an intense era of Australian urbanisation that was rich in new design themes. (Criterion D)

The Coonans Hill Precinct is aesthetically significant for its range of intact, homogenous and visually cohesive interwar and immediate post-war dwellings on a hilly topography which is commonly identified as a distinct precinct within Pascoe Vale South. It has consistent materiality, scale, form, setbacks and landscaping. Further, the dwellings along Moreland Road are aesthetically significant as sites cut into the incline of Coonan's Hill with terraced gardens overlooking the street, which all work to produce a single homogenous streetscape. The presence of retaining walls in varying materials, ranging from brick masonry to bluestone, are also of aesthetic significance for this particular streetscape. (Criterion E)

The Coonans Hill Precinct demonstrates a high degree of creative and technical achievement during the interwar and immediate post-war years, as evidenced by 467-491 Moreland Road which has continuous terracing present at every property. (Criterion F)

(i) The issues

The issues are whether:

- the proposed extension of Coonan's Hill Precinct of 467-491 Moreland Road meets the threshold of local heritage significance to justify the Heritage Overlay
- individual properties within the Precinct extension are contributory
- the terraced landscaping warrants application of the Heritage Overlay.

(ii) Background and proposal

The Amendment proposes to extend Coonan's Hill Precinct (HO207) to include 467-491 Moreland Road, Pascoe Vale. The Precinct was originally identified as significant in *City of Moreland Heritage Review, Allom Lovell and Associates, January 1999*.

The Precinct has been reviewed three times including:

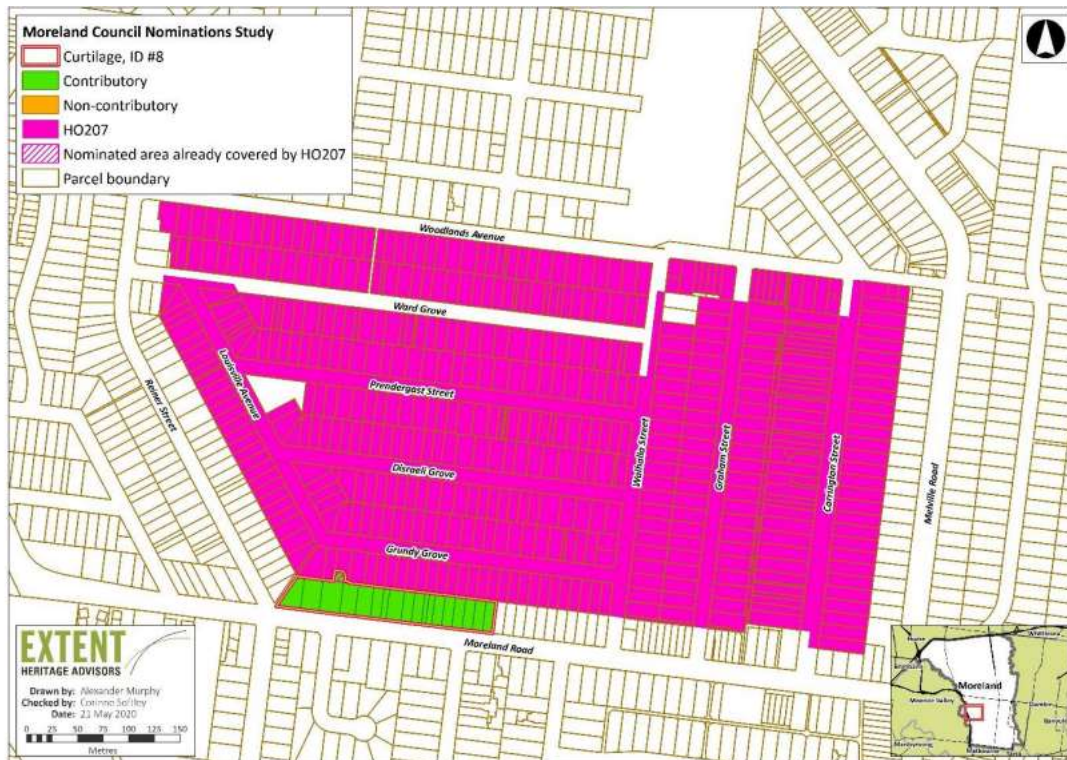
- the addition 1-59 and 2-74 Ward Grove, and 25-99 Woodlands Avenue in 2008 arising from the Moreland Local Heritage Places Review by Context Pty Ltd, 2004
- the addition of 1-23 Woodlands Avenue, 47 Carrington Street and 48 Walhalla Street, Pascoe Vale South

- transfer of 9-55 Melville Road from the Precinct to an adjoining Precinct through the Heritage Gap Study via Amendment C174more.

The Heritage Nominations Study recommended the Coonan's Hill Precinct be extended to include 467-491 Moreland Road, as shown (in green) in Figure 2.

The Study includes a citation for the extended portion of the Precinct comprising additional properties along Moreland Road. A Statement of Significance was prepared which included the entire Coonan's Hill Precinct.

Figure 2 Coonan's Hill Precinct (HO207) – Precinct Designation Map



Source: Heritage Nominations Study

(iii) Evidence and submissions

Six submissions received for the extension of Coonan's Hill Precinct opposed the Amendment.

Submitter 8 objected to the inclusion of 485 Moreland Road because:

- its poor condition
- extensions made to the building in 2009
- interwar and post war housing cannot be considered heritage
- building features described in the citation are generic to all houses built in 1940s to 1960s
- the terraced walls are, noted as significant, are in danger of collapse.

Submitter 9 for 481 Moreland Road opposed the Heritage Overlay as they considered it may prevent plans to install a lift to provide adequate access to the house. The submitter argued that the terraced gardens, noted as significant, are not in good condition and will become a financial burden. Likewise, Submitter 23 for 483 Moreland Road objected to the Amendment for similar reasons.

Submitter 24 submitted that substantial changes have been made to 487 Moreland Road and it is no longer in its original condition. Due to the terracing, the site has access issues which will be more difficult and expensive to resolve.

Submitter 28 objected to including all the Moreland Road properties in the Precinct extension on the basis that:

- they are not highly visible due to the elevation of the houses
- there is significant complexity and costs maintaining the properties due to the terraces
- the incongruous nature of the Precinct, given only some Moreland Road properties are proposed to be included
- it is not clear how the Moreland properties contribute to the rest of the Coonan's Hill Precinct.

It was submitted that 475 Moreland Road is a poor example of mid twentieth century austerity design that is in a state of disrepair and has negative contributory value.

Submitter 41 opposed the inclusion of 469 Moreland Road on the basis that applying the Heritage Overlay is not fair and would mean added costs to landowners.

Council maintained the Precinct's extension was justified and relied on Dr James evidence.

Dr James opined that Interwar and post war development is considered to be a highly significant period of urbanisation in the City of Moreland and more broadly across Victoria. He considered this development period reflects many important historical themes, including migration settlement, materials shortages and the rise of various architectural styles including Old English and Austerity. He considered these heritage values are reflected in the existing Coonan's Hill Precinct (HO207) and the proposed Precinct extension as described in the Statement of Significance.

Dr James considered the materials are critical to providing an understanding of how the buildings fit into the development pattern of the existing Coonan's Hill Precinct, specifically in relation to their representative (Criterion D) and aesthetic (Criterion E) significance. He explained characteristics such as roof form and materials are not significant in relation to a single property in isolation but across the Coonan's Hill Precinct extension combine to form a cohesive group of buildings that reflect a period of development. He considered, for Moreland Road, the presence of terraced landscaping and retaining walls in varying materials such as brick masonry and stone is of aesthetic (Criterion E) significance. He acknowledged while some of the terraced landscaping along Moreland Road do not include original materials, these landscape settings are mostly consistent with the heritage character of the streetscape through form and materiality.

Dr James did not expect the Heritage Overlay would prevent repair, and replacement of terraces should be in a sympathetic style/form if required, particularly if there is a safety risk, such as risk of collapse. He considered that due to the topography and siting of houses high above the road, a terrace style landscaping and resulting access and drainage challenges, will continue with or without the Heritage Overlay.

Dr James considered the Statement of Significance, as it is currently written, over-emphasises the importance of materials of the terracing. In this context he recommended the Statement of Significance be modified to replace 'aesthetic significance' with 'contribute to the significance' to better describe the heritage contribution of the terraced walls to the streetscape.

Regarding 485 Moreland Road, Dr James advised he understood the building works were undertaken mostly within the existing building footprint, including the addition of three dormer windows which he did not consider undermined the contribution of the building to the Precinct. He maintained the building, constructed between 1945 and 1960, still exhibits characteristics reflective of interwar and post war suburban development in Pascoe Vale, including face brick masonry, windows, enclosed entry, original roof form and materiality, siting and massing.

Regarding installation of lifts, for 481 Moreland Road Dr James understood that the permit to install the lift was approved prior to exhibition of the Amendment and would not be affected. He advised that he did not consider the permitted works would have a detrimental impact on the contribution that the property makes to the extended Precinct.

Dr James recommended 487 Moreland Road be changed to non-contributory due to the degree of alterations and additions to the building's façade. Likewise, Dr James' evidence considered 491 Moreland Road should be noted as non-contributory and noted its impending demolition.

Following the Hearing, Council circulated a revised citation that merged the content of the Heritage Nominations Study with the current citation for Coonan's Hill Precinct so there is only one citation to reference when seeking information about the extended Precinct.

(iv) Discussion

The Panel has reviewed the Coonan's Hill Precinct revised citation and Statement of Significance and considers that there is clear rationale to include the additional properties along Moreland Road within the Coonan's Hill Precinct. This is based on both historical development of the estates, era of development and the contribution that the Moreland Road properties make to understanding residential development in the municipality.

The Moreland Road properties included within the recommended extended Precinct provide an additional understanding of the adaption to the challenging topographical conditions in this part of the estate during the interwar and early post war period through terraced landscaping and this is an important element to the original development of this area. Generally, the terraces retain a degree of integrity that does not compromise the significance or undermine the justification to include these properties within the extended Precinct.

The Panel acknowledges concerns from landowners regarding access issues associated with the terraced landscaping. That said, the Panel accepts Dr James evidence that a permit has been granted for a lift for 481 Moreland Road which would not compromise the heritage values of the Precinct. In other parts of Moreland (such as Brunswick Road), contemporary houses have been constructed with landscaped terracing to address similar topographical challenges. On the matter of whether the terraced gardens and walls are of aesthetic significance, the Panel does not agree with Dr James' re-wording that they instead 'contribute to the significance'. The Panel finds that this aspect of the Precinct, as part of the justification to include this area within the Precinct, is that they make an important contribution. As a starting point, the materials are important and changes to the Statement of Significance in this regard are not necessary and not consistent with significance of the place.

The Panel finds 485 Moreland Road is a clear contributory building to the Precinct and is an excellent example of the English Revival style. The additional dormer windows do not detract from the contribution the building makes to the interwar streetscape and its inclusion within the Precinct is justified.

Changes to the house at 487 Moreland Road make it no longer intact and makes it not contributory. Despite the changes to the house itself, the terraced garden remains largely intact and is a good example of the terraced landscaping. In this context, the Panel considers that the property should be included as contributory and the terraced landscape should be noted as the only contributory element in the Statement of Significance.

The building at 491 Moreland Road has been demolished, including much of the terracing, however a very large bluestone retaining wall remains. The Panel considers that 491 Moreland Road should be noted within the citation and Statement of Significance as non-contributory. However, the property should remain within the Precinct to ensure that subsequent development respects the heritage values of the Precinct and the adjacent contributory Moreland Road properties.

It is important for the heritage citation to include background to the entire Precinct, rather than have two different citations, one being from the existing Coonan's Hill Precinct, and just the extended Moreland Road portion. Citations are important, providing background description, history and rationale to the composition of the entire Precinct, as well as informing the final Statement of Significance.

The Panel generally accepts the drafting of the Post-Hearing citation which merged the content of the existing Coonan's Hill Precinct and the Precinct extension so there is only one reference when seeking information about the extended Precinct, subject to changes recommended by the Panel in relation to 487 Moreland Road.

The Panel has observed the term 'Coonan's' and 'Coonans' are used interchangeably through the citation and Statement and significance. The correct spelling should be confirmed and documents updated accordingly.

Issues relating to financial implications, building condition, maintenance and development restrictions are addressed in Chapter 3.

(v) Conclusions and recommendation

The Panel concludes:

- The proposed expanded Coonan's Hill Precinct comprising the properties 467-491 Moreland Road has sufficient heritage significance to justify the Heritage Overlay having regard to the historical development of Coonan's Hill and the existing heritage values of the Precinct.
- The property at 485 Moreland Road is contributory to the Precinct.
- The property at 491 Moreland Road is non-contributory to the Precinct, however the property should remain in the extended Precinct.
- The revised Statement of Significance submitted by Council on 1 April 2022 is the Panel's preferred version, subject to the following:
 - The house at 487 Moreland Road is not contributory, however the front terraced garden within the front setback is contributory.
 - The spelling of Coonan's need to be confirmed and corrected.

The Panel recommends:

Amend the Statement of Significance for:

- a) **Coonan's Hill Precinct (HO207) in accordance with the Panel preferred version at Appendix E2 of this report.**

4.3 Duke Street Precinct (HO593)

Exhibited Statement of significance



What is significant?

The Duke Street Precinct, comprised of 1-15 & 2-14 Duke Street, is significant. With respect to contributory properties, the facades, roof forms and setbacks of the 1920s Bungalow dwellings and a single Victorian dwelling are significant, as well as their timber picket fences. The brick and metal fences, as well as rear extensions, are not significant.

Contributory properties include: 2, 3, 5, 6, 7, 8, 9, 11, 12, 13, 14 and 15 Duke Street.

Non-contributory properties include: 1 and 10 Duke Street.

How is it significant?

The Duke Street Precinct is of local representative and aesthetic significance to the City of Moreland.

Why is it significant?

The Duke Street Precinct demonstrates the principal characteristics of interwar period 1920s Bungalow dwellings, with an array of features specific to the style including timber weatherboard, double fronted facing gable ends with timber panelling or shingles, low pitched gable roofs, rounded bay windows, sets of multiple timber windows grouped together with leadlight glass panes, and a brick or roughcast enclosed verandah supporting a gable ended verandah roof. (Criterion D)

The Duke Street Precinct has aesthetic significance as a relatively intact and visually cohesive closed street of predominantly interwar period 1920s Bungalows and cottages. These dwellings have a consistent scale, setback and materiality which creates a notable streetscape pattern, character and sense of cohesion. These qualities are enhanced by generally well-maintained front gardens. The precinct also includes one Victorian era dwelling which contributes to the heritage character of the street through form, scale and features. (Criterion E)

(i) The issue

The issue is whether Duke Street Precinct meets the threshold of local heritage significance to justify the Heritage Overlay.

(ii) Background and proposal

Duke Street is identified in the Moreland Nominations Heritage Study. The composition of the proposed Precinct is shown in Figure 3.

Figure 3 Duke Street Precinct (HO593) Precinct Designation Map



Source: Heritage Nominations Study

(iii) Evidence and submissions

Five submissions objected to properties in Duke Street being identified with heritage significance and being included in the Duke Street Precinct.

Submitter 32 described errors in the citation that relate to 5 Duke Street that demonstrated that it is not an intact Victorian building but rather has been heavily modified. Remaining submissions 34, 35, 36 and 39 opposed Duke Street for reasons that challenged the relative threshold of significance, including:

- the citation describes the Duke Street Precinct as being 'not unique' and there is no evidence to show how Duke Street has any more heritage value than surrounding streets
- the basis of the Precinct is the contribution of 1920s Bungalows. The citation mis-categorises houses as 1920s Bungalows where in fact they are either not Bungalows or are from a different period of construction.

The description within the Statement of Significance of their heritage features is not consistent on the ground.

Submitters argued that most houses in the Precinct have been modified at some point and are therefore less reflective of the original style of house. There is also a lack of consistency between the houses (Victorian, pre-war cottage, post war bungalow and modern home). Furthermore:

- most of the bungalows are substantially different to each other with differing setbacks and facades
- the Precinct is not aesthetically significant taking into consideration additional facts not considered in the citation
- the citation repeatedly states that the 1920's bungalows are significant and therefore apparently meet Criteria D and E, however there is no mention of the pre-1920's cottages and therefore it is our understanding that the pre-1920's cottages have less (or non-contributory) heritage value to the overall Precinct.
- it has not been demonstrated that Criteria D and E have been achieved to a satisfactory level which would stand up to scrutiny.

Council resolved at its 8 December 2021 meeting to remove the Duke Street Precinct from the Amendment.

Dr James advised that the Duke Street Precinct was reviewed in light of submissions relating to merits of the Precinct due to the varying styles of houses in the street, and new information relating to integrity of a number of houses.

He explained the houses at 9-13 were identified in the citation as interwar however they are late Edwardian period (1910 to 1920). He considered while the general built form and materiality is consistent with the character of the Precinct as set out in the Statement of Significance, inclusion of an additional era of development does reduce the ability of the Precinct to meet Criterion D (representative significance) which is based on the interwar period of development. Furthermore, 10 Duke Street was constructed after 2009 which makes the building non-contributory and combined with 5 Duke Street, which he accepted as non-contributory, erodes the integrity of the Precinct.

In this context, Dr James considered the Duke Street Precinct was not cohesive enough to meet the threshold for local significance. He recommended the Precinct be removed from the Amendment.

(iv) Discussion

The Panel has considered the citation and Statement of Significance and finds that the historical narrative too broad and does not justify why Duke Street is particularly important to the extent that it warrants the Heritage Overlay.

The Panel agrees with submitters and Dr James that the described details and era of development within the heritage study and specifically within the Statement of Significance under Criteria D and E (representative and aesthetic significance), does not present on the ground.

Having considered the Heritage Nominations Study, submissions and evidence of Dr James, the Panel does not consider that Duke Street warrants the Heritage Overlay.

(v) Conclusion and recommendation

The Panel concludes the Duke Street does not meet the threshold for significance to justify the Heritage Overlay.

The Panel recommends:

Delete the Heritage Overlay (HO593) from:

a) Duke Street Precinct (HO593).

4.4 Hanover Street Precinct (HO594)

Exhibited Statement of significance



What is significant?

The Hanover Street Precinct, comprised of houses at 27-49 and 2-64 Hanover Street, Brunswick, is significant. With respect to contributory properties, the facades, roof forms and setbacks of the Victorian and Edwardian era dwellings are significant, as well as their timber picket fences. The brick and metal fences, as well as rear extensions, are not significant.

Contributory properties include: 2, 4, 6, 8, 14, 18, 20, 22, 24, 26, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 45, 47, 48, 49, 50, 52, 54, 56, 58, 60, 62 and 64 Hanover Street.

Non-contributory properties include: 10, 12, 16, 28, 29, 41, 1/41, 2/41, 46, 1/46 and 2/46 Hanover Street.

How is it significant?

The Hanover Street Precinct is of local historical, representative and aesthetic significance to the City of Moreland.

Why is it significant?

The Hanover Street Precinct is historically linked with the broader developmental narrative of Brunswick during Melbourne's building boom period, specifically evidenced by the subdivision of the site in 1883 and presence of Victorian era cottages. (Criterion A)

The Hanover Street Precinct demonstrates the principal characteristics of Victorian era cottages and terraces, with an array of features specific to this style including a single-fronted form, timber weatherboards and joinery, bullnose or skillion awning, iron lacework, and hipped roofs. Further, the Hanover Street Precinct demonstrates the principal characteristics of Edwardian era dwellings, with an array of features specific to this style including a range of timber joinery to both the built form and as decorative features, gable ends, hipped roofs, use of iron lacework, and use of pressed metal to the gable end. (Criterion D)

The Hanover Street Precinct has aesthetic significance as a relatively intact and visually cohesive street of predominantly Victorian and Edwardian era dwellings dating from the 1880s land boom through to the 1910s. The streetscape is primarily made up of historic building stock which have a consistent scale, setback and materiality which creates a streetscape pattern, character and sense of cohesion. Several rows of matching building styles adds further to this character. (Criterion E)

(i) The issues

The issues are whether:

- the Hanover Street Precinct meets the threshold of local heritage significance to justify the Heritage Overlay
- 1-25 Hanover Street properties contribute to the significance of the Precinct and should be included within the Precinct
- individual properties within the Precinct extension identified as contributory should be non-contributory.

(ii) Background and proposal

Hanover Street was identified in the Moreland Nominations Heritage Study. The composition of the proposed Precinct is shown in Figure 4.

Figure 4 Hanover Street Precinct (HO594) Precinct Designation Map



Source: Heritage Nominations Study

(iii) Evidence and submissions

Three submissions objected to properties in Hanover Street being identified as having heritage significance and being included in the Hanover Street Precinct.

Submitter 6 on 32 Hanover Street submitted that the property should be graded as non-contributory on the basis that the owners are developing the site in accordance with a planning permit that allowed the demolition of the existing building and construction of a new double storey house.

Submitter 40 submitted:

- the mapping of HO594 in the Heritage Exemptions Incorporated Plan incorrectly shows 29 Hanover Street as having contributory heritage value
- all of the properties in Hanover Street should also be included in the Precinct (including 1-25) as it is part of Hanover Street and consists of seven properties that would be contributory
- 51 Hanover Street should be included in the Precinct and there is no rationale why it is not included.
- 50 Hanover Street should not be listed as contributory.

Submitter 43 objected to the Amendment and argued that previous heritage studies did not recommend the Heritage Overlay being applied to Hanover Street and this should not be revisited. The submission cited an inaccuracy in the date of construction for 47 Hanover Street stating it was constructed between 1910 and 1915 and not between 1851 and 1901. It was further submitted that many of the properties have been altered to the extent that they have lost key heritage characteristics, including large modern extensions to houses at 52, 54, 60 and 62, modern fencing to 39, 43, 45 and 47, and 47 Hanover Street is a fibre cement weatherboard.

The submitter argued that it is inconsistent to have excluded 1-25 Hanover Street as these share the same characteristics as the rest of the street; if these properties have been excluded, so should the others be.

Dr James provided evidence for Council on the Hanover Street Precinct. He considered as 89 per cent of the properties proposed to be included in the Precinct are contributory, the Precinct has a high degree of integrity. While the whole of Hanover Street was originally reviewed, as only 54 per cent of properties 1 to 25 Hanover Street (which is the southwestern quadrant of the street) are contributory, this part of Hanover Street is not justified. He considered the Precinct was assessed as being of high integrity and good condition. He explained that the integrity of the Precinct was assessed by considering how each building individually contributes to Criteria A, D and E, including the historical narrative of the Precinct, the styles it is representative of, and its aesthetic attributes of significance. As these buildings have been assessed in relation to how their individual contributions cumulatively comprise a Precinct, site-by-site alterations are arguably more tolerable to a point.

Dr James considered that the rear extensions of 52, 60 and 62 Hanover Street did not compromise the contribution of these properties to the Precinct given the setback of the additions. He considered the facades are all intact and homogenous to the streetscape, ensuring their contributory status. He recommended that 54 Hanover Street be changed from 'Contributory' to 'Non-contributory' as it was constructed in 2009.

Dr James agreed that 47 Hanover Street was constructed between 1910 and 1915, based on evidence from the Sands and McDougall street directories. However, as the building observes a late Victorian design it was classified as 'Victorian Period (1851-1901)' that is associated with, but does not specifically align with, the period of Queen Victoria's reign. He considered that 47

Hanover Street is a style that contributes to the Precinct, which is characterised by houses representing both Victorian and Edwardian periods.

He considered the modern fencing at 39, 43, 45 and 47 Hanover Street has minimal impact on the aesthetic significance of the streetscape as fences are small scale and reversible alterations.

Regarding 32 Hanover Street, Dr James considered that as the property has a valid permit to allow demolition, the citation should be amended to note *'This building has an approved planning permit for demolition. Until such a time as the building is demolished, the place will be considered to have contributory heritage significance.'* He did not consider that the loss of this contributory property would not affect the ability of the Precinct to reach threshold for local level significance.

Dr James agreed that the mapping of HO594 in the Heritage Exemptions Incorporated Plan should show 29 Hanover Street as having non-contributory value in line with the Hanover Street Precinct citation and recommended this change be made through the Amendment. He confirmed that 51 Hanover Street was assessed as non-contributory as alterations made to the building had reduced its ability to contribute to the Precinct, including alterations to the porch and front landscaping.

Regarding 50 and 52 Hanover Street, Dr James considered *"based on inspection in November 2019, there were no apparent issues with authenticity of materials or modifications"* and maintained the buildings have contributory value to the Hanover Street Precinct.

Council submitted that, during exhibition of the Amendment it was discovered that 34 Hanover Street had received a permit to demolish. Council resolved at its 8 December 2021 meeting to:

- change the heritage grading of 54 Hanover Street Brunswick to 'non-contributory'
- change the heritage grading of 32 and 34 Hanover Street Brunswick to 'non-contributory' following demolition.

Council clarified in its Part A submission that its subsequent site inspections in February 2022 the:

- original house at 32 Hanover Street had been demolished (site vacant), and consequently the non-contributory category is now appropriate
- original house at 34 Hanover Street remains on the site.

(iv) Discussion

The Panel has reviewed the citation and historical context of the Hanover Street Precinct and accepts that there are strong links between the historical development of Moreland during the late Victorian era and building stock in Hanover Street which remains reasonably intact, especially the northern half of the street, on both east and west sides. The Panel notes the contribution of Edwardian houses as the estate completed its development into the early twentieth century. The Panel agrees with Dr James that at times architectural styles cross over periods of development.

The Panel considers 1-25 Hanover Street does not contain enough fabric from the Victorian and Edward eras to be included in the Precinct and concurs with the recommendations to exclude this section of Hanover Street.

The Panel considers:

- 32 Hanover Street is non-contributory as the house has been demolished and the site is now vacant.
- 34 Hanover Street should remain contributory as the building demonstrates characteristics of the era of significance. It has a strong visual association with properties 36 through to 42. Although a demolition permit has been issued for the property, this has

not yet been acted on and, while the building remains in place, it should be assessed for its contribution to the Precinct and as such should be listed as contributory. The citation should not reference permits for demolition and development.

- 47 Hanover Street should remain contributory. While its windows, verandah, landscaping and fence have been altered, the building's original form and roof profile appear original and displays stylistic characteristics of the late Victorian and early Edwardian period.
- 51 Hanover Street appears to be completely altered in the front of the building. As it is on the edge of the Precinct it can remain excluded from the Precinct and its exclusion does not compromise the Precinct.
- 50 and 52 Hanover Street display the characteristics of the period of significance and should remain as contributory.
- 54 Hanover Street was constructed in 2009 and as such should be listed as non-contributory.

The property at 29 Hanover Street is non-contributory (as reflected in the citation map) but should be shown as non-contributory in the mapping of HO594 in the Heritage Exemptions Incorporated Plan (as identified in submission and conceded by Council).

(v) Conclusions and recommendations

The Panel concludes:

- The Hanover Street Precinct sufficiently meets the threshold of local heritage significance to justify the Heritage Overlay
- The property at 32 Hanover Street should be categorised as non-contributory as it has been demolished
- The property at 34 Hanover Street should continue to be listed as contributory while the original house remains on site
- The property at 54 Hanover Street should be categorised as non-contributory as it was not constructed during the Victorian and Edwardian period
- The map of HO594 in the Heritage Exemptions Incorporated Plan should be amended to show 29 Hanover Street as non-contributory.

The Panel recommends:

Amend the Statement of Significance for:

- a) **Hanover Street Precinct (HO594) to refer to 32 and 54 Hanover Street, Brunswick as non-contributory.**

Amend the Moreland Heritage Exemptions Incorporated Plan to:

- a) **show 29, 32 and 54 Hanover Street, Brunswick as non-contributory.**

4.5 Railway Place Precinct (HO595)

Exhibited Statement of significance



What is significant?

The Railway Place Precinct comprising houses at 1-43 Railway Place, Coburg is significant. With respect to contributory properties, the facades of the Victorian Italianate boom era style terraces and timber fences are significant. The brick and metal fences, as well as rear extensions, are not significant.

Contributory properties include: 1-7 and 19-41 Railway Place.

Non-contributory properties include: 9-17 and 43 Railway Place.

How is it significant?

The Railway Place Precinct is of local historical, representative and aesthetic significance to the City of Moreland.

Why is it significant?

The Railway Place Precinct is important to the history of Coburg, being representative of the type of dense residential development which occurred in Coburg in the late nineteenth century, during a substantial building boom. It provides evidence of typical working-class housing which characterised Coburg at this time. (Criterion A)

The Railway Place Precinct demonstrates the principal characteristics of the Victorian Italianate boom era style terraces, specifically the matching pointed parapet and associated decorative mouldings, iron lacework and streetscape cohesion in terms of scale, materials and setbacks. (Criterion D)

The Railway Place Precinct has aesthetic significance as a cohesive row of Victorian Italianate boom era style terraces which have a distinctive streetscape pattern, character and presence along Railway Place, due to the matching materiality, scale and setbacks. (Criterion E)

(i) The issues

The issues are whether:

- Railway Place Precinct meets the threshold of local heritage significance to justify the Heritage Overlay
- the Italianate boom style is an appropriate description for the Victorian cottages within Railway Place and whether the Italianate features are authentic to the Precinct
- 13, 15 and 17 Railway Place are non-contributory or should be contributory
- neighbourhood character policies are adequate to protect the heritage values of Railway Place.

(ii) Background and proposal

Railway Place was identified in the Moreland Nominations Heritage Study. The composition of the proposed precinct is shown in Figure 5.

Figure 5 Railway Place Precinct (HO595) Precinct Designation Map



Source: Heritage Nominations Study

(iii) Evidence and submissions

Submitter 37 opposed the Amendment. The submitter questioned previous heritage studies found that the row of houses did not meet the threshold for the Heritage Overlay, and the emphasis on 'Italian boom era style terraces'.

The submitter questioned the emphasis of Victorian Italianate boom era style terraces, including curved verandahs and lacework which they considered were later additions – *'potentially a later modification and affectation associated with increasing affluence in the 20th century.'* The

submitter gave the opinion these features “*may not be a feature of the terraces as built, given that the “cottages” were built for investment purposes and rented out for their early years. Rather, while built in the late 1880s, some features are suggestive of Early Victorian influences, which would be consistent also with the lack of internal plaster cornices and embellishments in some properties prior to more recent refurbishments*”. Similarly, the iron lacework has been added by some owners as a decorative feature in more recent years and cannot be assumed to be an original fixture for all properties.

The submitter considered 9-11 Railway Place disrupts the visual cohesiveness of the street.

Further, the submitter objected to the recommendations in the study for a homogenous approach to colour schemes within Railway Place and that there were many positive introduced elements within the Precinct that are not consistent with the Victorian Italianate style and would not be allowed.

The submitter was concerned with mandating a white picket fence approach to creating a heritage precinct.

The submitter questioned the non-contributory value to 13, 15 and 17 Railway Place and considered that these properties are contribute in various ways. 13 Railway Place is in original condition and is likely highly representative of the property as built, 15 Railway Place is in excellent condition with exposed rather than painted exterior brickwork and a picket fence. It is arguably one of the ‘better’ examples of a Railway Place terrace. 17 Railway Place has an altered Victorian facade, however the property ‘as is’ is representative of broader (non-British) cultural influences and has worth.

Finally, the submitter considered that the neighbourhood character policy in the Planning Scheme is adequate to protect the character of the Railway Place houses and sited examples where additions were made under the General Residential Zone, where neighbourhood character was able to be assessed and permits issued.

Council responded that the planning permit issued for 27 Railway Place (one of the examples cited) retained part of the existing Victorian cottage, with a new second storey addition. Council submitted that neighbourhood character planning provisions do not include demolition controls and therefore does not respond to the heritage values of the place.

Dr James understood that, based on a review of previous heritage studies, a heritage assessment of the terrace row in Railway Place had not been previously undertaken.

On intactness, Dr James referred to the methodology of the Heritage Nominations Study which determined that a potential precinct should have at least ‘moderate’ intactness and as the Precinct contains 76 per cent contributory properties, this is at the upper end of the range designated as having ‘moderate integrity’.

Dr James stated, for individual properties to be considered contributory, each property was assessed for its degree of integrity/intactness. Despite a number of contributory properties having some modifications to frontages (including to fences, verandahs, windows and paint schemes) these were assessed as having little impact on their contribution to the Precinct and/or to be reversible.

Dr James opined that reference to Italianate boom era style Victorian terrace housing is justified in the citation under Criterion D to include “*the matching pointed parapet and associated decorative*

moulding". He considered that most of the houses had not been modified to remove these elements.

Dr James considered the recommendations of low picket fences is a reasonable one.

Dr James considered that whilst broadly intact and of the same period, 13 and 15 Railway Place are not representative of the Italianate boom era style for which the Precinct is representative. He noted that Heritage Nominations Study recommended 223-229 Victoria Street Brunswick as significant, assessed as individually significant as Victorian terraces modified during the post war period in the 'Mediterranean idiom'. In the case of 17 Railway Place, this place has undergone substantial irreversible modifications that have affected its integrity. So much so that it no longer contributes to the significance of the Precinct as characteristic of the Italianate boom era style which is the basis of this Precinct's significance.

(iv) Discussion

The history in the citation states the Railway Place Precinct at 1-43 Railway Place, Coburg is a vestige of the thirty-one subdivisions of 1888 and the subdivision of properties along Railway Place can be associated with the construction of the Former Coburg Railway Line in 1881, as well the greater development of 'Baxter Park' in 1888.

The primary focus for identifying Railway Place Precinct is the decorative Italianate boom style parapets, illustrating the "*period of thriving development*". These parapets are very consistent along the stretch of Railway Parade. The Statement of Significance refers to other boom style features including associated decorative mouldings, iron lacework and streetscape cohesion in terms of scale, materials and setbacks. The Panel notes while the decorative mouldings are consistent the iron lacework is less so.

As with 47 Railway Place, the parapet at 17 Railway Place has been transformed with the decorative Italianate detail stripped back and removed completely. The Panel accepts the contribution of Mediterranean boom, however the Precinct is not identified as significant for this reason.

The properties at 13 and 15 Railway Parade are of the Victorian period and conform to the period of development ascribed to under Criterion A. While they both contain original decorative mouldings, neither display the parapet features that this Precinct is identified for that illustrates boom style architecture. In this context it is a 'line ball call' as to whether these buildings are contributory. The Panel is mindful that the Amendment was exhibited with those houses identified as non-contributory. In this context, due to natural justice, it is reasonable to maintain that these two houses are non-contributory however in a future amendment these properties should be formally considered to be recognised as contributory.

Overall, the Panel is satisfied that the Railway Place Precinct meets the threshold of local significance under criterion A, D and E as an illustration of houses in the Victorian era with Italianate boom style features.

Neighbourhood character planning provisions do not protect heritage features of the Precinct and the Heritage Overlay is appropriate.

(v) Conclusions

The Panel concludes:

- The Railway Place Precinct meets the threshold of local heritage significance and the Heritage Overlay is justified.
- The Italianate boom style is an appropriate description for the Victorian cottages.
- The properties at 13 and 15 Railway Place make a historical contribution to the Precinct and while they should remain non-contributory in this Amendment, they should be considered for contributory in a future Amendment subject to notifying the landowners.
- The property at 17 Railway Place is non-contributory.
- Neighbourhood character policies are not adequate to protect the heritage values of Railway Place.

4.6 Walsh Street Precinct (HO599)

Exhibited Statement of significance



What is significant?

The Walsh Street Precinct, comprising the houses at 1-35 and 6-24 Walsh Street, Coburg, is significant. With respect to contributory properties, the facades, roof forms and setbacks of the Federation era dwellings and 1920s Interwar Bungalows are significant, as well as their timber picket fences. The brick and metal fences, as well as rear extensions, are not significant.

Contributory properties include: 1, 3, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29, 31, 33 and 35 Walsh Street.

Non-contributory properties include: 5, 6A, 12 and 15 Walsh Street.

How is it significant?

The Walsh Street Precinct is of local aesthetic significance to the City of Moreland.

Why is it significant?

The Walsh Street Precinct is aesthetically significant as a cohesive set of dwellings from the early twentieth century and interwar years, that together provide tangible evidence of the development of Coburg. The precinct includes fine and well-detailed examples of Federation era dwellings and 1920s Interwar Bungalows. The precinct stands out as a street of intact houses displaying a cohesion of styles, scale, materials and setbacks. (Criterion E)

(i) The issues

The issue is whether:

- Walsh Street Precinct meets the threshold of local heritage significance to justify the Heritage Overlay
- 26 Walsh Street, Coburg should be included in the Precinct.

(ii) Background and proposal

26 Walsh Street, Coburg (HO444) was identified in the Heritage Gap Study as individually significant and was included in the Planning Scheme through Amendment C174more in January 2021.

The Heritage Nominations Study assessed Walsh Street, including 26 Walsh Street, and recommended a curtilage for the Precinct to include 1-35 Walsh Street and 6-24 Walsh Street and that 26 Walsh Street sit outside the Precinct, while noting 26 Walsh Street as individually significant on the Precinct Designation Map (see Figure 6).

Figure 6 Walsh Street Precinct (HO599) Precinct Designation Map



Source: Heritage Nominations Study

(iii) Evidence and submissions

Submitter 3 considered 26 Walsh Street should be protected because it is the oldest and most significant house in Walsh Street. The submitter added:

The Walsh Street community put in an application to have the heritage overlay instated as it hold cultural and historical significance, is the “centre piece” of Walsh Street precinct and definitely needs to be included in the heritage listed properties and protected from development.

Dr James did not provide evidence on the Walsh Street Precinct.

Council submitted that the Heritage Overlay for the individually significant property at 26 Walsh Street (HO444) would be retained. It was considered appropriate for the property to retain its individually significant place listing rather than being included in the Walsh Street Precinct (HO599).

(iv) Discussion

There are two issues to consider here; one is the significance of Walsh Street and the other appropriate statutory mechanics for protection.

The Panel is concerned with the assessment of Walsh Street Precinct's heritage significance and the conclusions of the Heritage Nominations Study.

It appears that Council considered the matter settled based on the Heritage Overlay being applied to all the properties in one way or another, and on 26 Walsh Street, Coburg (HO444) being already protected.

The submitter discussed the importance of 26 Walsh Street as a driver of the Walsh Street's cultural and historical significance.

Walsh Street Precinct is proposed as significant solely under Criteria E, which is *"Importance in exhibiting particular aesthetic characteristics (aesthetic significance)"*.

The citation for the Walsh Street Precinct states:

The house was built between June 1887 and September 1888 on the Cavemont Estate (Context Pty Ltd 2017, 2). As stated in the heritage citation report 'House' (Oamaru), 26 Walsh Street, Coburg' prepared by Context Pty Ltd (2017):

It appears that the first owner, David Walsh, developed the Cavemont Estate, and presumably named Walsh Street after himself. He owned most of the lots within the subdivision, plus 1.5 acres near Sydney Road. His was the first house to be built on the estate although was followed very shortly after by another brick house at the western end of Walsh Street, corner of Benson Street (Context Pty Ltd, 3).

The Panel notes in the Statement of Significance *'Why is it significant?'*:

The Walsh Street Precinct is aesthetically significant as a cohesive set of dwellings from the early twentieth century and interwar years, that together provide tangible evidence of the development of Coburg. This precinct includes fine and well-detailed examples of Federation era dwellings and 1920s Interwar Bungalows. The precinct stands out as a street of intact houses displaying a cohesion of styles, scale, materials and setbacks.

The Statement of Significance barely addresses the important aesthetic qualities of the Precinct that are purported to be significant. It draws on periods of development that *"together provide tangible evidence of the development of Coburg"* which relates to historical matters rather than aesthetic. Intact houses displaying a cohesion of styles, scale, materials and setbacks is not a basis for aesthetic significance.

A place can be considered as significant under one criterion only, however this must be unequivocal and clear. The Statement of Significance does not establish that the particular features of Walsh Street are important aesthetically.

On face value, there may be a case for Walsh Street Precinct for historical significance demonstrating the historical development in Coburg. 26 Walsh Street clearly contributes to the development of Walsh Street and should have been included within the Precinct in the Heritage Nominations Study.

While there are individually significant places within the street that contribute to its development in such a fundamental way, the citation, Statement of Significance and mapping in the Heritage Nominations Study should include the property, even if the property is individually significant in its own right. The issue of how the Precinct is then reflected in the Planning Scheme and the Schedule to the Heritage Overlay is a separate matter.

It appears that 26 Walsh Street as an individually significant place where the Heritage Overlay already applies has been excluded from consideration in the Walsh Street Precinct heritage assessment. The result is a heritage assessment of Walsh Street based on retention of its Federation and Interwar housing stock which has missed the point entirely.

(v) Conclusions and recommendation

The Panel concludes:

- The Walsh Street Precinct does not meet the threshold of aesthetic significance to justify the Heritage Overlay.
- To give proper attention to this area, Walsh Street Precinct should be re-assessed including the contribution of 26 Walsh Street.

The Panel recommends:

Delete the Heritage Overlay from:

- a) Walsh Street Precinct (HO599).**

5 Individual heritage places

5.1 151A Lygon Street, Brunswick East (HO505)

Exhibited Statement of significance



What is significant?

The shop, constructed by 1935, at 151A Lygon Street, Brunswick East is significant. This is a single-storey shop with a finely detailed stepped parapet featuring geometric patterning in clinker brick and render. It retains an original shopfront with metal-framed windows, blue tiled stallboard, and a recessed entry with tiled floor and a glazed timber door. The cantilevered verandah may be original but has been boxed in.

Non original alterations and additions are not significant.

How is it significant?

The shop at 151A Lygon Street, Brunswick East is of local architectural and aesthetic significance to the City of Moreland.

Why is it significant?

It is significant as a representative example of an interwar shop, which is notable for the high degree of intactness. The parapet, with the distinctive stepped profile and geometric patterning, which demonstrates the influence of the Jazz Moderne or Art Deco style, and retains the original finishes is a notable feature, and is complemented by the original shopfront. (Criteria D & E)

(i) The issues

The issues are whether:

- 151A Lygon Street, Brunswick East has sufficient heritage significance to justify the Heritage Overlay

- applying the Heritage Overlay to the property is strategically compatible with policies and controls for an area planned for significant change and high urban form.

(ii) Relevant policies, strategies and studies

151A Lygon Street is located in the Brunswick Activity Centre and Significant Change Area (Strategic Framework Plan, Clause 02.04).

Under Policy 4.4.1, Plan Melbourne observes that:

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.

151A Lygon Street is located in the Commercial 1 Zone and within:

- Design and Development Overlay Schedule 19 – Brunswick Activity Centre – Lygon Street Local Area (DDO19)
- Heritage Overlay (interim HO505)
- Parking Overlay Schedule 1
- Development Contributions Plan Overlay Schedule 1.

The 'Design objectives' of DDO19 are:

- To create a new mid rise built form character that provides a built form transition between the Lygon Activity Corridor and adjoining low-rise residential areas.
- To ensure highly visible development is limited to identified key redevelopment sites and responds to specific design objectives.
- To ensure the street wall remains the visually dominant element of all development in Lygon Street and that any height above the street wall is visually recessive, subservient and does not dominate the streetscape appearance.
- To ensure development is designed to respect the form, design and context of buildings of individual heritage significance.
- To protect and enhance the amenity, and maintain solar access to existing and proposed public open spaces and key pedestrian streets, and maintain reasonable amenity for residential properties adjacent to or within the activity centre.

DDO19 includes two maps that set out the Lygon Street Local Area Built Form Controls (Map 1A and Map 1B).

Map 1B includes the location of existing individually significant places, and within proximity of these properties, wall heights and setbacks vary to take account of the heritage places. As detailed on Map 1B, the site is subject to:

- preferred maximum building height (mid rise) of 17 metre
- maximum 3 storey (8 metre – 11 metre) street wall height
- 3 metre – 5 metre minimum upper storey setback.

It is noted that 151A Lygon Street is not indicated as a significant heritage place in Map 1B.

(iii) Background and chronology of events

Previous Heritage assessments

151A Lygon Street has been subject to a number of heritage assessments since 2004 including:

- 2004 (Revised 2008) – *Local Heritage Places Review* by Context Pty Ltd Identifies 1-513 Lygon Street Brunswick East as potential precinct, recommending further review and/or assessment.

- 2007 - *Brunswick Major Activity Centre Heritage Analysis and Review - Stage 1* by Context Pty Ltd. The purpose of the study was to identify key heritage issues within the Brunswick Major Activity Centre, including reviewing existing heritage studies and identifying gaps in the existing heritage analysis and controls. The study area included 151A Lygon Street, Brunswick East. A recommendation of this study included that:

The heritage assessment of Lygon Street should be carried out in accordance with the recommendations of the Context 2004 Heritage Review.

- 2008 - *Stage 1 Lygon Street Heritage Study* by Context Pty Ltd which identified Precinct 6 in Lygon Street, including 151A Lygon Street as contributory.
- 2012 - *Stage 2 Lygon Street Heritage Study* by Context Pty Ltd determined that Precinct 6 did not meet the threshold for significance.
- 2016 - Stage 1 of the Heritage Gap Study by Context Pty Ltd identified the potential of 151A Lygon Street, Brunswick East as an individually significant place. The study provides the following description of 151A Lygon Street, Brunswick East:

This is an intact interwar shop with an interesting parapet and original shopfront. Of potential architectural and aesthetic significance.

- 2019 - Stage 1 of the Heritage Gap Study by Context Pty Ltd found the property 151A Lygon Street is a commercial property of local significance and recommended Moreland Heritage Overlay be applied to it as an individually significant place.

Planning Permit

151A Lygon Street sits within a larger landholding at 141-153 Lygon Street, Brunswick East (Mirabella site).

A planning permit application for a 9-storey redevelopment of the Mirabella site was lodged in March 2018.

An interim Heritage Overlay was applied to 151A Lygon Street pursuant to section 20(4) of the PE Act through Amendment C173more, gazetted on 24 January 2019. The expiry date was subsequently extended by Amendments C194more, C198more, C213more and C214more. The interim control now expires on 10 November 2022.

The Heritage Gap Study identified 151A Lygon Street, Brunswick East as having local significance. The bulk of the recommendations of the Heritage Gap Study were introduced into the Planning Scheme via Amendment C174more.

The owner of the 151A Lygon Street, Brunswick East indicated that they had not been notified of Amendment C174more and was therefore unable to participate in the submission process. Council agreed to split the amendment into two parts to allow for submissions in relation to 151A Lygon Street, Brunswick East to be considered. The Amendment C174more Part 1 was approved and gazetted on 1 October 2020. The Council subsequently abandoned Part 2 of the Amendment and resolved to consider the application of the Heritage Overlay to the land at 151A Lygon Street, Brunswick East as part of a broader heritage amendment (this Amendment).

Recently and prior to this Panel Hearing, in *Mirabella Pty Ltd v Moreland CC* [2022] VCAT 406, VCAT directed the grant of a permit for a 6-storey mixed use development of the Mirabella site.

(iv) Evidence and submissions

Mirabella objected to the Amendment on the basis that the site is not of local significance to justify the Heritage Overlay and its application would be counter to strategic planning integration.

Mirabella provided context for the recent development approval for the property which was granted with regard to the interim Heritage Overlay. With regard to the planning permit application and VCAT hearing, while it worked with the building's retention Mirabella expressly reserved the right to make submissions to the Panel that the Heritage Overlay ought not apply to the building for reasons of lack of significance and strategic incongruity.

Mirabella submitted that the VCAT decision demonstrates '*in real time*' the effect of applying the Heritage Overlay and resultant development outcome on the site which is strategically geared towards substantial change. It considered this was the "*antithesis*" of a good result for heritage and planning in general.

With regard to significance, Mirabella acknowledged that the parapet has a "*peculiar aesthetic value*" but is modest in scale, not special or rare and not a style that is strongly represented in Moreland. It considered it not a particularly important example.

On representative significance, Mirabella submitted that the building stands out as a shop that was built in its time, rather than the demonstration of the retail theme. It does not do it any more than a 1980s shop. Commercial activity in this area is more important rather than shops. Mirabella submitted that when considering the thematic history the relative importance of retail is Sydney Road.

Mr Raworth gave evidence for Mirabella. He concluded that 151A Lygon Street has neither representative nor aesthetic significance to satisfy applying the Heritage Overlay.

He considered the site does not belong to a key retail development period and therefore there was little basis to claim it reached the threshold of representative significance (Criterion D). Mr Raworth explained that the area was developed by 1925, with most shops dating from late Edwardian to 1920s which represented an important phase of development in this area. This building has no relationship important development phases in Lygon Street – while there is good reason to consider up to 1920s, there is less reason to consider a shop constructed in 1935.

Mr Raworth considered that 151A Lygon Street was an infill development site; there was one block left vacant and the shop was built according to the fashion of the day. At best it assumes the description of a shop. While there are other Art Deco buildings opposite, it does not make sense that this building is selected when there others are not. The *Lygon Street Heritage Study Stage 1* (2008) rightfully included the Lygon Street Precinct D (HO438) which represented 1910s to 1920s retail development – the main contribution in the 1930s in this area is factory buildings.

He considered that if the building sat in a coherent sequence of places up to World War 2 that warranted precinct controls, it would either be contributory or significant within the group. However, 151A Lygon Street remains isolated and from a time of no particular importance. Furthermore, its intactness is not a factor that elevates its importance under Criterion D.

On aesthetic significance (Criterion E), Mr Raworth considered 151A Lygon Street is a very minor and modest example of an Art Deco building. He explained that while scale is not in itself a reason to not consider it significant, the size of the building limits its architectural expression and the larger sites do a better job of it. He drew the analogy that it is a "*one trick pony rather than dancing elephants*".

On comparative analysis Mr Raworth considered "*confused thinking*" had been applied as the comparators are identified for their type, 'shop', not their aesthetics. He noted that other examples are mainly corner shops. In comparing styles, Mr Raworth considered it is more useful

to defer to other Art Deco examples in Lygon Street (including other building types) which contain many more complex brick patterns, and there is a clear representative body of styles. He cited 260 Lygon Street and 14 Frith Street has having comparable brickwork to 151A Lygon Street.

Mr Negri gave evidence in planning for Mirabella. He described the area as undergoing urban renewal, with a number of recently constructed and approved apartment buildings that evidence a transition from the original 1-2 storey scale of development to the mid rise scale (3 to 9 storeys) promoted by the *Brunswick Structure Plan Reference Document* (2018) and facilitated by DDO19.

He explained the site is in the Lygon Street corridor of the Brunswick Major Activity Centre, which is a location promoted to accommodate substantial residential/mixed use growth and change to create a new character of increased density and scale of built form.

Mr Negri considered the proposed development of 151A Lygon Street illustrated the conflict between planning controls and strategic intent of the Planning Scheme. He said that applying the Heritage Overlay to the land would constrain its ability to contribute to the scale of change promoted by planning policy.

Mr Negri reflected on the plans considered by the VCAT in *Mirabella Pty Ltd v Moreland CC* [2022] VCAT 406 which provided for retention of the front façade. He considered there an inherent tension between Council's heritage policy, which calls for additions to be concealed by the heritage fabric, and the scale of development promoted for the Lygon Street corridor under DDO19, which is not capable of being concealed by a single storey heritage façade. Respect for the existing single storey scale of the shop runs counter to the scale of built form change promoted in this part of the Lygon Street Corridor (8-11 metre street wall and 17 metre preferred maximum building height) where built form change is promoted to deliver increased housing and land use intensity.

With regard to the assessment of the heritage significance of the shop in the evidence of Mr Raworth, the isolated context of the site relative to other heritage fabric and the location within a precinct where substantial residential/mixed use growth and change is promoted, he did not support the application of the Heritage Overlay.

Mr Negri considered in this case the benefit of heritage protection is disproportionate to the constraints on development opportunity in this strategic location where higher density housing, land use intensification and built form change is specifically promoted by the Planning Scheme.

Mr Negri considered net community benefit as a thresholding issue for the Amendment and that balancing conflicting objectives is required at the Amendment stage not just at the planning permit application stage. Assessment of the Amendment requires balancing strategy which promotes the urban renewal, land use intensification and increased housing densities in the Brunswick Major Activity Centre against objectives relating to heritage.

Council maintained its support for the Amendment.

In its reply, Council submitted the heritage values of the Brunswick Major Activity Centre were considered in the development of the Brunswick Structure Plan. Council explained the Brunswick Major Activity Centre Heritage Analysis and Review report helped inform objectives and built form guidance for the Brunswick Structure Plan, including recognising heritage clusters along Lygon Street as a character element of value.

Council added that the findings of:

- Stage 1 of the Lygon Street Heritage Study influenced the drafting of the Brunswick Structure Plan by recognising the preliminary identification of potential heritage places and precincts
- Stage 2 Lygon Street Heritage Study and heritage assets had been identified at the time of Amendment C134more (which introduced DDO19) and influenced changes to the DDOs through the Amendment C134more process.

Dr Roberts gave evidence for Council, through an approach she described as a “*peer review*”.

Dr Roberts compared 151A Lygon Street to a number of properties including:

- 25 Daley Street (a contributory building in a precinct) which she considered stylistically similar but less intact. She considered 151A Lygon Street is a more ‘bold’ example.
- 136A Nicholson Street which contains some Art Deco elements that have been overpainted. It illustrates the influence of the Art Deco style in its original signage but otherwise is better associated with the Streamlined Moderne style. It is a less resolute example of the Art Deco style and, with its overpainted brick work (reversible but visually obtrusive), it is in a less original state than the subject shop at 151A Lygon Street, Brunswick East.
- 129 Lygon Street, Brunswick East (a contributory building in a precinct) has an original shop front, but the cantilevered verandah has been removed. The design of the parapet and the façade is more conventional and has been overpainted. 151A Lygon Street, Brunswick East is superior in design execution and intactness.
- 153 Reynard Street is less intact. The former HPL Morris Chemist at 153 Reynard Street, Coburg was designed in 1936 by architects Carleton & Carleton. The shop is notable for its high design quality and its intactness. The subject site at 151A Lygon Street, Brunswick East, compares well with this place as an intact exemplar of an interwar shop which displays alternative and less conventional stylistic influences.
- 228 Melville Street (individually significant) is stylistically different. She considered, 151A Lygon Street superior in its design.

In her evidence, Dr Roberts highlighted that the place citation clearly associates the property with the Moreland Thematic History 2010 Theme 9 ‘Shopping and retailing in Moreland’ which states:

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 visible attribute of Moreland’s streetscapes, particularly the major thoroughfares of Sydney Road and Lygon Street. The municipality has a proud and colourful retail heritage that spans from the earliest days of settlement – from small stores to specialist shops, banks, markets, emporiums, and shopping malls and plazas. All of these retail outlets have grown to meet and create shoppers’ needs and are a significant part of Moreland’s history and heritage, lending character and distinctiveness to its streets (Historica 2010:97).

The historic shops built during Moreland’s periods of economic prosperity in the late nineteenth century and 1920s and 1930s continue to line the Sydney Road corridor, with many facades still intact. More intact shops stand on street corners tucked away from main thoroughfares, providing clues to former centres of high activity, such as brickyards and other industries that once sustained them. There is also the occasional corner milk bar, a fading phenomenon of the 1950s and earlier, some still with original shop windows, doors and vestiges of original signage (Historica 2010:30).

Dr Roberts considered the attributes of 151A Lygon Street as a shop, noting its parapet and brickwork are notable, and concluding it is a “*good example*” and “*unusual*” including a number of

brick types, which should be better described in the Statement of Significance. When asked if the building, to reach the threshold, the place needs to be an important example, Dr Roberts considered that *“importance isn’t a word that I would normally use”*.

(v) Discussion

The Amendment proposes to apply the Heritage Overlay to 151A Lygon Street on the basis it is individually significant. The primary consideration of whether a place is significant is considering criteria and importance. PPN01 describes the relevant criteria:

- Criterion D: Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E: Importance in exhibiting particular aesthetic characteristics (aesthetic significance).

With regard to Criterion D, in light of the evidence before it and in the context of the historical retail development of Lygon Street to 1920s, the Panel considers 151A Lygon Street an infill development of 1930s and its relative ‘importance’ as a class of place (shop) is a footnote within Moreland rather than an important individual site.

The Panel is concerned that elevating ‘notability’ for the building’s intactness under Criterion D, as it does in the Statement of Significance, is misplaced. Intactness is not in itself a sub-criterion of significance. A building of low intactness can be significant (but have high integrity) and a building that is very intact can have no significance at all. Intactness is part of the thresholding test, alongside comparative analysis, but not a reason for significance.

With regard to Criterion E, the Panel considers that 151A Lygon Street has aesthetic interest, as an attractive small building in the jazz deco style, but is not elevated to individually important, when compared with other Art Deco buildings as highlighted in Mr Raworth’s evidence. The Panel concurs with Mr Raworth that the comparative analysis under aesthetic significance should focus on buildings with Art Deco features rather than shops to determine its relative aesthetic value of the period.

As the Panel considers the place does is not sufficiently significant to apply the Heritage Overlay, the issue of integrated strategic decision making does not arise.

However, the Panel observes it is common for properties within the Heritage Overlay to be located in areas designated for significant change. The Planning Scheme establishes a policy and planning control framework to guide balanced decision making in favour of net community benefit.

Council has previously demonstrated integrated decision making in its consideration of heritage and applying the DDO along its lineal activity centres, including Lygon Street. The Panel accepts that from time-to-time individual sites may arise which are outside the sequencing of strategic planning. The Panel discusses matters relating to development potential in Chapter 3.3.

(vi) Conclusion and recommendation

The Panel concludes that the property at 151A Lygon Street does not have sufficient heritage significance to justify the Heritage Overlay (HO505).

The Panel recommends:

Delete the Heritage Overlay from:

- a) 151A Lygon Street, Brunswick East (HO505).**

5.2 383 Brunswick Road, Brunswick (HO550)

Exhibited Statement of significance



What is significant?

The house and fence at 383 Brunswick Road, Brunswick is significant. The form and concrete construction technology of the house is significant, along with the associated original front boundary fence. The rear extension and garden is not significant.

How is it significant?

The house and fence is of historical significance and rarity value to the City of Moreland. It also demonstrates a high degree of technical achievement at the local level.

Why is it significant?

The house and fence have historical significance as evidence of early concrete house construction in Brunswick and Moreland more generally (Criterion A).

The place is rare as one of four (known) houses of concrete construction in Moreland, likely to be among the earliest known surviving examples in Victoria (Criterion B).

The place demonstrates a high degree of technical achievement through the use of concrete construction in the early twentieth century (Criterion F)

(i) The issues

The issues are whether:

- 383 Brunswick Road, Brunswick has sufficient heritage significance to justify the Heritage Overlay.
- the condition of the building renders it impractical to retain and therefore a heritage control is not warranted.

(ii) Evidence and submissions

The owner of 383 Brunswick Road, Brunswick objected to the Heritage Overlay being applied to their property.

The owner submitted the building is in a life-threatening state of disrepair. The building continues to deteriorate as there is no rear access or right of way to the property to enable machinery to access the property to make repairs or make improvements to the building.

Further, the owner submitted that applying the Heritage Overlay to the property would landlock the entire block as the front half of the property cannot be changed or moved. This would mean the front half of the property will be an old house and the rear half will always be an empty yard.

The submission disputed that the house is in 'good condition' (as stated in the heritage citation) because:

- the western half of the house has sunk 100mm, as the building has concrete footings not bluestone
- the tiles are beyond repair
- the recent earthquake in Melbourne has made the dilapidation of the property and the already severe lean of the walls even worse.

The owner considered 383 Brunswick Road was not contributing to the adjacent heritage precinct to the north, which is noted for its *"substantially intact modest inter-War housing"* that displays a *"consistency of scale and setbacks"* which *"create cohesive and homogenous streetscapes"*.

Furthermore, the property is overshadowed and overwhelmed by new development to the side and rear.

The owner disputed that the building demonstrates a high degree of technical achievement at the local level for the construction of a concrete house. It submitted that the assertion of a *"high degree of technical achievement"* cannot be justified when the building comprises such poor-quality concrete including the significant amount of lime which makes it *"powdery"* without much structural integrity. He explained the aggregate in the concrete is made up of broken pottery pieces from the now redundant pottery site, which can hardly be regarded as any sort of technical achievement. There is no evidence that any reinforcing material (steel) has been incorporated into the concrete of the building which compromises the structural integrity.

The owner submitted:

- the house was not constructed (or occupied) by any citizen of historical significance
- the extensions and additions comprise a brick fence which was built in 1960 and a lean-to, and these additions and the condition of the building render it not significant
- due to lack of structural integrity, demolition and re-building will be required and re-building will be an impractical and costly burden on the owner.

Mr Predebon gave expert evidence in structural engineering on behalf of the property owner. He advised that he was instructed to examine the building and give his opinion as to why the building has moved, advice on damage and what would be required with respect to a *"long term view"*.

In preparing for his evidence, he undertook a visual inspection, reviewed images of evidence of movement/damage, accessed the roof, inspected the internal rooms, inspected the external perimeter of property, and checked other relevant building issues such as moisture above the skirting boards.

Mr Predebon found that the roof needs repair. He concluded that there has been lateral movement in the building. While the east side is generally plumb, the western side of the building has moved *'a lot'* with most of the western wall having moved to varying degrees - 100mm at the worst place. His analysis was that the western internal corridor wall could fail without warning if axially loaded. On the external western wall, taking into account the slenderness, eccentricity and construction of the wall, he considered the *"robustness is marginal and hairline horizontal cracks are noted at the wall openings"*.

He considered that repair work is possible to deal with the vertical movement of walls. However, as the internal and external walls are slender and of 'rubble construction', brittle material with no reinforcement, moving the western wall is not feasible as it will fall apart, *"like trying to bend a violet crumble"*.

In cross examination, Mr Predebon stated that the building is *"very unique"* and he had not previously seen this type of construction. He considered that the methods and materials used to construct the building are unusual, however the construction technique has exacerbated the building's structural sensitivity and propensity to damage from movement of the footings/foundations. He considered *"it is a very unique building, unfortunately to its detriment."*

Mr Predebon considered it not possible to stabilise the foundations and simply repair the damaged area of the building. As he considered 50 per cent of the existing building would need to be re-built, this would trigger an assessment of whether the entire building (including the structurally sound parts) complies with the modern building code. Extending the building's design life will effectively require demolition and re-building. While the damaged walls could be reconstructed in a different material, the building regulations would be activated and would not be able to be met.

He considered that the building is at the end of its life. During cross examination he confirmed that the house was currently being occupied and is not under immediate threat. While he considered the risks are quite low, he suspected that over time its structural issues will get worse and at some stage the building will become unsafe. It can collapse now under axial load and could cause sudden collapse.

Dr James clarified that 383 Brunswick Road was not included with the adjoining Phillipstown Precinct (HO139) but was instead assessed for individual significance. He did not consider the development of surrounding areas has any bearing on the heritage significance of the property.

On changes that have been made to the building, Dr James considered the contemporary additions or alterations to the rear of the property are neither visible from the street nor appear (from aerial view) to affect the fabric of the property that forms the basis for its significance, being the main portion of the original house and front fence.

Dr James maintained that 383 Brunswick Road meets Criterion F (technical significance). He referred to the tests in the VHR Criteria and Threshold Guidelines that *'The place ... contains physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created'* and *'The physical evidence demonstrates a high degree of integrity'*. He explained that at the time of its construction (sometime between 1908 and 1915), concrete construction was at a very early stage in Victoria and its application to residential housing was a technical achievement, to the extent that it meets the tests of this criterion.

Regarding condition, Dr James considered that the current condition does not impact on the building's significance. He stated that heritage-related Panels have come to the position that building condition should be a secondary consideration and not a determinative factor in considering whether a Heritage Overlay should be applied.

He acknowledged there appears to be some internal cracking and damage to external tiling likely to have been caused by movement in the foundations. Nevertheless, the building retains a high level of integrity. He considered that Mr Predebon's evidence regarding condition does not warrant a change from 'Good' to 'Fair' condition in the citation. Nevertheless, it would be

advisable to have the footings investigated and for underpinning works to be considered if necessary to reduce the degree of movement causing damage.

Dr James recommended a number of small changes to the Statement of Significance to improve grammar and clarify the basis of the building's significance under Criterion B. He provided an updated HO550 citation as an attachment to his Expert Witness Statement reflecting the proposed changes.

(iii) Discussion

The Panel has some concerns relating to the heritage assessment of the house at 383 Brunswick Road.

The citation includes a brief summary of concrete construction in Melbourne from early 1900s through to 1920s including the design and use of 'camerated concrete', concrete blocks and reinforced cement and contains discussion around Leslie Perrott's designs in 1910s and 1920s.

The physical analysis does not distinguish the building technique that was used for 383 Brunswick Road, nor in its history does it provide any details of the builder or architect (if there was one). The summary of concrete construction within the citation and discussion of Perrott does not relate to the building itself other than '*Within Moreland, the subject site appears to be one of several early concrete houses from this area.*'

The comparative analysis states:

- 70 Heller Street, Brunswick West, the method of concrete construction is '*unknown but appears to be mass concrete*'
- 9 Waxman Parade, Brunswick West is a concrete house with reinforced steel rods
- 1 South Daly Street, Brunswick West, the method of concrete construction is unknown.

Regarding Criterion B (rarity), the place is one of four (known) houses of concrete construction in Moreland, likely to be among the earliest known surviving examples in Victoria. The Panel does not consider that the analysis provided in the citation provides conclusive evidence that the house is rare in a Victorian context, other than reiterating the words from the Context 2017 assessment of 70 Heller Street.

With regard to Criterion F (technical significance), the place demonstrates a high degree of technical achievement through the use of concrete construction in the early twentieth century. To advance the proposition that there is technical achievement warrant heritage significance, the Panel considers that more analysis of the building itself within the citation is required. For example, the specific building technique that has been used at 383 Brunswick Road and what makes that specific technique particularly important in the context of the development of concrete use in Moreland. The citation insinuates these matters, but it is vague.

That said, the Panel agrees with the findings of the comparative analysis that 383 Brunswick Road 'compares favourably' with regard to early construction, construction methodology and intactness. The Panel has reviewed the heritage citation and Statement of Significance for 70 Heller Street which is most similar to 383 Brunswick Road. Both citations contain the same omissions regarding details of builder and architect and the construction method.

While the assessment is problematic in missing key information, 383 Brunswick Street is strikingly similar to 70 Heller Street to which the Heritage Overlay applies. In this context, it is considered

that the 383 Brunswick Road meets the threshold of significance to justify application of the Heritage Overlay as it is clearly comparable.

Given the evidence of Mr Predebon, the Panel considers the condition of the building as stated in the heritage citation should be 'fair' instead of 'good'. Despite its condition, based on the evidence before it the Panel considers that the building does have a high degree of integrity.

On the matter of whether the western side of the building is able to be 'made plumb', the Panel notes Mr Predebon's evidence that these works may trigger further requirements under the Building Regulations for the entire building which are unlikely to be achieved. The Panel considers that this is a matter that should be addressed at planning permit stage and it is not appropriate to pre-empt such technical decisions at this point in time.

The Panel considers the changes proposed by Dr James to the citation and Statement of Significance are appropriate.

Issues relating to maintenance, repairs and development potential are addressed in Chapter 3.

(iv) Conclusions and recommendation

The Panel concludes:

- The property at 383 Brunswick Road, Brunswick has sufficient heritage significance to justify the Heritage Overlay (HO550).
- The Statement of Significance for 383 Brunswick Road, Brunswick (HO550) should be updated as recommended in Attachment E to Dr James' Expert Witness Statement. This is the Panel's preferred version.

The Panel recommends:

Amend the Statement of Significance for:

- a) **383 Brunswick Road, Brunswick (HO550)) in accordance with the Panel preferred version at Appendix E3 of this report.**

5.3 Lorreto, 198 Edward Street, Brunswick East (HO552)

Exhibited Statement of significance



What is significant?

The house at 198 Edward Street, Brunswick East (otherwise known as 'Loretto') is significant. The form of the Victorian Boom-era style dwelling, along with the ornate decorative features associated with the parapet, chimney and windows. The plantings, front fence and rear extension are not significant.

How is it significant?

Loretto is of local historical and aesthetic significance, and is of local significance for its rarity and representativeness value, to the City of Moreland.

Why is it significant?

Originally built as early as 1853, *Loretto* is historically significant as one of the oldest houses in the area. Through major changes to its façade from the later Victorian period, the dwelling also provides evidence of the Boom-era, when Victoria's expanding economy started to generate a boom in construction and land subdivision. (Criterion A)

Loretto is uncommon within the Moreland municipality as a single-storey freestanding Victorian Boom-era style residence. (Criterion B)

Loretto demonstrates principal characteristics of the Victorian Boom-era, including the elaborate pediment detail and architraves, and Italianate style chimney cornice. (Criterion D)

Loretto has aesthetic significance as a well-kept and intact Boom-era terrace-style dwelling, with ornate decorative details. (Criterion E)

(i) The issues

The issues are whether:

- 'Lorretto' at 198 Edward Street, Brunswick East has sufficient heritage significance to justify the Heritage Overlay
- the east end of Edwards Street and/or 192-196 Edward Street should be assessed for heritage significance.

(ii) Evidence and submissions

The owner of 198 Edward Street explained at the Hearing that her original submission provided evidence that the original assessment was erroneously based on the adjacent property at 200 Edward Street. The property at 200 Edward Street was originally constructed in 1853 and demolished in 1990. Lorretto at 198 Edward Street was not built in 1853 and nor is it one of the oldest houses in Moreland as claimed in the original heritage assessment.

As a result of this initial submission, the Statement of Significance was changed as shown in Figure 7.

Figure 7 Proposed changes to Statement of Significance for proposed HO552

Statement of Significance

What is significant?

The house at 198 Edward Street, Brunswick East (otherwise known as 'Loretto') is significant. The form of the Victorian Boom-era style dwelling **is significant**, along with the ornate decorative features associated with the parapet, chimney and windows. The plantings, front fence and rear extension are not significant.

How is it significant?

~~Loretto~~ is of local ~~historical and~~ aesthetic significance, and ~~is of local significance for its rarity and~~ representativeness value, to the City of Moreland.

Why is it significant?

~~Originally built as early as 1853, Loretto is historically significant as one of the oldest houses in the area. Through major changes to its façade from the later Victorian period, the dwelling also provides evidence of the Boom-era, when Victoria's expanding economy started to generate a boom in construction and land subdivision. (Criterion A)~~

~~Loretto is uncommon within the Moreland municipality as a single-storey freestanding Victorian Boom-era style residence. (Criterion B)~~

~~Loretto demonstrates principal characteristics of the Victorian Boom-era, including the elaborate pediment detail and architraves, and Italianate style chimney cornice. (Criterion D)~~

~~Loretto has aesthetic significance as a well-kept and intact Boom-era terrace-style dwelling, with ornate decorative details. (Criterion E)~~

In addition, the history section of the citation was amended as shown in Figure 8.

Figure 8 Proposed changes to history section of the citation for proposed HO552**Historical Notes**

~~'Lorreto', located at 198 Edward Street, Brunswick, is recorded in the 1904 Melbourne & Metropolitan Board of Works (MMBW) detail plan under the address 340 Edward Street. Working backwards from this point, in 1895 one George Storie was attributed to the address. George Storie was the husband of Ann Storie (nee Forest), who is recorded in 'The Coburg Leader' as having 'died on Edward Street in 1894 in the same house she had lived in since arriving in Victoria in April 1853'. With this information, it is clear that the house was owned and occupied by the Storie family for an extensive amount time, living next door from at least 1853, and at Loretto on the site from approximately 1885at least 1853 to 1915. Due to the architectural style of the façade and chimney, it is believed that there may have been some cosmetic redesign in the late nineteenth century during the Boom era to suit the then 'on trend' style. This would explain the unusual form of the building as a freestanding structure and its deeper setback along Edward Street than most dwellings.~~

The house was then occupied by one Alfred J. Kent in 1915, a Leonard F. Jones in 1920, an Arthur Hutcheson in 1925 and 1930, and Alfred Bysouth in 1935.

The residence remains in use as a private residence.

Following changes to the citation, the owner submitted:

- the date of the building in the revised citation is wrong and is 1895, not 1885
- the date of addition of the veranda, lacework and eastern fin wall needs to be clarified
- the new citation doesn't go far enough, as the photo taken in 1897 of Elsie Storie's family (included in a later submission) shows the original frontage without veranda or east fin wall
- it is not clear who built the house
- the name of the house in the heritage study is wrong – it is 'Lorreto', not 'Loretto'.
- reference to an Italianate style chimney cornice as a principal characteristic needs to be removed.

The owner submitted that given the errors in the citation, the Heritage Overlay for Lorreto should be postponed to provide time to for correct. In particular, additional research and access to all records and rate notices will reveal the correct year of build.

She was critical of the nominations process and submitted that it was not transparent as to who nominated or identified Lorreto for assessment, and why her previous attempts to nominate the building and other parts of Edward Street were not heeded.

She considered that a precinct is warranted with additional properties in Edward Street worthy of heritage protection. Alternatively, the dichrome face brick Victorian terraces at 192-196 Edward Street should be considered. At the Hearing the owner sought clarification from Dr James as to why Park Street was supported but not Edwards Street as she considered them comparable.

While not opposed to the Heritage Overlay, the owner submitted that she did not want to be the only house protected in Edwards Street when there are other houses that should be protected. Furthermore, 198 Edwards Street should be removed from the Amendment while the errors are rectified and the remaining street is assessed.

Dr James confirmed that the building was not constructed in 1853 as was originally claimed. In this context, he considered that the building does not meet Criteria A (historical significance) and Criteria B (rarity) and the Statement of Significance was amended accordingly whereby Criterion D (representative) and E (aesthetic significance) still applied. He considered that both the original and added details are important and the chimney's corbelling presents as Italianate.

Dr James did not consider that 192-196 Edward Street appeared to merit applying the Heritage Overlay as an individual place (as part of a row). He considered that it does not exhibit the distinctive boom era detailing found at Lorreto and he saw little relationship between 198 and 192-196 Edward Street apart from their construction period during the Victorian era.

Dr James confirmed that he had not undertaken a full assessment of the cottages at 192-196 Edward Street or the east end of Edward Street. He considered that Edwards Street does have heritage character and could potentially be a precinct but the study was constrained by nominations. Having been nominated, the Park Street properties met the threshold of significance based on the methodology of the study. If the places on Edward Street were nominated, they would have assessed them.

Council submitted Edward Street had previously considered in Moreland Heritage Gap Study and was not considered intact enough as a streetscape. Council supported the citation as redrafted by Dr James.

(iii) Discussion

The Panel has significant misgivings over the final recommendations of the Heritage Nominations Study in relation to this site. The information provided by the submitter during exhibition and at the Hearing raises substantial questions around the fundamental reason as to why Lorreto was assessed and considered as a place of individual significance, and this is particularly illustrated through the comparative analysis.

The comparative analysis concludes *“while comparable to many dwellings in Moreland with regards to the style, [198 Edward Street] is unusual in its formation as a freestanding Boom-style dwelling. Its historical significance is also distinctive as a result of its early construction and modification history and it demonstrates equivalent principal characteristics and aesthetic merit as the above comparative examples.”*

The comparative analysis distinguishes Lorreto as comparatively important based on Criterion A (history) and Criterion B (rarity) which are aspects of the building’s assessment that are now recognised by Council and Dr James as errors. So much so that the revised Statement of Significance was amended, in response to initial submissions, to remove Criteria A and B as they considered Lorreto does not meet the threshold for local significance under these criteria.

This leaves Criterion D (representative significance) and E (aesthetic significance).

The Statement of Significance states that:

Loretto demonstrates principal characteristics of the Victorian Boom-era, including the elaborate pediment detail and architraves, and Italianate style chimney cornice. (Criterion D)
Loretto has aesthetic significance as a well-kept and intact Boom-era terrace-style dwelling, with ornate decorative details. (Criterion E)

In relation to representative significance, the citation includes examples of precincts of terraces within Moreland, all of which form part of streetscapes however none of the examples draws out individual examples. While Lorreto could well be a contributory place in a precinct, the Panel is not drawn as to whether Edward Street ought to be a precinct. The heritage assessment does not provide adequate justification through its analysis or comparisons to justify that it has importance as a representative example.

Ascribing aesthetic significance on the grounds that the place is *“a well-kept and intact Boom-era terrace style dwelling, with ornate decorative details”* is very weak. There is nothing in this

assessment that draws out how important Lorreto is. While it is well kept and intact, these are not indicators of something of aesthetic significance. There are hundreds of boom era terrace style houses in Moreland, the assessment does not draw out the place's importance in this regard. Again, these characteristics could be relied upon as part of a contributory building in a streetscape but its analysis does not justify a threshold of individual significance.

Taking away Criteria A and B, which are based on errors, the remaining justification for identifying Lorreto as a place of individual significance is weak.

Regarding other properties in Edward Street, it is not clear to the Panel why the submitter's nomination of Edward Street was not acknowledged by Council as part of the Heritage Nominations process for the Study. Edward Street was previously assessed under the Heritage Gap Study and found not to meet the threshold of significance to justify the Heritage Overlay. As discussed in chapter 1.6 of this report, the Panel cannot consider places that are not included in the Amendment.

(iv) Conclusions and recommendation

The Panel concludes that the property at 198 Edward Street, Brunswick does not have sufficient heritage significance to justify the Heritage Overlay (HO552).

The Panel recommends:

Delete the Heritage Overlay from:

- a) Lorreto, 198 Edward Street, Brunswick East (HO552).**

5.4 CERES Community Environmental Park (HO559) and Joe's Market Garden – 131 Harding Street, Coburg (HO572)

(i) CERES Community Environmental Park (HO559)

Exhibited Statement of significance



What is significant?

CERES Community Environment Park at 7 Lee Street Brunswick East is significant. The visitor centre, meeting rooms, energy park, nursery, propagation nursery, EcoHouse, dam, Ngaragee learning centre, resource hub, market gardens, bike shed, play space, cafés, Village Green and amphitheatre and other elements of the site that contribute to its environmental education function are significant. The car park, and portions of the Merri Creek Trail within the boundary curtilage, are not significant.

How is it significant?

CERES Community Environment Park is of state significance for historical, rarity and social value to the State of Victoria.

Why is it significant?

CERES Community Environment Park at 7 Lee Street Brunswick East is historically important for its use as a 19th century and early 20th-century Chinese market garden, followed by a blue stone quarry between 1945-1982, and its 1982 conversion into a volunteer-led sustainable garden and educational space. (Criterion A)

CERES Community Environment Park is rare for its combination of functions, including environmental education, recreation, community gardens and revegetation. (Criterion B)

CERES Community Environment Park has a strong social significance as a volunteer-lead community urban farm, educational hub, and recreation space. CERES Park has a strong association with Victoria's desire to live sustainably. While no investigation of contemporary social value has been undertaken as part of this assessment, the strength of this association can be inferred from its history and use. (Criterion G)

(ii) Joe's Market Garden – 131 Harding Street Coburg (HO572)**Exhibited Statement of significance****What is significant?**

Joe's Market Garden at 131 Harding Street Coburg is significant. The fields are significant. The two structures are not significant.

How is it significant?

Joe's Market Garden is of state significance for historical and rarity value to the State of Victoria.

Why is it significant?

Joe's Market Garden at 131 Harding Street is historically important as one of the earliest known market gardens to operate on the Merri Creek, being farmed continuously for 180 years, and has employed people from Coburg's early population through to today, providing and continuing to provide local produce. (Criterion A)

Joe's Market Garden is rare as one of the last operational urban market gardens in Melbourne. While no investigation of contemporary social value has been undertaken as part of this assessment, the strength of this association can be inferred from its history and use. (Criterion B)

(iii) The issues

The issues are whether:

- the Heritage Overlay is appropriate for managing intangible values and social significance of places
- CERES Community Environment Park at 7 Lee Street, Brunswick East has sufficient heritage significance to justify the Heritage Overlay
- Joe's Market Garden at 131 Harding Street has sufficient heritage significance to justify the Heritage Overlay
- the Statements of Significance are accurate and appropriate
- it is necessary to prepare and introduce in incorporated plan which specifies appropriate permit exemptions for both places.

(iv) Evidence and submissions

CERES Inc. (CERES) (Submission 29) is the lessee and occupant of two Council owned parcels of land which are subject of the Amendment, including:

- CERES Community Environment Park at 7 Lee Street Brunswick
- Joe's Market Garden at 131 Harding Street Coburg.

CERES submitted the nomination of the places for social significance reinforced its understanding of the important value both places hold for the community, noting it had not been involved in the nominations process. It noted there are a number of corrections and improvements that could be made to the citations, and considered the proposal deficient and not appropriate to proceed in its current form.

In response to the submission from CERES, Council invited CERES to provide further information relating to inaccuracies in the citation. CERES provided a track changed version of the citations. CERES commented this did not form part of its formal submissions on the Amendment, but was provided as feedback to assist officers to improve the accuracy and content of citations.

CERES submitted while the citation for CERES Community Environment Park had been substantially updated based on its feedback following exhibition, *"it considers that the revised citation still fails to provide an informed, adequate and accurate assessment of the cultural significance of this place"*.

CERES challenged the assertion of heritage significance under each of the following criterion:

- Criterion A – the connection with previous horticultural activities in this location has been irreparably severed by significant land use change, including quarrying and use as a landfill:
Any historical connection with this activity in a similar geographic locality to CERES Park is tenuous, with no prospect of any remnant integrity. This is not considered a sound basis for attributing historic significance to this place and, due to the lengthy break and dramatic transformation, is not considered a significant contributor to 'social significance'.
- Criterion B – the combination of a 'rare mix of functions' at CERES does not justify application of the Heritage Overlay in the absence of a demonstrated understanding of why it is significant.
- Criterion G – while CERES agrees the place has social significance, the study does not provide an objective basis to prove this and does not articulate the composition and nature of this significance.

CERES also questioned the appropriateness of the places included in the comparative analysis, they are superficially similar to, rather than comparable with, other places of social significance.

Further the proposed Heritage Overlay curtilage does not align with the lease area occupied by CERES.

CERES made comment on the heritage significance identified under each of the following criterion:

- Criterion A – it agrees in its anecdotal belief that the site has a long, and possibly unbroken, history of market gardening.
- Criterion B and G – there is an absence of empirical evidence or research to confirm or articulate intangible values of the place.

CERES considered there is a disconnect between the intangible values of the place and the proposed heritage controls which relate to structures and physical elements. As drafted the

controls would impose consent requirements that are irrelevant to the identified significance of each site. Its view was that the Heritage Overlay was not the right tool to protect values of the place.

It submitted that the Heritage Overlay would exacerbate issues with current planning provisions which it considered complex and poorly aligned with established operations.

In expanding on its submissions at the Hearing, CERES stated:

- it had become apparent that the intangible values associated with both of these places *“falls beyond the expectations, processes and mechanisms conventionally utilised for heritage studies, and the assessment of, and (statutory) responses to, places of significance”*
- it proudly recognises the places are special to many people, and seeks to continue its relationship with Council to identify and implement actions *“that can inform and guide the articulation and conservation of these cherished characteristics”*
- the Heritage Nominations Study has struggled in responding to the unusual nature of these places
- the proposed application of heritage controls and State nomination of these places is unsound and not relevant, as there is no robust foundation underpinning the proposal
- a comprehensive conservation management plan for each which investigates social values is a prerequisite to an appropriate response.

CERES suggested there were more flexible, effective and relevant options for protecting values of the place than planning controls. It noted the citations for both places currently state:

While no investigation of contemporary social value has been undertaken as part of this assessment, the strength of this association can be inferred from its history and use.

CERES urged the Panel to not recommend the Heritage Overlay until conservation management plans are prepared which guide the application of statutory and non-statutory mechanisms and other actions. Conservation plans could incorporate a contemporary assessment of social values and provide guidance on the management of heritage attributes.

In response to a question from the Panel about how well the history of CERES is currently documented, CERES advised it was currently compiling the story of its 40-year history and was actively in the process of seeking materials to inform this.

CERES submitted, as drafted, the Amendment would trigger planning permit requirements unrelated to the significance of the place, generating an unproductive workload for Council and CERES, with no public benefit and no effect on its conservation. It considered that if the Heritage Overlay is applied it must be informed by a conservation management plan underpinning appropriate exemptions through an incorporated document.

CERES noted Council’s commitment to investigate permit exemptions and prepare a conservation management plan, subject to funding.

CERES suggested three options:

- Proceed with inclusion of the places in the Amendment, however this may require clarification of exemptions to appropriately manage the asserted significance. This would require either further work prior to adoption, or a further Amendment to include appropriate guidance when prepared, ideally following preparation of conservation plans.

- Split the Amendment into two parts and defer consideration of HO559 and HO572 until conservation plans are finalised.
- Remove HO559 and HO572 from the Amendment, and consider as part of a future Amendment when further work has been completed.

It considered these choices clarify the need for further work. It is not opposed to heritage recognition but is apprehensive about the usefulness or effectiveness of the current evidence base and approach.

In conclusion, CERES submitted:

...it would be prudent for the Panel to recommend that these two places not be included in the current Planning Scheme Amendment, waiting until identified supplementary information, advice and implementation options are available to inform, guide and support a multi-faceted response.

In response to submission, Dr James gave evidence:

51. Neither the formal submission nor supplementary material supplied by the submitter disputed the local significance of the places. Rather, the submission sought to explore whether there are more suitable means to achieve the ongoing conservation and management of that significance other than inclusion in the Moreland Heritage Overlay, and the non-physical or intangible dimensions of that significance in particular. As I understand, the submission does not bear directly on the issue of heritage significance itself, but rather ongoing management, and is outside the scope of consideration for this statement in relation to the Amendment.
52. As noted in the summary, the submission claimed the citations contained a number of inaccuracies, and the submitter provided supplementary material to substantiate these. As a result of this supplementary material, it is recommended that the citation be amended as shown at Appendix B. None of these amendments change the recommendation that both places are of local heritage significance, and otherwise no change to the Amendment is recommended in relation to these places.

Dr James provided updated HO559 and HO572 citations as an attachment to his Expert Witness Statement reflecting the proposed changes.

The updated Statement of Significance for CERES Community Environment Park is shown in Figure 9.

Figure 9 Updated Statement of Significance for CERES attached to Dr James' Expert Witness Statement

Statement of Significance
<p><i>What is significant?</i></p> <p>CERES <u>Community Environment</u> Park at <u>6-8 & 7 Lee Street Brunswick East</u> is significant. The visitor centre, <u>community</u> meeting rooms, energy<u>Energy</u> park, nursery, propagation nursery, EcoHouse, dam, Ngaragee learning centre, <u>Namalata Willem Aboriginal cultural education space</u>, resource hub, market gardens<u>organic farm</u>, <u>community garden</u>, bike shed, play space, <u>grocery, bakery and</u> cafés, Village Green and <u>Village Pavilion</u>, amphitheatre and other elements of the site that contribute to its environmental education function are significant. The car park, and portions of the Merri Creek Trail within the boundary curtilage, are<u>The car park is</u> not significant.</p> <p><i>How is it significant?</i></p> <p>CERES <u>Community Environment</u> Park is of state significance for historical, rarity and social value to the State of Victoria.</p> <p><i>Why is it significant?</i></p> <p>CERES <u>Community Environment</u> Park at 7 Lee Street Brunswick East is historically important for its use as a 19th century and early 20th-century Chinese market garden, followed by a <u>blue stone</u>bluestone quarry <u>between 1945-1982 in the post-war years until the 1970s</u>, and its 1982 conversion into a volunteer-led sustainable garden and educational space. (Criterion A)</p> <p>CERES <u>Community Environment</u> Park is rare for its combination of functions, including environmental education, recreation, community gardens and revegetation. (Criterion B)</p> <p>CERES <u>Community Environment</u> Park has a strong social significance as a volunteer-lead community urban farm, educational hub, and recreation space. CERES <u>Community Environment</u> Park has a strong association with Victoria's desire to live sustainably. While no investigation of contemporary social value has been undertaken as part of this assessment, the strength of this association can be inferred from its history and use. (Criterion G)</p>

The updated citation for CERES Community Environment Park included extensive changes to the 'Physical Analysis' section, and some changes to the 'Historical Notes' section.

The updated Statement of Significance for Joe's Market Garden is shown in Figure 9.

Figure 10 Updated Statement of Significance for Joe's Market Garden attached to Dr James' Expert Witness Statement

Statement of Significance
<p><i>What is significant?</i></p> <p>Joe's Market Garden at 131 Harding Street Coburg is significant. The fields are significant. The two structures are not significant.</p> <p><i>How is it significant?</i></p> <p>Joe's Market Garden is of state significance for historical and rarity value to the State of Victoria, <u>and of local significance only for social value</u>.</p> <p><i>Why is it significant?</i></p> <p>Joe's Market Garden at 131 Harding Street is historically important as one of the earliest known market gardens to operate on the Merri Creek, being farmed continuously for 180 years, and has employed people from Coburg's early population through to today, providing and continuing to provide local produce. (Criterion A)</p> <p>Joe's Market Garden is rare as <u>one of the last operations</u>an extant <u>19th century</u> urban market <u>gardens</u>garden in Melbourne—<u>remaining in operation</u> (Criterion B).</p> <p>While no investigation of contemporary social value has been undertaken as part of this assessment, the strength of this association can be inferred from its history and use. (Criterion B<u>G</u>)</p>

In response to questions of cross examination from CERES, Dr James explained:

- while recognition of social significance is an evolving and contested space, as part of the make-up of the statutory heritage framework Council has an obligation to recognise it
- assessment of social significance requires distinct and unique methodologies
- the project brief has not constrained the assessment, however available time and money has impacted the scope of the study which has limited the findings
- with reference to the precautionary principle, he concluded the places have reached the threshold for significance.

Dr James agreed that preparation of a conservation plan and an incorporated document with appropriate exclusions was a sensible way forward.

In response to submissions, Council proposed to:

- 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 Lease.
- Update the citations of both places to capture new information for both heritage places.
- Investigate permit exemptions for CERES Park and Joe's Market Garden.
- Investigate an option to a prepare conservation plan (subject to funding and resources).

In its Part B submission, Council submitted it was appropriate to use the Heritage Overlay to manage the intangible heritage of places with social significance. It relied on the findings and discussions in the following reports:

- *Heritage Provisions Review Final Report*, Planning Panels Victoria, 2017
- *Moonee Valley Racecourse Redevelopment Advisory Committee, Stage 4 Outcomes: Moonee Valley Planning Scheme Amendments C120 and C124*, Planning Panels Victoria, 2013.

Council conceded the Heritage Overlay provisions have a strong focus on managing tangible heritage and that:

Whilst both CERES Park and Joe's Market Garden have little to no structures identified as significant in the statement of significances, the absence of structures in key areas of the site is relevant to managing and maintaining the significance of both places. As such the application of the HO is considered appropriate.

Council agreed with CERES and the Moonee Valley Racecourse Redevelopment Advisory Committee that an incorporated document would provide greater guidance on the management of heritage at CERES Park and Joe's Market, including site specific exemptions. It has commenced work on this process, and advised:

Initial feedback lends Council to consider a Conservation Management Plan as the most suitable tool for a more holistic view of management of these sites in the context of all planning controls relevant to the site, and which can include appropriate planning exemptions, potentially beyond just the HO.

Council indicated the preparation of conservation management plans will be recommended to Council as part of its future Heritage Action Plan implementation program.

In closing, Council provided an update on Moreland Thematic History 2020, submitting it included changes supporting the Amendment. Changes relevant CERES and Joe's Market can be found in:

- Theme 5 - Farming Moreland
- Theme 10 – Sustaining Moreland's Community and Cultural Life.

(v) Discussion**Is the Heritage Overlay the correct tool?**

The planning policy framework intends to identify, conserve and enhance places of historical interest and with special cultural value. State planning policy aims to conserve places of heritage significance and includes a strategy to:

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

The purposes of the Heritage Overlay include 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.

The Panel accepts that the Heritage Overlay is an appropriate planning control to manage intangible values of places with social significance.

In relation to 'Places of significance for historical or social reasons', PPN01 states:

Planning is about managing the environment and its changes. An appropriate test for a potential heritage place to pass in order to apply the Heritage Overlay is that it has 'something' to be managed. This 'something' is usually tangible but it may, for example, be an absence of built form or the presence of some other special characteristic. If such things are present, there will be something to manage and the Heritage Overlay may be applied. If not, a commemorative plaque is an appropriate way of signifying the importance of the place to the local community..

The implications are that the 'something' that needs to be managed needs to be well understood and clearly articulated in the planning assessment to ensure the values of a place are conserved and enhanced.

Do the places meet the threshold of local heritage significance?

Before considering whether the proposed planning controls are appropriate, the Panel turned its mind to whether the places meet the threshold of local heritage significance to justify the Heritage Overlay.

PPN01 states:

The heritage process leading to the identification of the place needs to clearly justify the significance of the place as a basis for its inclusion in the Heritage Overlay. The documentation for each place shall include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria.

...

To apply a threshold, some comparative analysis will be required to substantiate the significance of each place.

In accordance with PPN01, a place only needs to meet one criterion to achieve the threshold for local heritage significance. With this in mind, the Panel has considered the citation and HERCON Criteria Assessment for each place to understand whether the places meet the local threshold.

In relation to CERES Park:

- The Panel is not convinced that the place meets Criterion A. The assessment describes a range of unrelated historical land uses on the site, including horticulture, a quarry and landfill, without a clear line of sight to its current land use as a community environment park. The Panel agrees with CERES that the connection between past and current activities as drafted in the Statement of Significance appears tenuous.

- The Panel considers the place is likely to meet Criterion B, however as currently drafted the Statement of Significance does not clearly capture what is uncommon or rare about the place which merely states it is “*rare for its combination of functions*”.
- The Panel considers the place is likely to meet Criterion G, however the citation relies on an inferred association with its history and use rather than investigation. The assessment is not based on evidence.

Council provided the Moreland Thematic History 2020 in response to a request from the Panel, as it was raised in other submissions. The Moreland Thematic History 2020 appears to contain relevant information that could be used to strengthen the heritage criteria assessment. For example, it states that CERES (Centre for the Study of Environmental Research and Educational Strategies), established in the late 1970’s, was one of the first of its kind in Melbourne which successfully operates as a “*unique community-run park that demonstrates innovative environmental programs*”. This is not articulated in the Statement of Significance.

While it is likely that CERES Park will meet appropriate local thresholds to apply the Heritage Overlay, this is not definitively or clearly expressed in the Statement of Significance. The Panel agrees with CERES that a more extensive study is required to identify what is significant, how it is significant and why.

The Statement of Significance currently states under the heading ‘How is it significant?’:

CERES Community Environment Park is of state significance for historical, rarity and social value to the State of Victoria.

The Statement of Significance does not refer to its local significance. PPN01 states that under ‘How is it significant?’ must indicate the threshold for which the place is considered important. If this place is definitively of local significance this should be stated in this section of the Statement of Significance.

Regarding Joe’s Market Garden (HO572), the exhibited Statement of Significance only includes Criterion A and B, with Criterion B stating:

Joe’s Market Garden is rare as one of the last operational urban market gardens in Melbourne. While no investigation of contemporary social value has been undertaken as part of this assessment, the strength of this association can be inferred from its history and use. (Criterion B)

The updated HO572 citation included in Dr James’ evidence also included Criterion G, however it appears this was a redrafting or correction of the original Criterion B. The proposed changes state:

Joe’s Market Garden is rare ~~as one of the last operational~~ an extant 19th century urban market ~~gardens~~ garden in Melbourne. remaining in operation (Criterion B).

While no investigation of contemporary social value has been undertaken as part of this assessment, the strength of this association can be inferred from its history and use. (Criterion ~~B~~ G).

The HERCON Criteria Assessment for Criterion G in the updated HO572 citation provided by Dr James states:

While no investigation of contemporary social value has been undertaken as part of this assessment, the strength of this association can be inferred from its history and use. ~~The place has the potential to meet this criterion, subject to further research and evaluation.~~

The Panel considers:

- It is very likely the place meets Criteria A and B. The Statement of Significance states that it is historically important for its continue use as a market garden on the Merri Creek for 180 years. This has not been disputed by CERES, although it is considered anecdotal

rather than based in evidence that there is possibly an unbroken history of market gardening on the site.

- It is uncertain whether the place meets Criterion G. It is not appropriate to identify this criterion in the Statement of Significance when it based on inferred history and use and has not been confirmed through further research. As discussed above, Criterion G was not included in the exhibited Statement of Significance.

Joe's Market Garden meets Criteria A and B, however the details and expression could be refined as proposed by CERES and Dr James. Further work is required to demonstrate the place meets Criterion G.

The citation for Joe's Market Garden, under 'Recommendations' and 'Include on Victorian Heritage Register?' states:

While the place would reach the threshold for state significance under criteria (A) and (B), it has the potential also to have state significance under criterion (G) for social value. It is recommended that prior to any nomination the place be subject to a specific social value research and evaluation methodology.

The Heritage Nominations Study (Volume 1) expands on the recommendation for a social significance study to understand the potential for both places to be nominated for the VHR. It also recommends a thematic study on community gardens as *"the theme of community gardens is becoming increasingly more important to the municipality"*.

This reinforces the need for further work to properly understand significance and appropriate management to conserve and enhance heritage values.

The Statement of Significance under Criterion G states:

While no investigation of contemporary social value has been undertaken as part of this assessment, the strength of this association can be inferred from its history and use.

Such an inconclusive position is not appropriate in a Statement of Significance proposed to be incorporated into the Planning Scheme and relied upon for future decision making. Investigation of social value ought to have been undertaken if Criterion G was being asserted. The VHR Criteria and Threshold Guidelines were updated in 2020 to include additional guidance to assess social significance including cultural or community groups, intensity and time depth of attachment which provides good guidance (particularly in the context of State significance, as asserted).

The Panel agrees with CERES that without clear articulation of the places' significance, it can be difficult to evaluate against established criteria, or inform a comparative analysis. The Panel considers the comparative analysis includes places that may be appropriate and relevant with similar or comparable history and use, while varying in their reasons for designated heritage significance. As described above, further work to articulate the significance of CERES Park and Joe's Market Garden would assist with refining the comparative analysis underpinning the nomination.

Are the Statements of Significance accurate and appropriate?

The updated citations in Dr James' evidence include extensive changes from the exhibited versions of Amendment documents. Some of the changes are derived from suggestions made by CERES following exhibition, and the source of other changes is not clear. Some of the proposed changes are already included in the exhibited Statement of Significance, such as the name 'CERES Community Environment Park'.

It is not possible to know whether the Statements of Significance as currently drafted are sufficiently accurate and adequate to identify and guide management of the heritage values of the places. Given the lack of background research to understand significance and determine appropriate management to conserve and enhance heritage values, it is not possible to be confident that 'what', 'how' and 'why' it is significant has been adequately identified and documented.

With so much uncertainty in the Statements of Significance, and without the development of a suitable incorporated plans to manage implementation of the Heritage Overlay, there is a high level of risk that as currently drafted the controls will not manage values effectively.

The curtilage of HO559 should be revised to reflect the lease area held by CERES. The submission from CERES clarifies that the lease area does not conform to cadastral data, and applies to:

- Most, but not all of 7 Lee Street
- 6-8 Lee Street
- land which is formally part of Lee Street.

Any future refinement of the Statement of Significance will need to ensure that the curtilage of the Heritage Overlay aligns with the CERES lease boundary.

Is it appropriate to apply the Heritage Overlay as exhibited?

Consistent with the *Moonee Valley Racecourse Redevelopment Advisory Committee and Heritage Provisions Review Final Report*:

- there is considerable flexibility in the way the Heritage Overlay can be applied which can assist in future management of complex sites and sites undergoing change
- an incorporated plan should be prepared and applied through the provisions of the Heritage Overlay.

In the case of Moonee Valley Racecourse, social significance had been well documented to inform the incorporated plan.

The Panel commends Council's response to CERES submission to pursue development of conservation plans for both places, and to explore suitable exemptions to be introduced into the Planning Scheme through an incorporated document.

While outside the scope of the Amendment, the proposed conservation management plan may provide important information about heritage values that may inform future planning controls.

It is premature to apply the Heritage Overlay to the places before this work is done. Conservation plans will ensure that values of the places are clearly identified and articulated, and that appropriate statutory and non-statutory management tools can be explored.

As Council is the owner of the places under long term lease agreements with CERES, and the site is under an interim Heritage Overlay, it is not a significant risk to delay the permanent Heritage Overlay until further work is completed. This will ensure the significance of the places is properly understood, and the most appropriate statutory and non-statutory tools are applied to guide protection and management. This further work may or may not result the Heritage Overlay being applied.

It is evident that CERES as the land manager for over 40 years has extensive knowledge of the past and current use and development of the places. There would be significant value in engaging with

CERES during preparation of conservation plans and if proposed, the development of appropriate planning controls to ensure accurate and relevant content.

(vi) Conclusions and recommendation

The Panel concludes:

- The Heritage Overlay is an appropriate planning control to manage intangible values of a place.
- CERES Community Environmental Park is likely to have sufficient heritage significance to justify the Heritage Overlay, however further work is required to confirm and accurately articulate its significance and location of the lease boundary.
- Joe's Market Garden has sufficient heritage significance to justify the Heritage Overlay, however further work is required to accurately articulate its significance.
- To give proper attention to these places, further work is required to ensure the Statements of Significance are accurate and appropriate and to identify suitable planning permit exemptions and prepare an incorporated plan for inclusion in the Schedule to the Heritage Overlay.

The Panel recommends:

Delete the Heritage Overlay from:

- a) CERES Community Environment Park, 7 Lee Street, Brunswick East (HO559)**
- b) Joe's Market Garden, 131 Harding Street, Coburg (HO572).**

5.5 113 Nicholson Street, Brunswick East (HO563)

Exhibited Statement of significance



What is significant?

The flats at 113 Nicholson Street, Brunswick East are significant. The overall Art-Deco style building form and detailing is significant, including the decorative brickwork, timber windows, building entrance and chimneys. The brick boundary wall is also significant as part of the site landscaping. The concrete car parking and planting are not significant.

How is it significant?

The flats at 113 Nicholson Street, Brunswick East are of local representative and aesthetic significance to the City of Moreland.

Why is it significant?

The flats demonstrate the principle characteristics of the Art Deco style, including the materiality, overall form and specific detailing to the brickwork. (Criterion D)

The place has aesthetic significance as a highly intact and well-kept Art Deco style residential flats with high quality Art Deco features. Being located on a prominent street corner, it also presents well to the street as a heritage building. (Criterion E)

(i) The issue

The issue is whether 113 Nicholson Street, Brunswick East has sufficient heritage significance to justify the Heritage Overlay.

(ii) Evidence and submissions

Submitter 27 objected to the Heritage Overlay being applied to 113 Nicholson Street, Brunswick East based on:

- the aesthetic appeal has been overstated and the construction is common place
- it is not significant and it does not meet HERCON Criteria D and E
- it would impact future development potential of the land.

The submitter was of the view the property has very limited to no art deco brick work on the external façade and the balance of brickwork is typical of that used in the building period of 1930-1940.

Council relied on the evidence of Dr James. Dr James explained why the place was assessed as meeting the threshold of local heritage significance under Criteria D and E, including:

Criterion D - The apartment building demonstrates the principal characteristics of the Art Deco style, including the materiality, overall form and detailing to the brickwork.

Criterion E - The place has aesthetic significance as a highly intact and well-kept Art Deco style residential flats building which contains high quality Art Deco features. Being located on a prominent street corner, it also presents well to the street as a heritage building.

Dr James was of the view the place compared favourably against three examples within the Moderne Apartment Blocks serial listing (HO443), particularly given its prominent street corner location.

Dr James recommended changes to the Statement of Significance and citation to correct typographical errors. He provided an updated HO563 citation as an attachment to his Expert Witness Statement reflecting the proposed changes.

(iii) Discussion

The citation states:

- there are few examples of interwar style flats represented on the Moreland Heritage Overlay and no examples of Art Deco style flats
- the property is an intact and good representative example and makes an important stylistic contribution to the Heritage Overlay
- the building has been altered very little over time, retaining a high level of integrity.

The Panel agrees with Dr James the property meets the threshold for local significance under:

- Criterion D (representativeness) as an important example demonstrating the principal characteristics of interwar Art Deco style flats
- Criterion E (aesthetic significance) as an important example exhibiting Art Deco characteristics and is highly visible located on a prominent street corner.

The property at 113 Nicholson Street, Brunswick East compares favourably against the places included in the comparative analysis in the citation, and the conclusions that it is more complex in style and has a stronger street presence.

The Panel has revised the updated citation provided by Dr James and observes that in addition to typographical errors, it corrects and expands on some content. For example, the construction year is changed from 1945 to c.1930.

Council advised all submitters of post exhibition proposed changes to the Statements of Significance, and the submitter did not choose to participate in the Hearing process.

The Panel accepts the updated Statement of Significance improves drafting.

Issues relating to development potential are addressed in Chapter 3.3.

(iv) Conclusions and recommendation

The Panel concludes:

- The property at 113 Nicholson Street, Brunswick East has sufficient heritage significance to justify the Heritage Overlay.
- The Statement of Significance for 113 Nicholson Street, Brunswick East (HO563) should be updated as recommended in Attachment M to Dr James' Expert Witness Statement. . This is the Panel's preferred version.

The Panel recommends:

6. Amend the Statement of Significance for:

- a) **113 Nicholson Street, Brunswick East (HO563) in accordance with the Panel preferred version at Appendix E4 of this report.**

5.6 Coburg Market, 415-423 Sydney Road, Coburg (HO577)

Exhibited Statement of significance



What is significant?

The building at 415-423 Sydney Road, Coburg (otherwise known as 'Coburg Market') is significant. The brick parapet to the front façade of the Coburg Market is significant, as well as the open interior layout and steel-truss hipped roof. The awning, building entrance and façade shop fronts are not significant.

How is it significant?

Coburg Market is of local historical and representative significance to the City of Moreland. It also has rarity value.

Why is it significant?

Coburg Market is important to the course of Coburg's history, as a municipal marketplace which was opened during the Great Depression and remains in use for this purpose. The site has been a source of local produce for the community for 90 years, with produce largely supplied by local market gardeners. (Criterion A)

Coburg Market is a rare example of an intact interwar municipal marketplace in Moreland which has also functioned for this purpose since it was first opened. (Criterion B)

Coburg Market is representative of an interwar marketplace, with an intact open shopping hall which can house fifty stalls covered by a steel-truss hipped roof complete with a large air vent. (Criterion D)

(i) The issue

The issue is whether Coburg Market at 415-423 Sydney Road, Coburg has sufficient heritage significance to justify the Heritage Overlay.

(ii) Evidence and submissions

Submission 22 objected to the Heritage Overlay being applied to Coburg Market at 415-423 Sydney Road on the basis virtually all the built form has been replaced over time. Specifically, the:

- roof structure, including trusses are made of timber not steel
- supporting polls are not original

- entry area is not original and has a replacement pressed metal ceiling
- citation acknowledges the entry, awning and shopfronts are not significant.

The submitter disagreed the integrity of the place is high, when there is little to recommend physical retention of the market building stating *“The citation fails to differentiate between the site’s interesting social history as an ‘interwar municipal marketplace’, and the reality that little meaningful building fabric remains”*. It considers that the only original fabric, the front parapet, is insufficient to justify the Heritage Overlay.

The submitter was concerned the Heritage Overlay would constrain future development potential of the site. Further it would be better to document history of the site through written and photographic form and/or plaques.

Dr James gave evidence that the citation accurately describes the Coburg Market, including significant features such as the brick parapet to the front façade and modifications to the building. He stated:

it is often the state of the upper features of the building, such as the parapet form and detailing that are integral to the integrity of a shop in heritage assessment. ... the heritage assessment found the original form, layout and function of the place was highly intact. In particular, the parapet form was original and contained the inter war detailing in an art deco style.

In response to the submission, Dr James agreed that some roof trusses are made of timber and recommended changes to the citation and Statement of Significance accordingly. He provided an updated HO577 citation as an attachment to his Expert Witness Statement reflecting the proposed changes.

(iii) Discussion

The citation states that Coburg Market must be understood as part of a broader theme of development within Moreland in the 1930's. Two other markets were established around the same time (Brunswick Market and Moreland Market) but struggled during the Great Depression and closed within a few years of opening. Coburg market survived and continues to operate today.

The comparative analysis includes the Former Brunswick Market (HO12 and VHR H1307) and Moreland Market (with no Heritage Overlay applied). It states that the places are comparable not only for the period in which they were constructed but also for their broader narrative around trade and commerce. While noting the Former Brunswick Market is of greater architectural significance.

The Panel agrees the places included in the comparative analysis are appropriate, with one site meeting the local threshold for heritage significance, and the other an example of a place that has not been assessed as significant.

Regarding the heritage criteria, the Panel considers Coburg Market:

- meets Criterion A (historical significance) as an important example which contributes to the course of cultural history for Moreland
- meets Criterion B (rarity) as a rare example of an interwar municipal marketplace which continues to operate
- meets Criterion D (representativeness) as the principal characteristics of the interwar municipal marketplace are evident in the physical fabric of the place. While the citation

details alterations and additions, the place does retain its original form, layout and function.

Coburg Market has sufficient heritage significance to warrant the Heritage Overlay.

The Panel considers the changes proposed by Dr James to the citation and Statement of Significance which clarify the trusses are steel and timber are appropriate.

Issues relating to development potential are addressed in Chapter 3.3.

(iv) Conclusions and recommendation

The Panel concludes:

- Coburg Market at 415-423 Sydney Road, Coburg has sufficient heritage significance to justify the Heritage Overlay.
- The Statement of Significance for Coburg Market 415-423 Sydney Road, Coburg (HO577) should be updated as recommended in Attachment K to Dr James' Expert Witness Statement. This is the Panel's preferred version.

The Panel recommends:

Amend the Statement of Significance for:

- a) Coburg Market 415-423 Sydney Road, Coburg (HO577) in accordance with the Panel preferred version at Appendix E5 of this report.**

5.7 31 The Avenue, Coburg (HO580)

Exhibited Statement of significance



What is significant?

The Moreland Secondary College and Kangan Institute TAFE Campus (former) at 31 The Avenue, Coburg (south west corner of The Avenue and The Grove) is significant. The form, scale and materiality of the Brutalist style building is significant, as well as the off-form concrete construction technique. The exposed concrete detailing to walls and ceilings within the building is significant, as well as the lightwell in the hallway.

How is it significant?

The Moreland Secondary College and Kangan Institute TAFE Campus (former) is of local aesthetic and technical significance to the City of Moreland.

Why is it significant?

The Moreland Secondary College and Kangan Institute TAFE Campus (former) is highly intact and exhibits high-quality aesthetic characteristics reflective of late twentieth-century brutalist design, with regards to the scale, geometric building form and use of off-form concrete. (Criterion E)

The use of off-form concrete represents a high degree of technical achievement, as related to the Brutalist era. (Criterion F)

(i) The issues

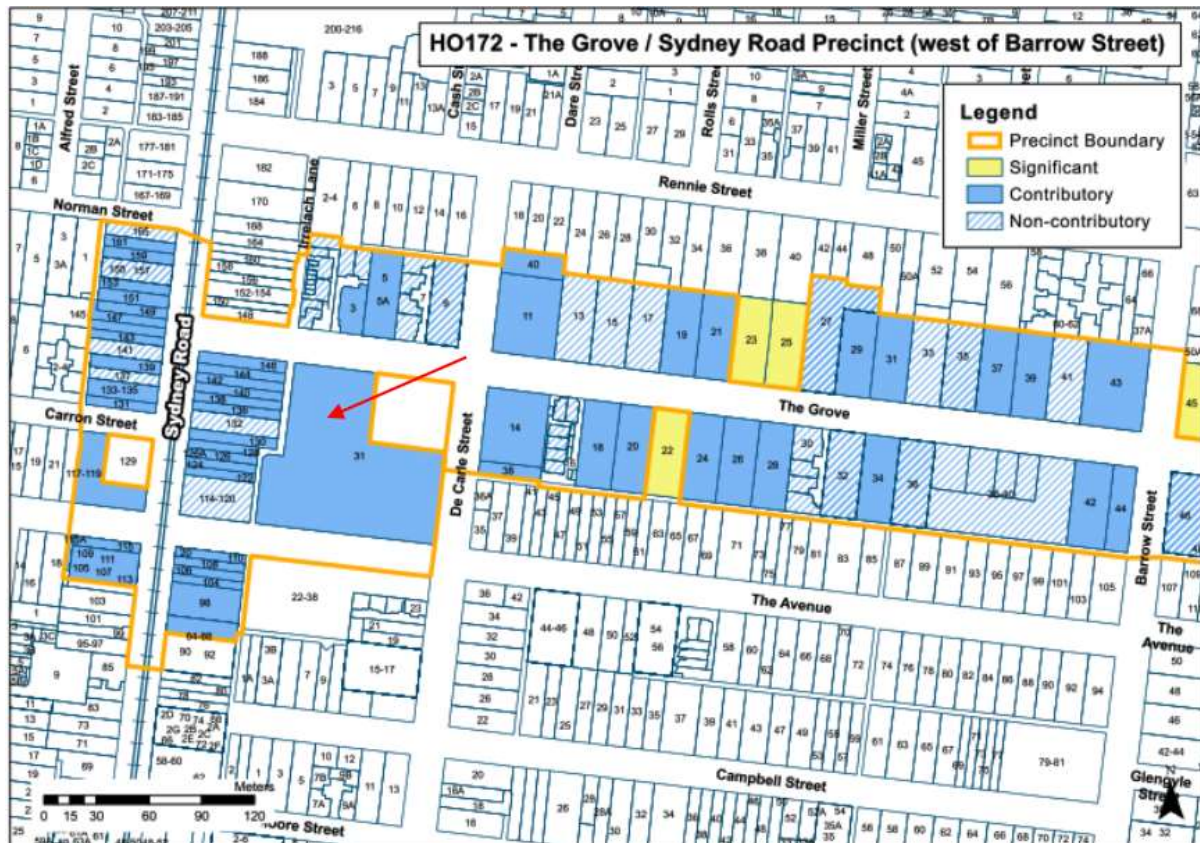
The issues are whether:

- 31 The Avenue, Coburg has sufficient heritage significance to justify the Heritage Overlay
- internal controls ought to apply
- the balance of the land at 31 The Avenue should remain in Heritage Overlay precinct HO172 (The Grove/Sydney Road Precinct, Coburg).

(ii) Background and proposal

The Heritage Overlay currently applies to 31 The Avenue, Coburg through The Grove/Sydney Road Precinct, Coburg (HO172). The place is listed as 'contributory' (in part) to the Precinct, as shown in the Heritage Exemptions Incorporated Plan (see Figure 11).

Figure 11 The Grove/Sydney Road Precinct (HO172)



Source: Development Victoria Submission, Document 36

The Statement of Significance for The Grove / Sydney Road Precinct, Coburg (HO172) is as follows:

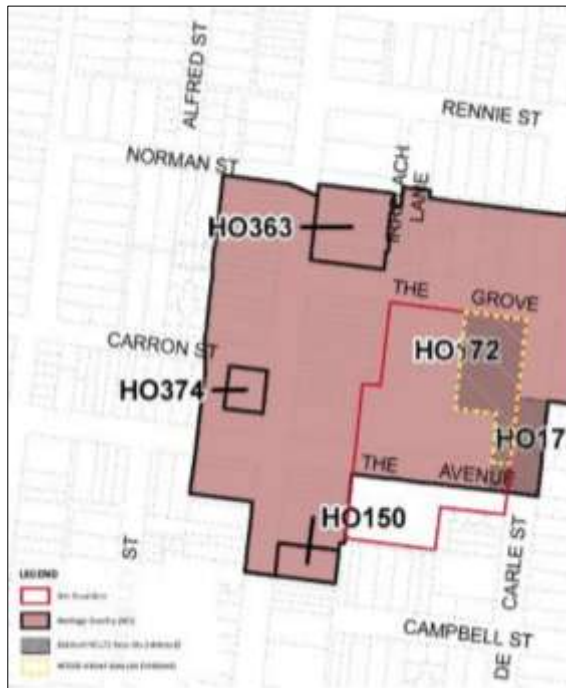
The Grove Precinct is of local historical and architectural significance. It is a notable 1880s land boom residential subdivision which contains many individually significant buildings. The precinct also derives significance from its association with speculator Montague Dare and prolific 19th century architect TJ Crouch. The canopy of mature street trees together with well maintained private gardens contributes greatly to the character, and hence the significance, of the Precinct. (Allom Lovell and Associates 1999).

The Amendment proposes to:

- remove part of 31 The Avenue, Coburg from existing HO172 (reduce the curtilage associated with HO172 to exclude part of the property proposed for HO580)
- apply HO580 (an individual Heritage Overlay) to part of the site.

Figure 12 shows Heritage Overlay (HO172) as mapped in the Planning Scheme, to the entire site of 31 The Avenue (in red) and the assessed portion relating to HO580.

Figure 12 31 The Avenue, Coburg – existing Heritage Overlay HO172 and assessed area (in hatched/yellow)



Source: Submission 30

Following exhibition of the Amendment, Council resolved at its meeting on 8 December 2021 to reduce the curtilage of the Heritage Overlay (HO580) by removing it from the south eastern building at 31 The Avenue, Coburg.

The former Kangan TAFE building was subject to assessment in June 2012 through the *Former Kangan Institute, Moreland Campus, 31 The Avenue, Coburg Heritage Assessment* prepared by Diahn Sullivan for the Department of Education (Sullivan Assessment). At the time of the assessment, no recommendations were made to Council to pursue heritage protection arising from the assessment.

(iii) Evidence and submissions

Development Victoria objected to the Heritage Overlay being applied to the former Kangan TAFE building on the basis that the threshold for significance had not been justified in the assessment.

Development Victoria relied on a peer review by Trethowan Architecture. The peer review was attached to the original submission to the Amendment on behalf of Development Victoria.

Development Victoria considered that the advice identified significant deficiencies in the heritage assessment and citation including:

- No information on the architect/s or exact construction date was established.
- No evidence was produced that the building was considered innovative at the time, nor that it was recognised locally for its aesthetic or other qualities.
- The assessment had not established whether the building was significant as an example of its type or development in its historical context as an educational institutional building in the area (Criterion A – historical significance) and in turn, the citation does not provide an understanding of how the building represents or demonstrates the historical development of the municipality in its fabric.

- It is unusual for such a recent building to be ascribed heritage protection without a more comprehensive understanding of its potential architectural merit, observing the comparators are all architect-designed, whereas the building's origin is not established.
- While the construction date is unknown and aerial imagery reveals the building is likely constructed in the 1980s, this is a late date for Brutalist architecture.
- No evidence was presented in the heritage assessment that the building is ground-breaking in its use of off-form concrete in respect of Criterion F (technical significance) especially where much earlier examples of off-form concrete buildings exist.
- The comparative analysis relied entirely on buildings of State significance included in the VHR with clear construction dates and known architects.
- There is no reference to the rear (southern) wing of building in citation.
- The citation includes no reference to internal controls, and no comparative analysis was undertaken of Brutalist interiors of the 1980s.

Development Victoria was critical of the foundation of heritage significance and considered the assessment deficient. It submitted there was no real analysis in heritage terms as to why the building is important with regard to the particular characteristics, and normally there would be an architectural appraisal within the citation. Reference to *"high quality aesthetic characteristics"* in the Statement of Significance is in broad terms only with regards to the scale, geometric building form and use of off-form concrete as part of its Brutalist design, with no further explanation or analysis.

Development Victoria pointed to the fact that, for such a recent building, the absence of architect or construction date raised 'red flags' about the relative importance of the building, especially in the context of considering individual heritage significance.

Development Victoria submitted:

- the reason the architect is important is that one can look to the body of work of the architect and contextualise the relative aesthetic qualities of the building, even if association with the architect (Criterion H) is not considered important
- while it is not essential to know the architect, it is the sort of information that can be critical for establishing importance under Criteria E
- without it, it is difficult to understand and appreciate why the building fabric is said to be significant.

Development Victoria submitted that *"the absence of this research is telling"*. Even back in 2012 the Sullivan Assessment disclosed this was a limitation. In the absence of full and proper analysis of the building, Development Victoria submitted it cannot be determined (or said with any certainty) whether 31 The Avenue, Coburg was recognised for its aesthetic qualities at the time of its construction, nor can its architectural and aesthetic merit be said to be understood. Much more rigour in the assessment should have been applied. Important information about the building is absent and no reasonable enquiries, in preparation for the Panel Hearing, were made.

Regarding Criterion F (technical significance), Development Victoria submitted, other than the one sentence *"the use of off-form concrete represents a high degree of technical achievement, as related to the Brutalist era"* there is no further explanation about the technique or why this building demonstrates this high degree of technical achievement. It is simply not understood. At the time of its construction, the use of off-form concrete was very well established. It was submitted that the use of off-form concrete is not beyond the ordinary for a building in this period.

On comparative analysis, Development Victoria submitted that the three examples provided in the citation are not relevant comparators as they are on the VHR, constructed 10 years earlier and designed by well-known architects including Bates Smart and McCutcheon (Melbourne Metropolitan Fire Brigade, 1972), Roy and Yunken (St Patrick's, 1971) and Graeme Gunn (Plumbers and Gasfitters building, 1969-71). Comparative examples were all designed by architects in the early period of brutalism, the subject building exhibits "*nowhere near the same quality*" and the assertion in the citation as "*equally significant*" is not made out.

Based on the comparators, it was submitted that the subject building is an unremarkable and late example.

On the matter of internal controls, Development Victoria submitted that the case had not been met to apply internal controls. The application of internal controls is extremely rare and, as discussed in the Advisory Committee's 2007 *Review of Heritage Provisions in the Planning Scheme*, internal controls need to be justified by the Statement of Significance.

It was submitted that internal controls were not justified on the basis that:

- despite recommending internal controls apply, Extant Heritage or Dr James had not undertaken an internal inspection
- the Statement of Significance did not refer to the interiors
- although the 2012 Sullivan Assessment considered that the interiors remain highly intact, this was prepared 10 years ago for a different purpose and the Sullivan Assessment was not comprehensive
- under cross examination, Dr James conceded that condition and extant fabric is not the basis to meet internal controls.

Development Victoria supported Council's post exhibition proposal to remove the entire site from the precinct HO172. There is no evidence that the particular buildings or structures on the former school land makes either a historical or architectural contribution to the Precinct and given the site is located on the periphery of the Precinct, removal if the land will not cause any planning or heritage issues.

Dr James gave evidence that 31 The Avenue, Coburg has sufficient heritage significance to justify the Heritage Overlay. In relation to criterion F, Dr James disagreed with the Trethowan peer review that found the building was a late example of Brutalism and post-dates the use off-form concrete as an innovative technique. Dr James remarked that the peer review appears to rest heavily on the contention that innovation is required to meet this criterion, a position he disagreed with.

He referred to the VHR Criteria and Threshold Guidelines which contains a basic test for satisfying Criterion F: "*The place ... contains physical evidence that clearly demonstrates creative or technical achievement for the time in which it was created*" and "*The physical evidence demonstrates a high degree of integrity*". It then sets out as a further step a test for determining 'State level significance' which is beyond consideration for the threshold for local significance.

Dr James conceded that earlier uses of off-form concrete in Brutalist architecture can be found in Melbourne, predating 31 The Avenue by up to fifteen years. In Moreland, as noted in the peer review, Glenroy Library (1971) used off-form concrete in its arcade and loggia, melding Brutalist and neo-classical influences. However, this was not to the scale or degree of 31 The Avenue, which successfully achieved massing of its forms across the three stories uniformly constructed in off-form concrete. He referenced the photograph on the cover of the Sullivan Assessment which

shows “the impressive effect of this construction technique achieved at this scale, and certainly nothing comparable has been identified in the municipality”.

Dr James considered, although the early 1980s era of construction was late Brutalism, it is well within the era of the style. He cited Irving and Reynolds’ description of ‘Late Twentieth Century Brutalist’ style period as ‘1960—’ (at time of publishing in 1989) and included prominent examples constructed up to 1986.

Dr James referred to the High Court and National Gallery Precinct, both included in the National Heritage List, as nationally significant examples of the late twentieth century Brutalist style. The description under Criterion F states these buildings are “*high quality integrated concrete structures ... combined with the craft-based approach to concrete construction*”. The High Court of Australia was completed in 1980 and the National Gallery of Australia in 1982, both therefore approximately contemporaneous with 31 The Avenue.

Dr James considered in the case of 31 The Avenue the off-form concrete demonstrates technical achievement for the scale it was applied to the building and its expression of concrete and wood.

On the threshold issue of comparative analysis, Dr James referred to Planning Practice Note 1 which requires:

to apply a threshold, some comparative analysis will be required to substantiate the significance of each place. The comparative analysis should draw on other similar places within the study area, including those previously included in a heritage register or overlay.

He explained that as there are no comparable Brutalist buildings within the Heritage Overlay in the Planning Scheme, 31 The Avenue was compared against three places outside the municipality that were assessed to be sufficiently comparable.

He referred to the Sullivan Assessment that compared 31 The Avenue with additional buildings and found 31 The Avenue was architecturally significant at the local level. Dr James considered that a wider comparative assessment was not merited.

Dr James explained that 31 The Avenue meets the threshold of local aesthetic significance as it relates to its ability to exhibit “*high-quality aesthetic characteristics reflective of late twentieth-century brutalist design, with regards to the scale, geometric building form and use of off-form concrete*”. He observed that the Trethowan peer review did not dispute these characteristics, but rather considered that the comparative analysis failed to establish that the threshold of local heritage significance had been met.

Dr James criticised the Trethowan peer review for not putting forward an alternative comparative analysis nor identifying a group of buildings for local comparison. The Trethowan peer review noted both the Glenroy Library and Commonwealth Bank Glenroy (former) as buildings that share some characteristics within the municipality. He said the buildings were also assessed in the Heritage Nominations Study and at the time of assessments the Heritage Overlay did not apply and so may not necessarily assist with thresholding.

Dr James understood that Council had provided documents to Development Victoria which substantiated the Heritage Nomination Study’s recommendation that internal alterations controls ought to apply for 31 The Avenue. He was satisfied that the documented information about the interior spaces, as detailed in the Sullivan Assessment, confirm that the Brutalist interiors represent strong continuity with the external aesthetic and materiality and are likely intact. Under cross examination Dr James acknowledged that he had relied on the Sullivan Assessment of the

building's interior, including photographs from that assessment in the citation, but had not undertaken an internal inspection himself due to COVID-19 restrictions.

Dr James disagreed that a lack of information surrounding the date or architect had any bearing on the assessment of significance and that the Sullivan Assessment also did not discover a date. He explained that COVID-19 restrictions impeded access to Department of Education files and site inspections, including the interior.

Council relied on the evidence of Dr James. Council sought further advice from Extent Heritage regarding the potential heritage contribution of 31 The Avenue, Coburg to The Grove/Sydney Road Precinct (HO172), and whether any part should remain in HO172. A subsequent assessment of 31 The Avenue was conducted in February 2022 by Extent Heritage. The assessment found that the former school site did not contribute to the significance of The Grove/Sydney Road Precinct (HO172). Council sought to change the exhibited Amendment by removing the entire former school site from HO172.

Development Victoria argued that Dr James had failed to apply the rigour and expertise to inform the view that the Heritage Overlay is justified and argued that his answers were unpersuasive, lacking authority, and at times evasive. Dr James' evidence did not establish the threshold for significance, and it implored the Panel to give little to no weight to the evidence before it.

Development Victoria submitted, as a general rule, evidence should be given more weight than submissions, however this is on the proviso that the evidence is compelling, is of good reason and accords with common law in respect of receiving expert evidence.

(iv) Discussion

The Panel is concerned about the assessment and findings of the Heritage Nominations Study in relation to 31 The Avenue, Coburg.

This is a place that is mooted for individual significance at a local level. Although it is one of a few Brutalist buildings within Moreland, this does not necessarily elevate its importance.

The building is identified as significant for its aesthetic and technical values. The assessment of the importance of the building as it relates to the criteria of aesthetic and technical significance is not robustly documented or explained. The Panel agrees with Development Victoria that the citation and Statement of Significance does not critically assess the Brutalist building and is deficient in providing an architectural analysis of the building. The Panel agrees with its scale and geometric form – but there is no analysis whatsoever about how these attributes make this building particularly special.

There needs to be very clear understanding as to why the aesthetic and technical aspects of the building are important. The Panel agrees with Development Victoria that with no information about the architect, construction date, no architectural review or anything that indicated the building has been regarded as important for these reasons it is not possible to know whether it is important.

In relation to Criterion F (technical significance), the Panel finds that the simple statement '*The use of off-form concrete represents a high degree of technical achievement, as related to the Brutalist era*' is not adequate. While Dr James, under cross examination, was of the view that using off-form concrete on a building of that scale was key, this is not articulated in the Statement of Significance. Nor did he explain why this is such a technical achievement.

In relation to Criterion E, the assessment discusses '*high quality aesthetic characteristics*' but does not explain why the building is well resolved and particularly important. The Panel notes that its scale, geometric features and material is illustrative of the Brutalist style and is descriptive, but no justification as to why these features are important or well resolved at 31 The Avenue is provided. Beyond documenting what is there, there is no analysis about what elevates this building to the point of significance or importance.

The Panel acknowledges the constraints that the study team were under during COVID-19 restrictions, including difficulty accessing files from the Department of Education to verify information about the building, as well as undertaking site inspections. However as restrictions were lifted, in light of issues raised in submissions this work should have been undertaken prior to the Hearing to verify key facts around the building and to clarify its relative significance. There are major gaps in the analysis of the building that warrant further consideration by Council and its consultants. Matters raised in the Trethowan peer review raise important issues that go to the heart of the deficiencies in the assessment.

The Panel considers that, given the proposal is for an individually significant place, it is critical that more robust analysis is undertaken.

Where it comes to the Brutalist style interiors can be inextricably linked to the external design, for example ceiling heights and light wells which bring a rationale to the geometric external form. The Panel observed in its site inspection that this is the case at 31 The Avenue. However the citation does not adequately critically analyse the relative importance of the interiors, nor does the Statement of Significance does not refer to them at all. In this context, there is no adequate justification to include an interior control.

The comparative analysis says:

The above comparative analysis shows that Brutalist buildings within the Moreland municipality are under represented. This example is a prominent building of this style in Moreland and equally as significant as other examples on other Heritage Overlays through its design and construction technology. Though not immediately associated with a notable architect, the site still exhibits clear brutalist architectural themes.

The Panel acknowledges that finding examples within a municipality can be difficult based on the age of the building and the type of buildings especially when the period is outside the key development periods of the Municipality. This is especially the case of Brutalist architecture which was predominantly applied to commercial or institutional building types. However, that a place is Brutalist is not in itself a reason for significance. The examples provided in the comparative analysis are by far a higher quality of design and finesse. This is not just because they are on the VHR, but they would also be of local heritage value (albeit in a different municipality). It is the attributes of the building, design, composition and materials that make it important. These attributes have not been adequately assessed for 31 The Avenue or in the comparative analysis.

The Panel is not satisfied that the heritage assessment meets the tests that the Brutalist building at 31 The Avenue is sufficiently important to justify application of the Heritage Overlay.

(v) Conclusion and recommendation

The Panel concludes:

- The property at 31 The Avenue, Coburg does not have sufficient heritage significance to justify the Heritage Overlay (HO580).
- The land at 31 The Avenue should remain in The Grove/Sydney Road Precinct, Coburg (HO172).

The Panel recommends:

Delete the Heritage Overlay from:

- a) 31 The Avenue, Coburg (HO580).**

5.8 Coburg Velodrome, 30-34 Charles Street, Coburg North (HO582)

Exhibited Statement of significance



What is significant?

The Coburg Velodrome at 30 Charles Street, Coburg North is significant. The form and shape of the track is significant, as well as the central field associated with the track.

How is it significant?

The Coburg Velodrome is of local historical and social significance to the City of Moreland.

Why is it significant?

The Coburg Velodrome has historical significance as related to the Coburg Cycling Club who were formed in 1896 and built the velodrome in 1932 as part of their continuing growth as a club. Since then, it has remained in use by the local community for 88 years. The place is important the history of amateur and professional cycling, not only in Coburg but the broader Melbourne metropolitan region. (Criterion A)

The Coburg Velodrome has been associated with the local cycling community - Coburg Cycling Club - for 88 years. The club has been active since the nineteenth century, functioned for 36 years prior to the velodrome opening. They continue to function within the community today. (Criterion G)

(i) The issue

The issues are whether:

- Coburg Velodrome at 30 Charles Street, Coburg North has sufficient heritage significance to justify application of the Heritage Overlay
- the Heritage Overlay will prevent re-purposing of the velodrome and Richards Reserve.

(ii) Evidence and submissions

Submitter 44 considered the current community use of the velodrome for an annual concert is not sufficient reason for application of a permanent heritage control. It was concerned the Heritage

Overlay may make it impossible for the Pascoe Vale Football Club to move to Richards Reserve in the future, which would disadvantage the community.

In response, Council submitted:

- the Heritage Overlay will not eliminate the ability to repurpose Richards Reserve
- adaptive reuse of heritage places is supported by planning policy, with reference to policy 4.4.3 of Plan Melbourne and Clause 15.03-1 (Heritage Conservation)
- a place's future use is not relevant to the Amendment.

Dr James did not provide evidence relating to the Coburg Velodrome.

(iii) Discussion

The Panel agrees with Council's submissions on this matter. It appears the submitter's primary concern is future use and development not heritage significance of the place. Issues relating to development potential are discussed further in Chapter 3.3.

The Panel was not provided with further submissions or information questioning heritage significance of the place. The citation includes a satisfactory assessment against the heritage criteria and comparative analysis.

The exhibited Statement of Significance includes the Heritage Overlay reference HO591. It appears this may be an error and should be HO582. Council should confirm the correct Heritage Overlay number and ensure the Amendment documents are updated to reflect this.

(iv) Conclusions and recommendation

The Panel concludes:

- It is appropriate to apply the Heritage Overlay to the Coburg Velodrome at 30 Charles Street, Coburg North.
- The Heritage Overlay number may need to be corrected in the Amendment documents.

The Panel recommends:

Before adopting the Amendment, confirm and if necessary correct the Heritage Overlay number for the Coburg Velodrome at 30 Charles Street, Coburg North.

5.9 28 McMahons Road, Coburg North (HO583)

Exhibited Statement of significance



What is significant?

The house and front landscaping at 28 McMahons Road, Coburg North is significant. The form of the postwar period Modern style building is significant, along with key features including the rounded face brickwork, curved glass windows, concrete 'eaves' and parapet. The terraced garden is also significant.

How is it significant?

The house has local rarity value, as well as representative and aesthetic significance, to the City of Moreland. The landscaping has local aesthetic significance to the City of Moreland.

Why is it significant?

The postwar period Moderne style residence is a sophisticated example for the northern suburbs and, in this sense, is rare for the municipality of Moreland. (Criterion A)

The dwelling demonstrates the principal characteristics of the postwar period Moderne style, with features such as rounded brickwork, aluminium window frames and glass, and painted concrete 'eaves' which wraps around the building framing the high brick parapet. (Criterion D)

The building has aesthetic significance as an excellent example of a brick residence in the postwar period Moderne style in Coburg. It makes a unique and positive contribution to the streetscape as a result of its unusual form, street presence and intact materiality of face brick and curved glass. The terraced landscaping framing the driveway also contributes towards this aesthetic significance with stone clad retaining walls. (Criterion E)

(i) The issue

The issue is whether the Statement of Significance for 28 McMahons Road, Coburg North is accurate and appropriate.

(ii) Evidence and submissions

The owner of 28 McMahons Road, Coburg North supported the Amendment but identified some inaccuracies in the citation and does not believe the external paint controls are necessary to protect the unpainted brickwork as the parent Clause to the Heritage Overlay provides an adequate permit trigger for unpainted surfaces.

In relation to the description of materials, the owner advised:

- the eaves are of a lightweight material with a composite sheet material on the under sides and a flat metal sheet on the upper side
- the window frames are made of steel.

In response to the submission, Council resolved at its 8 December 2021 meeting to:

- modify the citation to accurately describe materials and clarify garden edging
- apply external paint controls in the Schedule to the Heritage Overlay for 28 McMahons Road, Coburg North (HO583), and that the omission of this from the exhibited Amendment was a clerical error.

Dr James gave evidence that there were minor inaccuracies in the citation. He provided an updated HO583 citation as an attachment to his Expert Witness Statement reflecting the proposed changes. Dr James did not consider it was necessary to apply external paint controls.

In its Part B submission, Council noted that Dr James proposed additional changes to the Amendment, beyond what was resolved by Council at its meeting on 8 December 2021, specifically the recommendation to retain 'No' in the 'External paint controls apply?' column of the Schedule to the Heritage Overlay.

The updated Statement of Significance for 28 McMahons Road, Coburg North is shown at Figure 13.

Figure 13 Updated Statement of Significance for 28 McMahons Road, Coburg North**Statement of Significance***What is significant?*

The house and front landscaping at 28 McMahons Road, Coburg North is significant. The form of the postwar period Modern style building is significant, along with key features including the rounded face brickwork, curved glass windows, ~~concrete~~composite sheet and metal 'eaves', and brick parapet. The ~~terraced~~slate stone tile garden edging in the front garden is also significant.

How is it significant?

The house has local rarity value, as well as representative and aesthetic significance, to the City of Moreland. The landscaping has local aesthetic significance to the City of Moreland.

Why is it significant?

The postwar period Moderne style residence is a sophisticated example for the northern suburbs and, in this sense, is rare for the municipality of Moreland. (Criterion A)

The dwelling demonstrates the principal characteristics of the postwar period Moderne style, with features such as rounded brickwork, ~~aluminium~~steel window frames and glass, and painted ~~concrete~~composite sheet material and flat sheet metal 'eaves' which wraps around the building framing the high brick parapet. (Criterion D)

The building has aesthetic significance as an excellent example of a brick residence in the ~~postwar~~period-Moderne style in Coburg which is highly intact. It makes a unique and positive contribution to the streetscape as a result of its unusual form, street presence and intact materiality of face brick and curved glass. The ~~terraced~~slate stone clad garden bed edging in the front landscaping ~~framing the driveway~~ also contributes towards this aesthetic significance ~~with stone clad retaining walls~~. (Criterion E)

(iii) Discussion

Council advised all submitters of proposed post exhibition changes to the Statements of Significance. The submitter did not participate in the Hearing process.

The Panel has reviewed the proposed post exhibition changes and considers them reasonable and appropriate. The description of materials more accurately captures the physical characteristics of the place. The Panel supports the changes relating to description of the house as well as the clarification relating to the slate stone tile garden edging. Proposed changes are important improvements to the exhibited Statement of Significance.

The exhibited Schedule to the Heritage Overlay does not propose apply external paint controls to 28 McMahons Road, Coburg North. The Panel agrees with the submitter and Dr James that this is appropriate, and external painting will be adequately managed through the parent clause to the Heritage Overlay which includes a permit requirement to "externally paint an unpainted surface".

(iv) Conclusion and recommendation

The Panel concludes the Statement of Significance for 28 McMahons Road, Coburg North (HO583) should be updated as recommended in Attachment J to Dr James' Expert Witness Statement. This is the Panel's preferred version.

The Panel recommends:

Amend the Statement of Significance for:

- a) 28 McMahons Road, Coburg North (HO583) in accordance with the Panel preferred version at Appendix E6 of this report.

5.10 Bluestone retaining walls, Oak Park (HO585)

Exhibited Statement of significance



What is significant?

The bluestone retaining walls at Deveraux Street, Draska Court, and Short Avenue, Ash Grove, Vincent Street and Xavier Street, Oak Park are significant.

How is it significant?

The bluestone retaining walls are of local aesthetic significance to the City of Moreland.

Why is it significant?

The Bluestone Retaining Walls have aesthetic significance as a substantial and visually prominent feature within the streetscape of Oak Park that provides important character to the area. They define the boundary of each property along the nominated streets and contribute towards a visual understanding of the terraced landscape of Oak Park. (Criterion E)

(i) The issue

The issue is whether the stone walls adjacent to 64 Vincent Street, Oak Park has sufficient heritage significance to justify the Heritage Overlay.

(ii) Evidence and submissions

Submitter 1 did not oppose the proposal to apply the Heritage Overlay to the bluestone walls along Vincent Street, Oak Park, but sought assurances from Council that it would maintain the walls in good repair and meet all the associated costs.

Submitter 4 disagreed with the aesthetic value of the bluestone walls and sought confirmation that Council is responsible for their repair and maintenance.

Submitter 10 submitted that the walls adjacent to 64 Vincent Street, Oak Park did not meet the criteria for heritage significance.

Submitter 20 considered it appropriate to apply the Heritage Overlay to the bluestone retaining walls in Oak Park, but questioned the description of the walls, in particular the brick laying pattern and impacts of inconsistent methods of repair which have impacted the look of the walls. They sought acknowledgement that Council will be liable for any incidents arising from uneven steps in front of the property and assurances that Council is responsible for maintaining the walls.

The 'Summary of submissions, Officer response and recommendations' attached to the Council report of 8 December 2021 included a response to the issues raised in submissions, including:

- a description of the bluestone retaining walls is summarised in the citation and appropriately acknowledges there are some sections where the pattern of the stonework and mortar differs
- the bluestone retaining walls included in HO585 are listed on Council's asset register and Council is responsible for maintenance, including the cost of repairs
- clarification of liability for footpaths and steps connecting to private property.

Dr James agreed the landscaping works adjacent to the property are not significant and recommended the curtilage of HO585 be reduced to exclude the portion adjacent to 64 Vincent Street. He provided an updated HO585 citation as an attachment to his Expert Witness Statement reflecting the proposed changes.

Council relied on the evidence of Dr James and supported the proposed changes to the citation.

(iii) Discussion

The Panel observed during its site visit that the old bluestone walls along Vincent Street do not continue along the frontage of 64 Vincent Street, Oak Park. While there are stone retaining walls on the property they are in a different location and are of a different form and construction. The Panel accepts the evidence of Dr James that it is appropriate to reduce the curtilage of HO585 to exclude the portion adjacent to 64 Vincent Street.

Given the scale of the map showing the curtilage in the Statement of Significance it would assist to specify in 'What is significant?' that HO585 does not apply to 64 Vincent Street, as suggested below:

- The bluestone retaining walls at Deveraux Street, Draska Court, ~~and~~ Short Avenue, Ash Grove, Vincent Street ([apart from 64 Vincent Street](#)) and Xavier Street, Oak Park are significant.

In relation to description of the walls in the citation, the Panel agrees with Council that the description adequately explains variation in the pattern and mortar.

The Panel does not make comment on issues raised relating to ownership, maintenance and liability.

(iv) Conclusions and recommendation

The Panel concludes:

- The stone walls adjacent to 64 Vincent Street, Oak Park do not have sufficient heritage significance to justify the Heritage Overlay (HO585).
- The wording of 'What is significant?' in the Statement of Significance should be amended in accordance with the Panel recommendation.

The Panel recommends:

Amend the Statement of Significance for:

a) 'Bluestone Retaining Walls, Deveraux Street, Draska Court, Short Avenue, Ash Grove, Vincent Street and Xavier Street, Oak Park' (HO585) to:

- remove 64 Vincent Street, Oak Park from the map showing the Heritage Overlay curtilage
- amend the wording of 'What is significant?' to state:

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.

5.11 13 Ash Grove, Oak Park (HO586)

Exhibited Statement of significance



What is significant?

The house and landscaping at 10 Ash Grove, Oak Park is significant. The form and materiality of the International style dwelling is significant, inclusive of the roof form, large windows, brick and timber cladding. The stone tile edging to the driveway is significant. The landscaping to the front garden is not significant.

How is it significant?

The house is of local representative and aesthetic significance to the City of Moreland. The driveway edging is of local aesthetic significance to the City of Moreland.

Why is it significant?

The site demonstrates the principal characteristics of the International style, in particular the floor to ceiling glass, the low pitched skillion and flat roof with wide eaves, timber cladding below the eaves. As viewed from the street, it is an intact and highly representative example of this style. (Criterion D)

The dwelling has aesthetic significance as an intact postwar International style dwelling which has high quality features and design, including the ground hugging built form, mixed use of timber and brick, and large windows. The stone tile driveway edging also contributes towards the aesthetic significance of the place. (Criterion E)

(i) The issue

The issue is whether 13 Ash Grove, Oak Park has sufficient heritage significance to justify the Heritage Overlay.

(ii) Evidence and submissions

Submitter 16 opposed the Heritage Overlay being applied to 13 Ash Grove, Oak Park due to alterations to the property since the heritage assessment, specifically rendering of the façade and painting of timber panelling. The submitter was of the view that recent changes to the building

has significantly changed the original exterior of the house, and it is unlikely to meet the threshold for heritage significance. The submitter also advised of further proposed changes to the property.

Council relied on the evidence of Dr James, and recommended the Heritage Overlay not be applied to the property.

Dr James considered:

The overall built form, floor to ceiling windows and stone tile garden beds remain intact.

- Rendering of the walls is considered to be a major and intrusive alteration that will not be easily, or likely to be, reversed.
- The integrity/intactness of the building has been reduced from 'high' to 'moderate' overall.

Although the building retains a range of key features, it is our opinion that the property no longer meets the threshold for local heritage significance due to the rendering of the brickwork which was a primary aesthetic component of the building as noted in the statement of significance.

(iii) Discussion

The property has been nominated for application of the Heritage Overlay under Criterion D (representativeness) and Criterion E (aesthetic significance).

The Statement of Significance indicated that the house was an intact and highly representative example of the International style. Dr James' evidence revises its integrity from high to moderate.

While the brick work is identified under Criterion E, the Panel considers its influence on the aesthetic significance may have been understated in the Statement of Significance as it is only listed as a feature and not the primary aesthetic component. However, the Panel agrees with Dr James that while the house retains many of the key features defining its significance, the extensive rendering of the brickwork has removed the primary aesthetic component of the building and will not easily be reversed.

(iv) Conclusion and recommendation

The Panel concludes the changes to 13 Ash Grove, Oak Park since the heritage assessment have significantly changed the house and it no longer meets the threshold of significance to justify application of the Heritage Overlay.

The Panel recommends:

Delete the Heritage Overlay from:

- a) 13 Ash Grove, Oak Park (HO586).**

5.12 413 Gaffney Street, Pascoe Vale (HO590)

Exhibited Statement of significance



What is significant?

The house and landscaping at 413 Gaffney Street, Pascoe Vale is significant. The triple fronted built form of the postwar house is significant, along with key features including the chimney design, corner windows and face brick. The terraced landscaping and stone lined driveway are also significant. The garage and rear extension are not significant.

How is it significant?

The house and landscaping are of local representative and aesthetic significance to the City of Moreland.

Why is it significant?

The house and landscaping demonstrate the principal characteristics of the postwar era 1950s suburban house, a characteristic recognised as quintessentially Australian and emblematic of the Australian suburbia. This is owing to its triple fronted built form, brickwork to the façade and chimney, window form, and terraced landscaping. (Criterion D)

The house and landscaping have aesthetic significance as an intact and well-kept post-war house with notable features including the chimney design, corner windows, terraced garden and stone lined driveway. The building is located on a prominent street corner. (Criterion E)

(i) The issues

The issue is whether 413 Gaffney Street, Pascoe Vale has sufficient heritage significance to justify the Heritage Overlay.

(ii) Evidence and submissions

The owner objected to the Heritage Overlay being applied to 413 Gaffney Street, Pascoe Vale.

He raised issues relating to:

- the place has no real significance outside of some features that are not unique

- it is only considered significant against two criteria which is not enough without a substantial weighting process
- the site is within a local activity centre and zoned Residential Growth Zone and the proposal will limit development potential and impinge on the owner's property rights
- there is no financial modelling to understand how the proposal will impact on property value, rates or maintenance.

The owner expanded on his original submission at the Hearing. He submitted:

- he was planning to sell his property to a developer and wanted to maximise his return
- the house had many additions and alterations which rendered it not significant, and he considered these were not accurately captured in the citation
- in his personal opinion the house was not significant
- location of the house on a corner is irrelevant to its aesthetic significance
- the comparative analysis is poorly researched
- the Howard Arkley reference has nothing to do with the criteria for assessment
- the nominations process is not transparent and the study methodology is questionable and inconsistent
- the proposal will not result in net community benefit
- he was not satisfied with the consultation and exhibition process, or responses from Council during and post exhibition.

Council noted 413 Gaffney Street, Pascoe Vale is part of the Gaffney Street/Pascoe Vale Station Neighbourhood Centre and within a Residential Growth Zone. It submitted:

It is not uncommon for heritage places to be within areas designated for growth. This is demonstrated by the large amount of heritage within the Coburg and Brunswick Activity Centres. More specific to the Gaffney Street/Pascoe Vale Station Neighbourhood Centre, 24 Fawkner Road is also within the RGZ [Residential Growth Zone] and HO.

In relation to issues of heritage significance, Council relied on the evidence of Dr James.

Dr James gave evidence that the place had been assessed as significant against two criteria; Criterion D (representative significance) and Criterion E (aesthetic significance). He advised that 'uniqueness' is not a requirement under these criteria, and "*indeed representative significance requires that it be typical in some way of the particular class of place being represented*". He was of the view the place was typical of the post war 1950s suburban house that would merit consideration for heritage significance based on reference to this 'class of place' in the Moreland Thematic History. In summary, Dr James considered it meets Criterion D as a result of:

the remarkably intact retention of high-quality features that typify the style, being its triple-fronted built form, brickwork to the façade and chimney, window form and terraced landscaping .

Dr James was of the view that 413 Gaffney Street, Pascoe Vale also met Criterion D due to: its intact overall form comprised of notable individual features, including the chimney design (acknowledged as possibly significant in the submission), corner windows, terraced garden, stone lined driveway and prominent street-corner position. The emblematic, quintessentially Australian nature of this form and its aesthetic appreciation is also represented in the work of painter Howard Arkley.

Dr James considered the comparative assessment to determine whether the place reached the local significance threshold appropriate. The place was compared with two 1950s houses included in the Heritage Overlay, against which the place compared favourably. He noted the style was generally under represented in the Heritage Overlay.

Dr James gave the opinion that for a place to be assessed as significant only one criterion need be met, which had been achieved in this case. He did not recommend any changes to the nomination.

(iii) Discussion

The Panel notes as a limitation that Dr James had not reviewed the further submissions received in relation to 413 Gaffney Street prior to the Hearing. Consequently he was not able to respond to questions from the Panel on this material.

The Panel accepts and agrees with Dr James that it is only necessary to meet one criterion for local heritage significance to justify the Heritage Overlay.

Consistent with the discussion in previous chapters, the primary consideration for the Panel is whether a place is significant with regard to criteria and importance.

In relation to both Criteria D and E, the place must demonstrate that it is an important example of 'class of place' and/or aesthetic characteristics, not just whether it is typical or particularly intact. The Statement of Significance, under 'Why is it significant?', states the characteristics of the place and explains that it is typical of a post war era suburban house. The Statement of Significance does not identify that the place is important, nor did the evidence of Dr James.

At the Hearing, Dr James highlighted that the place was remarkably intact and typified the style. While intactness of the building is a consideration with regard to the thresholding test, it is important not to conflate intactness with significance.

The assessment against HERCON criteria in the citation does not expand on the statement of 'Why is it significant?' in the Statement of Significance. This has not assisted the Panel in understanding how the house has been assessed as significant or as an important example.

The building is a relatively intact and good example of post war era house. Moreland experienced a surge in post war development characterised by development in Pascoe Vale and surrounding suburbs in the early 1950s and 1960s, as explained in the Moreland Thematic History. However, this does not in itself demonstrate sufficient heritage significance to meet the threshold of locally significant.

The comparative assessment is critical in understanding whether the house is an important post war example that warrants the Heritage Overlay. The comparative analysis notes there are many examples of post war era 1950s houses in the municipality and they are relatively under represented in the Heritage Overlay.

The Panel accepts the house compares favourably with the comparators, both in terms of intactness and representativeness, but notes the two primary comparators with individual heritage significance are both identified as having unusual features. The Panel agrees with Dr James that the criteria do not specify 'uniqueness' as a requirement under the criteria, however the presence of unusual features indicates there is something significant about these places that is not found at 413 Gaffney Street, Pascoe Vale.

Of key concern to the Panel was that the assessment of 413 Gaffney Street was not undertaken in the context of a post war era heritage study. This made it impossible to know whether the house was important relative to other examples. This is a symptom of the place being assessed through a Heritage Nominations Study rather than a strategic heritage study as discussed in Chapter 2.

Council advised in its closing comments that it had not completed a post war heritage study, but some properties were identified through the nominations study.

This is considered more critical given the citation for 413 Gaffney Street notes twice that this style of brick 1950s house is generally under represented on the Heritage Overlay, alongside the Moreland Thematic History which identifies there was a surge in post war development in Moreland. 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. Without this work the Statement of Significance and citation do not provide adequate justification.

The Panel comments on the Historical Notes section of the citation, which expands on how the aesthetic theme of post war housing that is recognised as quintessentially Australian is well represented in the art of Howard Arkley, *“Australia’s foremost and most recognisable painter of Australian suburbia”*. While interesting, the Panel agrees with the owner that the relevance to the heritage assessment is not clear.

As addressed in other chapters of this Report, it is common for properties in the Heritage Overlay to be located in areas for significant change and the Planning Scheme establishes a policy and planning control framework to guide balanced decision making in favour of net community benefit. Council as the responsible authority will need to balance competing policy objectives when assessing a planning permit application.

Issues relating to public exhibition and consultation, development potential, financial impacts and maintenance are addressed in Chapters 2 and 3.

(iv) Conclusions and recommendations

The Panel concludes the property at 413 Gaffney Street, Pascoe Vale does not have sufficient heritage significance to justify the Heritage Overlay.

The Panel recommends:

Delete the Heritage Overlay from:

- a) 413 Gaffney Street, Pascoe Vale (HO590).**

Appendix A Planning context

A1 Planning objectives

PE Act

Section 4(1)(d) seeks 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.

Section 4(1)(d) seeks to balance the present and future interests of all Victorians.

Planning Scheme

Table 4 summarises the Planning Policy Framework clauses relevant to the Amendment, as set out in the Explanatory Report and Council's Part A submission.

Table 4 State, regional and local policies

Relevant clauses
Municipal Planning Strategy
02.03-4 (Built environment and heritage)
Council seeks to protect heritage assets and improve the built environment by:
<ul style="list-style-type: none"> - Encouraging development that is designed to respond to and contribute to its context and any relevant heritage significance. - Protecting Moreland's valued heritage places from demolition and unsympathetic development or subdivision.
15 (Built environment and heritage)
15.01 (Built environment)
15.01-5S (Neighbourhood character)
To recognise, support and protect neighbourhood character, cultural identity, and sense of place.
15.03 (Heritage)
15.03-1S (Heritage conservation)
To ensure the conservation of places of heritage significance.
Relevant strategies:
<ul style="list-style-type: none"> - Identify, assess and document places of natural and 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 and the maintenance of ecological processes and biological diversity. - 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. - Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Relevant clauses

15.03-1L (Heritage in Moreland)

Relevant strategies:

- Encourage the retention of contributory or significant heritage fabric required to maintain the original streetscape appearance.
- Encourage new buildings and alterations and additions that respect the existing scale, massing, form and siting of contributory or significance elements and do not dominate the heritage place or precinct.
- Discourage total reconstruction of a heritage place as an alternative to retention.
- Retain significant elements of the heritage landscape.

A2 Other relevant planning strategies and policies

Plan Melbourne

Plan Melbourne 2017-2050 sets out strategic directions to guide Melbourne's development to 2050 to ensure it becomes more sustainable, productive and liveable as its population approaches 8 million. It is accompanied by a separate implementation plan that is regularly updated and refreshed every five years.

Plan Melbourne is structured around seven Outcomes, which set out the aims of the plan. The Outcomes are supported by Directions and Policies, which outline how the Outcomes will be achieved. The following are relevant to the Amendment:

- **Outcome 4:** Melbourne is a distinctive and liveable city with quality design and amenity
 - **Direction 4.4:** Respect Melbourne's heritage as we build for the future
 - **Policy 4.4.1:** Recognise the value of heritage when managing growth and change.

A3 Planning scheme provisions

The Heritage Overlay purposes are:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The Heritage Overlay requires a planning permit to demolish, subdivide, build or carry out works. The Heritage Overlay enables its Schedule to specify additional controls for specific trees, painting previously unpainted surfaces, internal alterations and an incorporated plan (which may exempt buildings and works and other changes from requiring a planning permit). The Schedule may also identify if a place can be considered for uses that are otherwise prohibited, subject to a planning permit.

A4 Ministerial Directions and Practice Notes

Ministerial Directions

The following summarises how the Amendment meets the relevant requirements of Ministerial Directions, as set out in the Explanatory Report and Council's Part A submission:

- Ministerial Direction – The Form and Content of Planning Schemes
 - the Amendment documentation conforms with requirements
- Ministerial Direction 9 – Metropolitan Planning Strategy
 - the Amendment supports objectives of Plan Melbourne (as detailed above)
 - the Heritage Exemptions Incorporated Plan will help to facilitate appropriate development
- Ministerial Direction 11 – Strategic Assessment of Amendments
 - supports the Planning Policy Framework and Municipal Planning Strategy by applying the Heritage Overlay to identified places of local cultural significance
 - makes proper use of the Victoria Planning Provisions through application of the Heritage Overlay, which is the appropriate tool to protect the heritage values of individual places and precincts with heritage significance
- Ministerial Direction 15 – The Planning Scheme Amendment Process
 - relevant timeframes and requirements have been complied with.

Planning Practice Note 1 – Applying the Heritage Overlay (August 2018)

Planning Practice Note 1 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

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

Planning Practice Note 1 specifies that documentation for each heritage place needs to include a Statement of Significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the HERCON criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

Appendix B Submitters to the Amendment

No.	Submitter
1	Onur Ali
2	Esther Myles
3	Jessica Malcolm
4	Ian R Woods
5	Wendy Francis
6	Ajit Wijesinghe
7	Catherine Taylor
8	Dr George Vossos
9	Fiona Smith
10	Lyn Gannan
11	Alison Duffin
12	Helen Vamvakinou
13	Georges H Francis
14	Darebin City Council
15	Daniel Briggs and Ashlee Bailey
16	Nick Wheeler and Erica Managh
17	Dr Daher Francis
18	Andrew Devine and Emma Hamilton
19	Georges Francis
20	Paul Sorbian
21	P & S Mirabella (Holdings) Pty Ltd
22	Mark Waldon
23	Anna and Lorenzo Roccuzzo
24	Carl and Maria Soccio
25	Theo Kritikos
26	May Ling Yong and David Shekleton
27	Joe Brzezek
28	Warren Reid
29	CERES Inc.
30	Development Victoria
31	Angela and Jim Fotopoulos

32	Melissa Compagnoni
33	Andrew Stevens
34	Alan Caras and Adele Schocker
35	Matthew Macdonald and Christine Burke
36	Elly Gay
37	Ros Moye
38	Joanna Stanley and Sam Kyriakou
39	Christine Burke
40	Mark Stefani
41	M and M Borg
42	Enzo Carbone
43	Gerrard Barclay and Amanda Good
44	Margaret Chambers

Appendix C Document list

No.	Date	Description	Provided by
1	31/01/2022	Letter - Panel Directions and Timetable (version 1)	Planning Panels Victoria (PPV)
2	02/02/2022	Email – alternative Hearing dates pertaining to Submitter 21	Moreland City Council (Council)
3	“	Formal referral of late submissions, including: - Letter to Panel (1 February 2022) - Submission 43 - Submission 44	“
4	03/02/2022	Letter – Hearing dates	P & S Mirabella (Holdings) Pty Ltd and Mirabella Imports Pty Ltd (Mirabella)
5	08/02/2022	Letter - Confirmation of availability for Panel Hearing and timetable requirements	Development Victoria (DV)
6	09/02/2022	Letter - Second Directions Hearing Notification	PPV
7	14/02/2022	Letter - Confirmation of timetable requirements, and clarification that a witness will not be called	DV
8	15/02/2022	Letter – Hearing date availability	Mirabella
9	“	Email – Hearing date availability	Council
10	17/02/2022	Updated Directions and Timetable (version 2)	PPV
11	18/02/2022	Email - Site visit request	Andrew Stevens
12	“	Email - Site visit request	Amanda Good
13	“	Letter – Site visit request	Joanna Stanley and Sam Kyriakou (Joanna Stanley)
14	“	Email – Site visit request	Mirabella
15	“	Email – Site visit request, including internal building inspection for 31 The Avenue	DV
16	21/02/2022	Email – Site visit request	CERES Incorporated (CERES)
17	“	Document sharing platform - basecamp	Council
18	“	Council Part A submission, with attachments: - Appendix 1 - List of Exhibited Properties - Appendix 2 - Chronology of Events - Appendix 3 - Moreland Heritage Gap Study 2019 – Vol 1 & 151A Lygon Street, Brunswick East Citation	“

No.	Date	Description	Provided by
		<ul style="list-style-type: none"> - Appendix 4 - Moreland Heritage Nominations Study 2020 – Vol 1 & Vol 2 - Appendix 5 - Council Report with Response to Submissions - Appendix 6 - Revised Amendment Documents - Appendix 7 - Planning & Building Permit and Applications affecting C208more properties 	
19	“	Map showing location of submitters	“
20	“	<p>Expert Witness Statement by Dr Luke James (Extent Heritage Pty Ltd) with attachments:</p> <ul style="list-style-type: none"> - Appendix A - Response to submissions - Not appearing - Appendix B - Amended Heritage Citations: HO559 Lee Street, Brunswick East - CERES Park & HO572 131 Harding Street, Coburg - Joe's Market Garden - Appendix C - Amended Heritage Citation. 31 The Avenue, Coburg - Appendix D - Advice on the contribution of 31 The Avenue, Coburg to HO172 - Appendix E - Amended Heritage Citation. HO550 383 Brunswick Road, Brunswick - Concrete House & Fence - Appendix F - Amended Heritage Citation. HO552 198 Edward Street, Brunswick - Loretto - Appendix G - Amended Heritage Citation. HO594 Hanover Street Precinct, 27-49 and 2-64 Hanover Street, Brunswick - Appendix H - Amended Heritage Citation. HO207 Coonans Hill Precinct, Pascoe Vale South (Extension) - Appendix I - Amended Heritage Citation. HO585 Deveraux Street and surrounds includes: Deveraux Street, Ash Grove, Vincent Street, Short Street, Draska Court and Xavier Street, Oak Park - Bluestone Retaining Walls - Appendix J - Amended Heritage Citation. HO583 28 McMahons Road, Coburg North – House - Appendix K - Amended Heritage Citation. HO577 415–425 Sydney Road, Coburg - Coburg Market. - Appendix L - Amended Heritage Citation. HO85 Glenmorgan, Albion and Clarence Streets Precinct (Extension) - Appendix M - Amended Heritage Citation. HO563 113 Nicholson Street, Brunswick East – Flats 	“
21	“	Expert Evidence Report – Engineer’s Report	Andrew Stevens
22	22/02/2022	Email – regarding site inspection for 31 The Avenue	PPV

No.	Date	Description	Provided by
23	23/02/2022	Submission to the Panel	Andrew Stevens
24	"	Submission regarding site visit	Enzo Carbone
25	25/02/2022	CERES Hearing submission	CERES
26	"	Formal request to extend submission time allocation	Enzo Carbone
27	28/02/2022	Council's Part B submission	Council
28	"	Joe's market access guidance	CERES
29	"	Factual corrections and feedback on Citation	"
30	1/03/2022	Hearing Submission (ppt and pdf) and attachment Moreland Local Heritage Places Review, Context, 2004	Amanda Good
31	"	J Stanley and S Kyriakou Hearing submission and three attachments: - Citation – 198 Edward Street - Further submission – copy of submission to Council - Support letter – S Bolton	Joanna Stanley
32	"	Evidence in chief presentation by Dr Luke James	Council
33	"	Updated Expert Witness Statement attachments with tracked changes showing	"
34	"	Email from Panel to parties regarding early commencement for Day 2	PPV
35	2/03/2022	Photos of chimneys	Joanna Stanley
36	"	Development Victoria submission with attachments: - Extent heritage advice 3 Feb 2022 - Baw Baw C138bawb Panel Report - Planning Practice Note 1 - Proposed heritage citation post exhibition and in response to submission (clean copy and tracked changes) - Review of Heritage Provisions in Planning Schemes, Advisory Committee Report - The Avenue Coburg Heritage Assessment by Diahnn Sullivan - VHR report – Eastern Hill Fire Station report - VHR report – Plumbers and Gasfitters Union Building - VHR report – St Patrick's cathedral - Heritage Council VHR Criteria and Threshold Guidelines - Wellington C92 Panel Report - Yarra C245 Panel Report	DV

No.	Date	Description	Provided by
37	3/03/2022	Council's submission Part C1 'In reply' with attachments: <ul style="list-style-type: none"> - Appendix 1 - Nominations Study - Stage 2 Heritage Assessment & Thematic History Review and Update - Project Brief - Appendix 2 - Heritage Victoria Model Brief for Heritage Studies - Appendix 3 - Moreland Heritage Gaps Study Place Nominations Form - Appendix 4 - Heritage Assessment of 31 The Avenue Coburg by Diahnn Sullivan - Appendix 5 - Email Brief for further assessment of 31 The Avenue Coburg contribution to HO172 - Appendix 6 - HO172 The Grove Sydney Road Precinct Heritage Citation - Appendix 7 - HO85 - Glenmorgan Clarence and Albion Street Precinct Citation - Appendix 8 - Heritage Nominations Study - recommended Schedule to Clause 43.01 by Extent Heritage 	Council
38	4/03/2022	Updated Timetable and Document List version 3	PPV
39	1/04/2022	Post Panel response to Panel questions with attachments <ul style="list-style-type: none"> - HO85 Glenmorgan, Albion and Clarence Streets Precinct citation - HO85 Glenmorgan, Albion and Clarence Streets Precinct Statement of Significance - HO87 Gordon Street and Devon Avenue Precinct citation - HO87 Gordon Street and Devon Avenue Precinct Statement of Significance - HO207 Coonan's Hill Precinct Statement of Significance - Moreland Heritage Permit Exemptions 	Council
40	5/04/2022	Letter to Panel requesting additional time for submission	DV
41	19/04/2022	Updated Timetable version 4	PPV
42	26/04/2022	Evidence of Dr Roberts (Heritage) for Council	Council
43	"	Evidence of Mr Raworth (Heritage) for Mirabella	DV
44	"	Evidence of Mr Negri (Heritage) for Mirabella	"
45	2/05/2022	Council's Part B (2)	Council
46	"	Mirabella Submission	DV
47	"	Mr Carbone's submission	Enzo Carbone
48	3/05/2022	Evidence in Chief PowerPoint - Ronald	Council
49	"	Evidence in Chief PowerPoint – Dr James	"

No.	Date	Description	Provided by
50	“	Moreland Thematic History, 2020	“
51	4/05/2022	Updated Timetable version 5	PPV
52	“	Letter to Council from Panel re questions	“
53	6/05/2022	Council’s Reply	Council
54	6/05/2022	Letter to Parties in Part 2 of the Hearing – further directions	PPV
55	13/05/2022	Response to Panel further directions	Council
56	19/05/2022	Request extension of time for Mirabella reply submissions	Mirabella
57	19/05/2022	Email granting extension of time for Mirabella’s reply	PPV
58	20/05/2022	Response to further directions - reply submissions	Mr Carbone
59	23/05/2022	Response to further directions - reply submissions	Mirabella
60	27/05/2022	Response to further direction – final reply submissions	Council
61	30/05/2022	Email acknowledging receipt of documents and requesting instructions for expert witness Mr Negri	PPV
62	1/06/2022	Instructions for expert witness Mr Negri (as requested by the Panel)	Mirabella
63	3/06/2022	Email to Council with request for full Coonan’s Hill Precinct Citation	PPV
64	3/06/2022	Coonan’s Hill Precinct Citation	Council

Appendix D Land affected by proposals to change, remove or modify the Heritage Overlay

Table 5 Properties with changes to their Heritage Significance

HO Number	Address		HERCON Criteria	Notes
HO73	2A Charles Street	Brunswick	A & E	Within the Edward Street Precinct
HO139	26-32 Gray Street	Brunswick	B, D & E	Within the Phillipstown Precinct
HO239	13 & 15 Rosser Street	Brunswick	A, D & E	
HO240	14-24 Rosser Street	Brunswick	A, E & H	
HO243	828 Sydney Road	Brunswick	A & B	
HO237	73 Plumpton Avenue	Glenroy	A, B, E & H	

Table 6 Properties removed from the Heritage Overlay

HO Number	Street Address	Suburb	Notes
HO24	25A Stewart Street	Brunswick	Property to be transferred into the new serial listing HO600
HO61	10 Dawson Street	Brunswick	Part of the property to be transferred into the new serial listing HO600
HO82	71-87 Linda Street	Coburg	Deleted from Glencairn Avenue Precinct
HO87	2-3/86 Gordon Street & part of the common property	Coburg	Deleted from Gordon Street Precinct
HO92	2A Walker Street	Brunswick West	Property to be transferred into the new serial listing HO600
HO106	318-324 Lygon Street	Brunswick East	Part of the property to be transferred into the new serial listing HO600
HO113	7 Methven Street	Brunswick East	Part of the property to be transferred into the new serial listing HO600
HO139	24 Gray Street	Brunswick	Part of the property to be transferred into the new serial listing HO600
HO172	31 The Avenue Coburg		Part of the property to be transferred into the new serial listing HO600

HO Number	Street Address	Suburb	Notes
HO179	3, 5, 7, 9, 11, 15, 17, 19, 21, 23, 25, 31, 37 & 39 Lansdowne Street 4, 4A, 8, 12, 14, 20, 1/20, 22, 24, 28, 30 & 34 Hatter Street 235 O’Hea Street	Pascoe Vale South	Deleted from Turner Street Precinct
HO184	425B Victoria Street Brunswick (Brunswick Park)	Brunswick	Part of the property to be transferred into the new serial listing HO600

Table 7 Deleted Heritage Overlay and associated properties

HO No.	Street Address	Suburb	Notes
HO52	2 Connelly Street, Brunswick	Brunswick	
HO136	19A Passfield Street	Brunswick West	From HO map only (already deleted from the HO schedule)
HO278	188 Brunswick Road, Brunswick 190-192 Brunswick Road	Brunswick	Part of the property to be transferred into the new serial listing HO600
HO279	119 Brunswick Road, Brunswick	Brunswick	Part of the property to be transferred into the new serial listing HO600
HO295	168 Edward Street 6108/172 Weston Street 6208/172 Weston Street 6308/172 Weston Street 6408/172 Weston Street 181 Weston Street	Brunswick East	
HO311	14 Frith Street	Brunswick	Part of the property to be transferred into the new serial listing HO600

Table 8 Other modifications to the Heritage Overlay

HO No.	Street Address	Suburb	Notes
HO301	14 Frith Street	Brunswick	Extend the curtilage to align with boundary of the new serial listing HO600

Appendix E Panel preferred versions of Amendment documents

E1 Glenmorgan Street, Albion Street and Clarendon Street Precinct (HO85)

Statement of Significance Glenmorgan, Albion and Clarence Streets Precinct



Place Name	Glenmorgan, Albion and Clarence Streets Precinct 1-75 and 16-80 Glenmorgan Street, 26- 76 ⁷⁸ Albion Street and 11-45 & 20-46 Clarence Street, Brunswick East
PS ref No	HO85

Images





The Glenmorgan, Albion and Clarence Streets Precinct, comprising houses [in Brunswick East](#) at 1-75 and 16-80 Glenmorgan Street, 26-~~76~~⁷⁸ Albion Street and 11-45 & 20-46 Clarence Street, is significant. With respect to contributory properties, the facades, roof forms and setbacks of the Victorian, Federation and Interwar houses are significant. Timber picket fences are also significant. Brick and metal fences, as well as rear extensions, are not significant.

- Glenmorgan Street: 1-37, 41-73 and 22-28, 32-44, 48-50, 54-60, 66, 70-80.
- Clarence Street: 11-17, 19-45 and 20-46.
- Albion Street: 26-46, 50-54, 58, and 62-~~76~~⁷⁸.

- Glenmorgan Street: 16A, 18, 28A, 30, 30A, 30B, 39, 46, 52, 62, 64, 68 and 75.
- Clarence Street: 19A.
- Albion Street: 48, 56 and 60.

The Glenmorgan, Albion and Clarence Streets Precinct is of local historical and aesthetic significance to the City of Moreland.

The Glenmorgan, Albion and Clarence Streets Precinct is of historical significance as good example of housing stock which reflect the estates development in two distinct stages, first in the 1880s and then in the 1920s. (Criterion A)

The Glenmorgan, Albion and Clarence Streets Precinct is of local aesthetic significance for its intact Victorian cottages, Federation cottages and Interwar style bungalows, all of which reflects

Statement of Significance

its development in two distinct stages, first in the 1880s and then in the 1920s. These dwellings are generally grouped in their types, with Clarence Street containing all of the Victorian era and Federation era dwellings, and both Glenmorgan Street and Albion Street containing the 1920s bungalows interspersed with a small number of non-contributory postwar houses. These dwellings have a consistent scale, setback and materiality which creates a notable streetscape pattern, character and sense of cohesion.

Primary Source

- *Keeping Brunswick's Heritage: A Report on the Review of the Brunswick Conservation Study by Context Pty Ltd, 1990*
 - *City of Moreland Heritage Review, Allom Lovell and Associates, January 1999*
 - *Moreland Heritage Nominations Study, Extent Heritage, 2020*
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E2 Coonan's Hill Precinct (HO207)

Statement of Significance Coonan's Hill Precinct

Note: confirm spelling of Coonan's and check for consistency

Place Name	Coonan's Hill Precinct 1-47 and 2-58 Carrington Street, 1-43 and 2-52 Disraeli Grove, 1-45 and 2-44 Graham Street, 1-51 and 2-46 Grundy Grove, 1-41 and 2A-24 Louisville Avenue, 1-53 and 2-60 Prendergast Street, 2-48 Walhalla Street, 1-59 and 2-74 Ward Grove, 1, 1A, 1B and 3-99 Woodlands Avenue, and 467-491 Moreland Road, Pascoe Vale South
PS ref No	HO207

Images



Curtilage Map



Statement of Significance

What is significant?

The Coonans Hill Precinct, comprising houses at 1-47 and 2-58 Carrington Street, 1-43 and 2-52 Disraeli Grove, 1-45 and 2-44 Graham Street, 1-51 and 2-46 Grundy Grove, 1-41 and 2A-24 Louisville Avenue, 1-53 and 2-60 Prendergast Street, 2-48 Walhalla Street, 1-59 and 2-74 Ward Grove, 1, 1A, 1B and 3-99 Woodlands Avenue, and 467-491 Moreland Road, is significant. With respect to contributory properties, facades, roof forms and setbacks of the interwar and postwar houses are significant, as well as terraced landscaping along Moreland Road properties. Rear extensions are not significant.

The following buildings are of local significance and have individual citations:

- Blackburn House, 16 Louisville Avenue
- Lyndhurst Hall, 46 Walhalla Street

Contributory properties include:

- Carrington Street: 1, 5-19, 23-25, 27-37, 43-45 and 2A-12, 16-36, 40-58.
- Disraeli Grove: 1-43 and 2-22, 26-46, 52.
- Graham Street: 1-11, 15, 19-31, 35-45 and 2-42.
- Grundy Grove: 105, 9-13, 17-51 and 2-12, 18-46.
- Louisville Avenue: 1A-29, 31-41 and 2-14, 18-24.
- Moreland Road: 467-485, [487 \(only the front terraced garden is contributory\)](#) & 489.
- Prendergast Street: 1-11, 15-19, 25-37, 41-53 and 2-4, 10-18, 22-60.
- Walhalla Street: 2-32, 36-38, 42-46.
- Ward Grove: 1, 5-9, 13-19, 25-47, 51-59 and 2-6, 10-22, 28-74.
- Woodlands Avenue: 1A, 1B, 3-13, 15-21, 25-35, 41-57, 61-83, 89-95, 97-99.

Non-Contributory properties include:

- Carrington Street: 3, 14, 21, 21A, 25A, 38, 39, 41 and 47.

Statement of Significance

- Disraeli Grove: 24, 48 and 50.
- Graham Street: 13, 17, 33 and 44.
- Grundy Grove: 7, 7A, 14, 15 and 16.
- Louisville Avenue: 2A and 29A.
- Moreland Road: 487 & 491.
- Prendergast Street: 6, 8, 13, 20, 21, 23 and 39.
- Walhalla Street: 34, 40 and 48.
- Ward Grove: 3, 8, 11, 21, 23, 24, 26 and 49.
- Woodlands Avenue: 1, 15, 23, 37, 39, 59, 85 and 87.

How is it significant?

The Coonans Hill Precinct is of local historical, representative and aesthetic significance to the City of Moreland.

Why is it significant?

The Coonans Hill Precinct is of local historical significance for its association with the first colonial settlers and early farming in Coburg. The Coonans Hill Precinct is of local historical significance as an area of substantially intact modest interwar housing constructed on late-19th century subdivisions, which represents the suburban expansion that occurred in Coburg following World War One and World War Two. (Criterion A)

The Coonans Hill Precinct demonstrates the principal characteristics of interwar and postwar houses in suburban Melbourne, including Interwar Old English, Interwar Moderne, Interwar California Bungalow and Mid-Century Austerity, architectural styles that were present in Moreland in the interwar and immediate post war suburban development. This was an intense era of Australian urbanisation that was rich in new design themes. (Criterion D)

The Coonans Hill Precinct is aesthetically significant for its range of intact, homogenous and visually cohesive interwar and immediate post-war dwellings on a hilly topography, with consistent materiality, scale, form, setbacks and landscaping. Further, the dwellings along Moreland Road are aesthetically significant as sites cut into the incline of Coonan's Hill with terraced gardens overlooking the street, which all work to produce a single homogenous streetscape. The visual setting of retaining walls in varying masonry materials, including brick and stone (bluestone/rubble stone), contributes to the significance of this particular streetscape. (Criterion E).

The Coonans Hill Precinct demonstrates a high degree of creative and technical achievement during the interwar and immediate post-war years, as evidenced by 467-491 Moreland Road which has continuous terracing present at every property. (Criterion F)

Primary Source

- *City of Moreland Heritage Review by Allom Lovell and Associates, January 1999*
- *Moreland Local Heritage Places Review by Context Pty Ltd, 2004*
- *Moreland Heritage Gap Study by Context Pty Ltd, 2019*
- *Moreland Heritage Nominations Study, Extent Heritage, 2020*

E3 383 Brunswick Road, Brunswick (HO550)

Curtilage Map



Statement of Significance

What is significant?

The house and fence at 383 Brunswick Road, Brunswick ~~is~~are significant. The form and concrete construction technology of the house ~~is~~are significant, along with the associated original front boundary fence. The rear extension and garden is not significant.

How is it significant?

The house and fence ~~is~~are of historical significance and rarity value to the City of Moreland. ~~The~~house also demonstrates a high degree of technical achievement at the local level.

Why is it significant?

The house and fence have historical significance as evidence of early concrete house construction in Brunswick and Moreland more generally (Criterion A).

The place is rare as one of four (known) pre-World War I houses of concrete construction in Moreland, likely to be among the earliest known surviving examples in Victoria (Criterion B).

The place demonstrates a high degree of technical achievement through the use of concrete construction in the early twentieth century (Criterion F)

E4 113 Nicholson Street, Brunswick East (HO563)

Curtilage Map



Statement of Significance

What is significant?

The flats at 113 Nicholson Street, Brunswick East are significant. The overall Art-Deco style building form and detailing is significant, including the decorative brickwork, timber windows, building entrance and chimneys. The brick boundary wall is also significant as part of the site landscaping. The concrete car parking and planting are not significant.

How is it significant?

The flats at 113 Nicholson Street, Brunswick East are of local representative and aesthetic significance to the City of Moreland.

Why is it significant?

The flats demonstrate the ~~principle~~principal characteristics of the Art Deco style, including the materiality, overall form and specific detailing to the brickwork. (Criterion D)

The place has aesthetic significance as a highly intact and well-kept Art Deco style residential flats with high quality Art Deco features. Being located on a prominent street corner, it also presents well to the street as a heritage building. (Criterion E)

E5 Coburg Market 415-423 Sydney Road, Coburg (HO577)

Curtilage Map



Statement of Significance

What is significant?

The building at 415-423 Sydney Road, Coburg (otherwise known as 'Coburg Market') is significant. The brick parapet to the front façade of the Coburg Market is significant, as well as the open interior layout and steel and timber-truss hipped roof. The awning, building entrance and façade shop fronts are not significant.

How is it significant?

Coburg Market is of local historical and representative significance to the City of Moreland. It also has rarity value.

Why is it significant?

Coburg Market is important to the course of Coburg's history, as a municipal marketplace which was opened during the Great Depression and remains in use for this purpose. The site has been a source of local produce for the community for 90 years, with produce largely supplied by local market gardeners. (Criterion A)

Coburg Market is a rare example of an intact interwar municipal marketplace in Moreland which has also functioned for this purpose since it was first opened. (Criterion B)

Coburg Market is representative of an interwar marketplace, with an intact open shopping hall which can house fifty stalls covered by a steel and timber-truss hipped roof complete with a large air vent. (Criterion D)

E6 28 McMahons Road, Coburg North (HO583)

Curtilage Map



Statement of Significance

What is significant?

The house and front landscaping at 28 McMahons Road, Coburg North is significant. The form of the postwar period Moderne style building is significant, along with key features including the rounded face brickwork, curved glass windows, concrete composite sheet and metal 'eaves', and brick parapet. The terraced slate stone tile garden edging in the front garden is also significant.

How is it significant?

The house has local rarity value, as well as representative and aesthetic significance, to the City of Moreland. The landscaping has local aesthetic significance to the City of Moreland.

Why is it significant?

The postwar period Moderne style residence is a sophisticated example for the northern suburbs and, in this sense, is rare for the municipality of Moreland. (Criterion A)

The dwelling demonstrates the principal characteristics of the postwar period Moderne style, with features such as rounded brickwork, aluminium steel window frames and glass, and painted concrete composite sheet material and flat sheet metal 'eaves' which wraps around the building framing the high brick parapet. (Criterion D)

The building has aesthetic significance as an excellent example of a brick residence in the postwar period Moderne style in Coburg which is highly intact. It makes a unique and positive contribution to the streetscape as a result of its unusual form, street presence and intact materiality of face brick and curved glass. The terraced slate stone clad garden bed edging in the front landscaping framing the driveway also contributes towards this aesthetic significance with stone clad retaining walls. (Criterion E)