



Moreland City Council

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Part C - Submission by the Planning Authority Moreland City Council

Right of reply

**Planning Scheme Amendment C174
Moreland Heritage Gap Study & Incorporated Plan**



Moreland City Council

Introduction

1. This Part C submission is Council's right of reply to issues and points of clarification that have been raised during the Panel Hearing as follows:
 - Photographs of 32 Passfield Street.
 - Clarification of inclusion of heritage place 197 The Avenue, Coburg.
 - Council view on heritage significance of the HCV Fowler Estate.
 - Assistance and status of Mr David Helms in the preparation of the Heritage Gap Study.
 - Heritage assessment of 59 Union Street, Brunswick.
 - Council's position regarding 36 King Street, Fitzroy.
 - The heritage curtilage of 273 Victoria Street, Brunswick.
 - Further photographic evidence for 18 Waxman Parade, Brunswick West.
 - Council's position on approach for identifying heritage elements for 159-165 Donald Street, Brunswick East.

Response to points of Clarification

32 Passfield Street, Brunswick West

1. On Day 1 of the hearing, Panel requested photographs of 32 Passfield Street, Brunswick West.
2. These photos are included in the expert evidence provided by the submitter for 32 Passfield Street and a copy of this evidence is provided at Attachment 1.

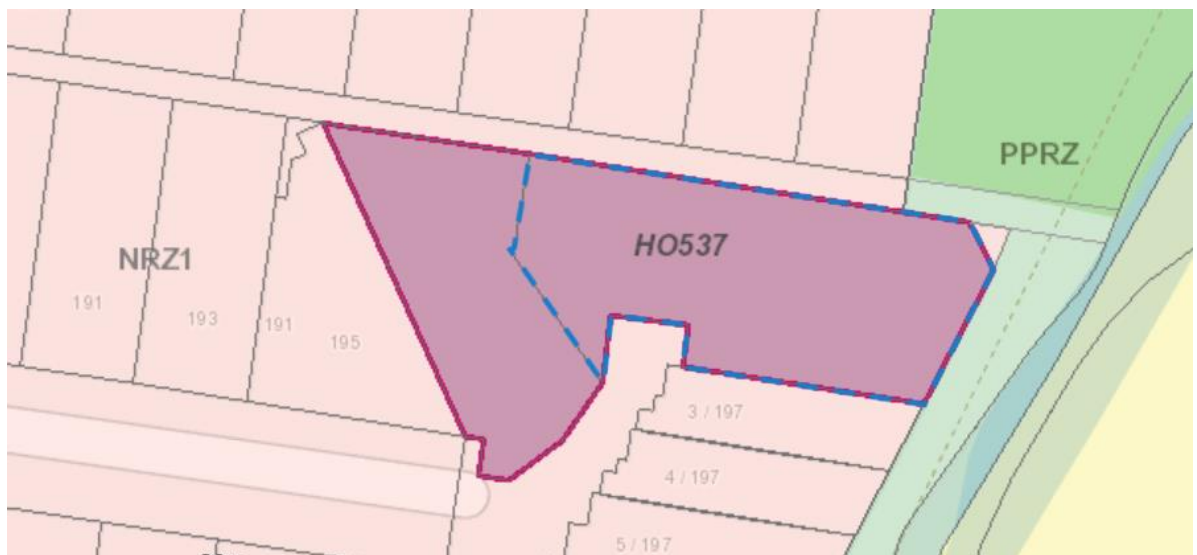
197 The Avenue, Coburg

3. The Panel requested further information regarding the inclusion of 197 The Avenue, Coburg in the Heritage Overlay (**HO**), in particular the location and photographs of the bluestone building proposed for inclusion.

- The original property at 197 The Avenue, Coburg has been subdivided into 5 separate properties. Lots 3-5 have been recently developed with new housing. The bluestone outhouse is located exclusively within the property boundary of 2/197 The Avenue as shown in the aerial map below and marked with a circle.



- Amendment C162 applied an interim heritage overlay to the bluestone outbuilding at 2/197 The Avenue, Coburg on an interim basis until 23 February 2018.
- Amendment C173 applied interim heritage controls to the properties identified as part of the Heritage Gap Study until 31 December 2019.
- As part of Amendment C173, interim controls were incorrectly applied to both properties at 1/197 and 2/197 as shown on the map below.



- The original homestead associated with the property was included within the extents of 1/197 The Avenue, Coburg and was not recommended by Officers to be included permanently as part of Amendment C174. The homestead was originally intended to be included in the interim heritage amendment for Amendment C162, but was excluded

by the Department of Environment, Land, Water and Planning as a result of a further review at that time.

9. Amendment C173 incorrectly applied the HO to both 1/197 and 2/197 The Avenue, Coburg. This anomaly was identified following application of the HO as part of gazettal of Amendment C173. At Council's meeting March 2019, Council resolved to amend the schedule to 43.01 to include only 2/197 The Avenue, Coburg in the HO.
10. The citation for 197 The Avenue includes the following useful images of the outbuilding, which are provided below.

Figure 1 – MMBW Image showing the location of the outbuilding

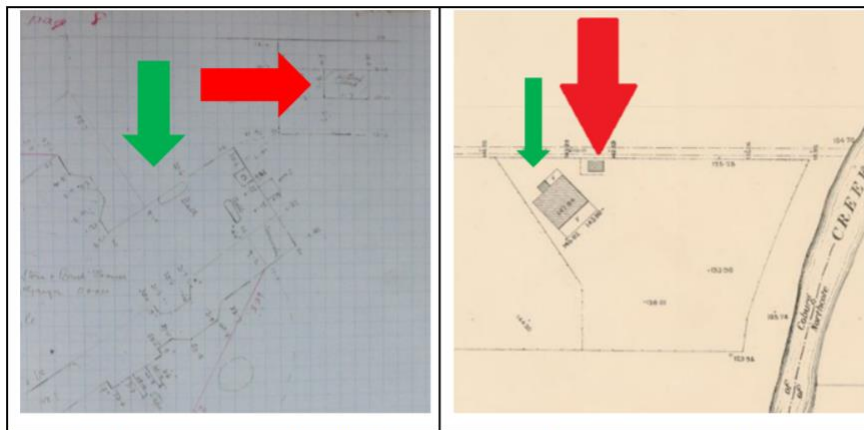


Figure 8 (left): Extract taken from MMBW Field survey book no. 796, dated 1911, with sketch detailing eastern wing of 'Glengyle' (green arrow) and adjacent bluestone outbuilding to the north-east (red arrow) (source: VPRS 8600, P0001, Unit 46, Public Record Office Victoria)

- The proposed heritage outbuilding is demonstrated on the MMBW image on the left with the red arrow.
- Photo of the proposed heritage outbuilding to the right.

Figure 2: Bluestone Outbuilding



Figure

3:

Victorian window flanked by large bluestone blocks and topped with sandstone (source: Context 2016)



11. In relation to the Panel's question about whether the original owner of the property had an associated with William Westgraph, the following extracts from the heritage citation confirms this association:

Why is it significant?

The bluestone outbuilding at 197 The Avenue, Coburg, is historically significant as the last known outbuilding of the original 'Moorefield' (later 'Glengyle') villa, with its associated extensive complex of bluestone outbuildings, which was built in 1855 and served as a grand and important private residence of early Melbourne. It is also historically significant

as an early surviving work of Charles Vickers, a notable early colonial architect who designed numerous Gothic Revival churches and several public buildings in Victoria from the mid 1850s to the late 1870s. The historical significance of the site also lies in its association with William Westgarth, David Moore and Duncan McGregor, all of whom played important roles in the development of Coburg in particular, and colonial Victoria more generally. (Criteria A & H)

In 1845, the Melbourne merchant and politician (and later historian) William Westgarth (1815- 1889) purchased the north-eastern section of CA 132 from William Locke. Westgarth named the property 'Maryfield' after his parental home in Edinburgh, and this became his private residence.

Information from the heritage citation for the outbuilding is as follows:

William Westgarth (1815–1889) was a highly significant figure in early Melbourne and Victoria, through his commercial activities as a merchant and in public life as a politician and historian. Between 1845 and 1854, he resided at 'Maryfield' on the Merri Creek in Coburg, which was a previous name for the 'Moorefield/ Glengyle' property.

*His house would most likely have occupied the same site as the later house 'Moorefield' (1855). Westgarth is notable as an early historian of Melbourne and Victoria, with publications including *Australia Felix*; or, a Historical and Descriptive Account of the Settlement of Port Phillip (1848) and *Personal Recollections of Early Melbourne and Victoria* (1888). Westgarth is recognised as an important figure in Australian history through his inclusion in the *Australian Dictionary of Biography* (vol. 6).*

Council view on heritage significance of the HCV Fowler Estate

12. The HCV Fowler estate consists of 523-534 Albion St, 1-25 & 2-26 Wyall St, 1-23 & 2-28 Yarrabin St, and 20 Waxman Pde and was identified as part of the Moreland Local Heritage Places Review 2004 (MLPHR) to be of local significance. It was recommended for inclusion in the HO in Amendment C78.
13. The Amendment was exhibited and a panel report supporting inclusion of the precinct was provided.
14. However, as part of Council's consideration of the panel's report on 11 August 2010, Council resolved to remove the precinct from the HO:

This precinct is preserving housing that are nearing the end of their life i.e. need major restoration/renewal over next 10+years. They may be architecturally interesting, but are not up to modern and sustainable standards and will be unable to reach modern standards in any practical sense if constrained by a heritage overlay.

15. Context recommended this precinct for inclusion in the Moreland Heritage Gap Study (MHGS) as part of the Stage 1 assessment. This was not pursued further due to Council's resolution of 11 August 2010.

Assistance and status of Mr David Helms in the preparation of the Heritage Gap Study.

16. Mr Helms has been involved with the MHGS since its inception as he detailed during his expert evidence.
17. The review undertaken in 2018 was not a 'peer review' as suggested by Ms Hicks but was undertaken in response to the Department of Environment, Land, Water and Planning's (**DELWP**) request for further information as part of the authorisation for Amendment C174.
18. Whilst this request for further information was specific to precincts, Mr Helms expanded his assessment to individual properties to ensure consistency in accordance with DELWP's request.
19. This was not a peer review in any shape or form. Council maintains the methodology used by Context in undertaking the MHGS is robust.

Heritage significance of 59 Union Street, Brunswick

20. Questions were raised during Day 1 of the hearing regarding the lack of heritage assessment undertaken for 59 Union Street, Brunswick.
21. Based on an aerial and officer desktop assessment, we noted that it had been altered in 2004 and then later renovated and this may be why it has not been picked up originally in previous studies.
22. On 14 June 2017, Council endorsed a Heritage Action Plan to assist Council to meet its heritage obligations as set out in various legislation and provides several principles, objectives and strategies to achieve this purpose in an integrated way. Council is committed to the ongoing identification and protection of heritage within its municipality.

Council's position regarding 36 King Street, Fitzroy

23. On Day 1 of the hearing, Panel questioned the removal of 36 King Street, Fitzroy from the Amendment and whether Council would consider a change in its position as a result of new evidence raised during the Panel Hearing.

24. 36 King Street is an interwar bungalow. Because they are more recently constructed, the best examples are usually more intact. Therefore, the level of integrity and intactness required for local significance is higher.
25. Further to discussions with our heritage experts, the evidence provided by the landowner at the meeting in December 2018 is considered to be sufficient in terms of describing the intactness of the property.
26. Council will be upholding its position regarding 36 King Street based on the advice of Mr Helms and as adopted by Council at their meeting of 13 March 2019.

Responses to the issues raised by submitters

273 Victoria Street, Brunswick (Toscana Social Club)

Issue 1

27. The Panel questioned the extent of the heritage curtilage adopted by Council on 13 March 2019 which proposed a 5m curtilage around the front façade of the building.
28. The curtilage to the Toscana Club was discussed at the information session with the club representatives, Council Officers and the expert heritage advisor in December 2018. The original roof was used as a measure when discussing the reduced curtilage area. This roughly measured to 5m in depth as shown on the image below. The side walls referred to by the Panel does extend deeper than 5m to about 9m.



Issue 2

29. In their submission to the Panel, the Club have sought reduction of the agreed 5m curtilage to 1m. A HO of one metre as requested is not considered acceptable as it is considered this would result in facadism which is not supported under Council’s heritage local policy at Clause 22.06 of the Moreland Planning Scheme.

30. Clause 22.06 includes as a policy under ‘Demolition’:

- *Support partial demolition of a heritage place, if:*
 - *The fabric proposed to be removed does not contribute to the heritage significance of the place; and/or*
 - *The removal will enhance the significance of the place or facilitate conservation outcomes in accordance with the provisions of this policy; and/or*
 - *The extent of demolition will not result in facadism.*

[Emphasis added]

31. Council will be upholding its position regarding 36 King Street based on the advice of Mr Helms and as adopted by Council at their meeting of 13 March 2019.

18 Waxman Parade, Brunswick West

32. Council will provide a further response “on the papers” as directed by Panel to the additional photographic evidence provided by the submitter.

159-165 Donald Street, Brunswick East

Issue 1

33. The properties at 159 – 165 Donald Street, Brunswick East are identified in the Moreland Industrial Land Strategy – Area 74 – Transitional Residential Area.
34. The industrial land strategy was incorporated into the Moreland Planning scheme as part of Amendment C158 and gives effect to the MILS Vision, Framework Plan and relevant objectives and strategies.
35. This policy direction will guide any future consideration of rezoning requests for this area to facilitate a transition to quality residential environments which contribute to Moreland’s housing supply.
36. As part of the strategic justification to support any future rezoning of this MILS area we would be seeking a heritage conservation management plan to clearly define the particular features of heritage significance building upon the heritage citation already prepared for the site as part of the MHGS.
37. This is not considered to be an unreasonable request to support justification of the amendment, similar to an affordable housing report, economic impact assessment or urban design framework.

Conclusion

2. In conclusion, Council submits that a thorough process to prepare the MHGS and subsequently Amendment C174 to the Moreland Planning Scheme has been undertaken. The amendment is founded on a robust and rigorous assessment in the MHGS, which has been tested through this process.
3. Having considered the issues raised in submissions and the evidence tabled by experts, Council's position on the Amendment remains as it was endorsed by Council at the 13 March 2019 Council Meeting.
4. Council respectfully requests that the Panel support Amendment C174 to the Moreland Planning Scheme, as proposed.
5. This concludes Council's Part C Submission.

END OF PART C SUBMISSION

Attachments

1. Submission No. 24